

# **Rochester Joint Schools Construction Board**

## **Special Meeting Minutes**

### **August 4, 2016**

#### **Present**

Chair Tom Richards, Charlie Benincasa, Vice Chair Bob Brown, Ineabelle G. Cruz, Mike Schmidt, Allen Williams, Wayne Williams. ICO Brian Sanvidge was away. Also present were: Executive Director Tom Renauto, General Counsel Ed Hourihan, and Program Manager Pepin Accilien from Savin and Tom Rog r from Gilbane.

#### **Chair Richards convened the meeting at 8:10am**

The Project Labor Agreement for Phase 2 was discussed.

The Bond Scheoneck & King evaluation of the negotiated PLA for Phase 2 is included in the Member's packets.

The Baker Tilly evaluation of the documents and records provided by RCCI is included in the Member's packets

Allen Williams stated that \$1million dollars was spent and only achieved 5 people (apprentices) working on the project. This was seen as poor participation and a poor outcome for the project.

Bob Brown stated that the program paid about \$190,000 of the \$1million that RCCI collected. Through Baker Tilly we were able to identify 5 people who worked on the RSMP. The other participants from RCCI are working on other projects that we do not and cannot track.

Tom Richards stated that the .15 per hour contribution is not part of the Phase 2 PLA. We are looking at the PLA for what it is now, not what it was. The PLA put the project goals in place and achieved them. The PLA enables our ability to meet the goals. Unions are responsible through the PLA to provide the workers. Also, the MWBE firms will have access to a diverse and trained workforce. Otherwise they will struggle to find people and to meet the goals.

Mike Schmidt stated that he agreed that the RCCI did not meet expectations but will be in favor of the PLA for Phase 2.

Allen Williams stated that the Unions did not do what they said they would do – increase the diversity of apprentices.

Charlie Benincasa stated that the Unions did not show any effort and it took months to get the data that was requested from RCCI.

Tom Richards stated that if we pull the PLA from the Monroe bid we may have to extend the bid or re-bid, impacting the schedule. We will need to review the wicks law components of the documents. Contractors may have to re-evaluate their labor resources.

#### **Action Item**

##### **Resolution 2016-17: 23**

##### **Phase 2 PLA (Amendment to the Phase 1 PLA)**

##### **By Board Member Brown**

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the School Modernization Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including District Wide Technology improvements which involve technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the School Modernization Act allows the RJSCB to “revise and extend the requirements of the Project Labor Agreement entered into for Phase 1 Projects to the Projects authorized in Phase 2, contingent upon the completion of a supplemental Project Labor Agreement Benefit Analysis”; and

WHEREAS, the RJSCB engaged Seeler Engineering, P.C. (the “PLA Consultant”) to perform a PLA Study for Phase 2 (Resolution 2015-2016: 83) to evaluate potential costs/benefits of utilizing a PLA for Phase 2 of the RSMP; and

WHEREAS, the RJSCB, accepted the PLA study by Seeler Engineering, P.C. and authorized the Program Manager to begin negotiating the terms of a PLA for Phase 2 at a Special Meeting on April 25, 2016 (Resolution 2015-16 149); and

WHEREAS, the Board Chairman, the Program Manager, the Executive Director, the RJSCB’s PLA Consultant, and the ICO, participated in negotiations with the Rochester Building and Construction Trades Council resulting in an Amendment to the Phase 1 PLA to revise and extend certain requirements of the PLA entered into for Phase 1 projects to all projects to be undertaken in Phase 2 of the RSMP; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the provisions described in the Amendment to the Phase 1 PLA at its July 14, 2016 meeting and further discussion and due deliberation occurred at the Board meeting on July 18, 2016;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Amendment to the Phase 1 PLA and authorizes the Program Manager for Phase 1 and the Program Manager for Phase 2 to sign the Amendment to the Phase 1 PLA as the respective PLA Administrators for Phase 1 and Phase 2; and
2. The RJSCB hereby directs the Phase 2 Program Manager to issue the Amendment to the Phase 1 PLA as an addendum to the Monroe High School (Part A) project bid documents; and
3. The Amendment to the Phase 1 PLA shall be incorporated into the project specifications for each of the projects in Phase 2; and

**Second by Board Member Schmidt**

**The Resolution was Rejected 3-4 (Richards, Brown, Schmidt in favor; A. Williams, W. Williams, Benincasa, Cruz opposed)**

**Adjournment**

**Approved at 8:51 am**