

# **Rochester Joint Schools Construction Board**

## **Minutes**

### **January 9, 2012**

#### **4:30 PM**

#### **Present**

Board Chair Kenneth Bell, Members: Lois Giess, Brian Roulin, Richard Pifer, Bob Brown and ICO Windell Gray. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Director Tom Rogér. Members Alex Castro and Jerome Underwood were away.

Chairman Bell convened the Board meeting at 4:34 pm

Chairman Bell asked if anyone present wished to address the Board. Mary Adams introduced herself to everyone as the new Board of Education member recently elected. Welcome.

#### **Approval of Minutes: Monthly Board Meeting held on December 5, 2011**

**Motion by Member Brown**

**Second by Member Pifer**

**Approved 5-0 with Members Castro and Underwood away.**

#### **Presentation – District Wide Technology (DWT) by Millennium Strategies.**

Jim McGuinness from Millennium Strategies and Pepin Accilien from Gilbane/Savin gave a slide presentation of the project.

This portion of the DWT project is for the first six schools in Phase 1 of the RSMP.

Work includes: data, voice, and video cabling, interactive white boards, security, general media distribution, and the phone system.

Coordination will take place between the construction projects and the DWT project at each of the schools.

There is a critical deadline to award contracts for this work and make an application by 3/20/12 in order to qualify for E-rate funds, which will amount to approximately \$2.6 million for this first group of projects.

It is anticipated that the Board of Education will approve the DWT project at its meeting on 1/26 followed by approval from the State Education Department. Bid documents will go out after these approvals are in place.

The estimated cost for this work is a total of \$6.1 million (before the E-rate grant money)

The remaining cost, after E-rate funds, is aided by the State.

Peter Abdella will need to do some research as to whom the grant money is paid and when.

Ken asked if there are sufficient firms from the area to 1 – perform this work and 2 – meet the M/WBE goals. Jim answered “yes” to the question regarding prime contractors, and Windell stated that he is researching local M/WBEs who perform this type of work. Windell will coordinate with Jim.

Brian Roulin asked about grants for the security piece. Jim will look into this possibility.

## **Action Items**

Ken Bell stated that all of the Resolutions had been reviewed by the M/WBE Services Procurement Committee at the January 5th meeting and the Committee has recommended that these Resolutions be presented to the full Board for review and consideration.

### **Resolution 2011-12: 52 Amendment #4 to Clark Patterson Lee Agreement**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act ("the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the selection of Clark Patterson Lee ("CPL") as the Architect for the School 50 project in Phase I (Resolution 2010-11: 35);

WHEREAS, the RJSCB entered into an agreement with Clark Patterson Lee (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the "Agreement");

WHEREAS, following the execution of the Agreement, Clark Patterson Lee, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals and/or estimates were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Clark Patterson Lee's Agreement should be amended to add these additional scope items in the total amount of \$38,060 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 5, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Clark Patterson Lee Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Brown  
Approved 5-0 with Members Castro and Underwood away**

### **Resolution 2011-12: 53 Amendment #5 to Clark Patterson Lee Agreement**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act ("the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the selection of Clark Patterson Lee (“CPL”) as the Architect for the School 50 project in Phase I (Resolution 2010-11: 35);

WHEREAS, the RJSCB entered into an agreement with Clark Patterson Lee (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the “Agreement”);

WHEREAS, following the execution of the Agreement, Clark Patterson Lee, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals and/or estimates were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Clark Patterson Lee’s Agreement should be amended to add these additional scope items in the total amount of \$15,000 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its January 5, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Clark Patterson Lee Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and
2. The RJSCB’s Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

**Second by Board Member Pifer  
Approved 5-0 with Members Castro and Underwood away**

**Resolution 2011-12: 54  
Amendment #6 to SWBR Architect’s Agreement**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act (“the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the selection of SWBR Architects, (“SWBR”) as the Architect for the School 17 project in Phase I (Resolution 2010-11: 35);

WHEREAS, the RJSCB entered into an agreement with SWBR Architects (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the “Agreement”);

WHEREAS, following the execution of the Agreement, SWBR Architects, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals and/or estimates were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that SWBR's Agreement should be amended to add these additional scope items in the total amount of \$34,506 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 5, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SWBR's Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Brown  
Approved 5-0 with Members Castro and Underwood away**

**Resolution 2011-12: 55  
Amendment #2 to LaBella Associates Agreement**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act ("the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the selection of LaBella Associates as the Architect for the Henry Hudson School #28 project in Phase I (Resolution 2010-11: 35);

WHEREAS, the RJSCB entered into an agreement with LaBella Associates (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the "Agreement");

WHEREAS, following the execution of the Agreement, LaBella Associates, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals and/or estimates were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that LaBella Associates Agreement should be amended to add these additional scope items in the total amount of \$8,860 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 5, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the LaBella Associates Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Giess**  
**Approved 5-0 with Members Castro and Underwood away**

**Resolution 2011-12: 56**  
**Amendment #3 to Young & Wright Architectural Agreement**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act ("the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the selection of Young & Wright Architectural as the Architect for the Franklin High School project in Phase I (Resolution 2010-11: 35);

WHEREAS, the RJSCB entered into an agreement with Young & Wright Architectural (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the "Agreement");

WHEREAS, following the execution of the Agreement, Young & Wright Architectural, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals and/or estimates were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Young & Wright Architectural's Agreement should be amended to add these additional scope items in the total amount of \$3,000 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 5, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Young & Wright Architectural's Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Pifer**  
**Approved 5-0 with Members Castro and Underwood away**

**Resolution 2011-12: 57**  
**Amendment to Seeler Engineering Agreement**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act (“the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the hiring of Seeler Engineering P.C. as the PLA Consultant for Phase I of the Rochester Schools Modernization Program (“RSMP”) and entered into an agreement with Seeler Engineering P.C. (Resolution 2011-12: 16) dated October 3, 2011 entitled Consulting Services Agreement Between Board and Seeler Engineering P.C. (the “Agreement”) and

WHEREAS, the RJSCB accepted the PLA Study performed by Seeler Engineering P.C. (Resolution 2011-12: 42), which identified significant savings opportunities for the RSMP, and directed the Program Manager, along with Seeler Engineering P.C. and the RJSCB’s General Counsel, to create a formal PLA and begin negotiations with the Rochester Building and Construction Trades Council; and

WHEREAS, following the RJSCB’s direction to begin negotiations with the Rochester Building and Construction Trades Council, the Executive Director identified the need to expand the scope of work from Seeler Engineering P.C., and obtained and reviewed a cost proposal for this additional work;

WHEREAS, the Executive Director thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Seeler Engineering P.C.’s Agreement should be amended (the “Amendment”) to expand the scope of work for an additional sum of \$4,134.88, and that this amount be treated as a not-to-exceed allowance; and

WHEREAS, the Committee considered and discussed the Executive Director’s recommendation at its January 5, 2012 meeting and, after due deliberation, it approved the Amendment;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the proposed Amendment to the Seeler Engineering P.C. Agreement Between Board and Consultant dated October 3, 2011 in the manner described above; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute the Amendment in a form consistent with this approval and acceptable to the Chair, upon the advice of the RJSCB’s general counsel.
3. The Officers of the RJSCB are hereby authorized and directed for and on behalf of the RJSCB and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the RJSCB with all of the provisions of the foregoing resolutions.

**Second by Board Member Brown**  
**Approved 5-0 with Members Castro and Underwood away**

**Resolution 2011-12: 58**  
**Financial Audit**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act ("the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB's General Counsel recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that a Financial Audit of the RJSCB's financial commitments, obligations, and internal controls be performed for the time period ending June 30, 2011; and

WHEREAS, the Committee considered and discussed the proposal for audit services from Freed Maxick & Battaglia at its August 4, 2011 meeting and, after due deliberation, it approved the proposal and entered into an Agreement between the RJSCB and Freed Maxick & Battaglia (Resolution 2011-12: 14); and

WHEREAS, the RJSCB, and its General Counsel, have reviewed the draft financial audit report (attached to this Resolution), and the Committee has considered and discussed the Executive Director's recommendation at its meeting on January 5, 2012 to accept the Financial Audit Report;

THEREFORE, BE IT RESOLVED:

1. That the RJSCB hereby accepts the Financial Audit Report in the form attached to this Resolution.
2. The Officers of the RJSCB are hereby authorized and directed for and on behalf of the RJSCB and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the RJSCB with all of the provisions of the foregoing resolutions.

**Second by Board Member Pifer  
Approved 5-0 with Members Castro and Underwood away**

**Resolution 2011-12: 59  
SEQRA Amendment**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act ("the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB declared its intent to serve as the State Environmental Quality Review Act ("SEQRA") Lead Agency for the Rochester Schools Modernization Program ("RSMP") in the fall of 2010 (Resolution 2010-11: 23), and hearing no opposition subsequently confirmed that it would act as the SEQRA Lead Agency in January of 2011 (Resolution 2010-11: 27); and

WHEREAS, after having reviewed the completed long-form Environmental Assessment Forms for each of the twelve proposed school renovation projects ("Phase I") or "the Action", based on the Master Plan, the RJSCB formally issued a Negative Declaration for the proposed Phase I projects in accordance with SEQRA to all interested and involved parties in March 2011 (Resolution 2010-11: 38); and

WHEREAS, the initial program verification phase and the schematic design phase have been completed for the first six projects in Phase 1 of the RSMP (Schools 17, 28, 50, 58, Charlotte High School, and Franklin High School) resulting in several *de minimis* program changes from the original Master Plan; and

WHEREAS, as the SEQRA Lead Agency, it is the intent of the RJSCB to keep all of the Involved and Interested parties informed as to the status of the RSMP projects, and any potential environmental impacts based upon program changes to these first six school projects as set forth in the original SEQRA Report that was prepared by the RJSCB's consultant Clark Patterson Lee; and

WHEREAS, the RJSCB's MWBE and Services Procurement Committee ("the Committee") considered and discussed at its December 1, 2011 meeting the Executive Director's recommendation that the original SEQRA Report should be updated and to accept Clark Patterson Lee's proposal for SEQRA update services, and after due deliberation, the Committee approved the updating of the SEQRA Report (Resolution 2011-12: 49); and

WHEREAS, the RJSCB acting through its SEQRA consultant, Clark Patterson Lee, has prepared an Amended SEQRA Report that reviews and comments on the minor program changes to the first six school projects; and

WHEREAS, the RJSCB has reviewed the Amended SEQRA Report and, through its consultants, has conferred with the New York State Office of Parks, Recreation, and Historic Preservation ("SHPO") and with other Involved and Interested agencies; and

WHEREAS, the RJSCB has reviewed the "Amended Reasons Supporting SEQRA Negative Declaration" attached hereto; and

WHEREAS, the RJSCB has, through the Amended SEQRA Report, identified potential areas of environmental concern related to the Action and the new program changes, thoroughly analyzed such areas for possible significant adverse environmental impacts, concluded that any environmental impacts are *de minimis* and has provided a written elaboration in support of its determination.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby determines that the program changes for the first six projects in Phase I of the RSMP are *de minimis*, that any minor impacts from said program changes have been mitigated to the maximum extent practicable for the reasons identified in the Amended SEQRA Report and that the Action, as proposed, will not result in any significant adverse environmental impacts.
2. The RJSCB hereby reaffirms its prior determination of a SEQRA Negative Declaration for the proposed Phase I projects.
3. Copies of this Resolution shall be promptly forwarded by the SEQRA Consultant to the Involved Agencies listed on the Agency List, to all interested agencies, and to the NYSDEC Environmental Notice Bulletin for Publication in such Bulletin.

**Second by Board Member Brown**  
**Approved 5-0 with Members Castro and Underwood away**

**Resolution 2011-12: 60**  
**Request for Bids, District Wide Technology**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act ("the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program (“RSMP”) including a District Wide Technology program which involves technology upgrades and infrastructure work at each of the 12 school projects identified in Phase 1; and

WHEREAS, the RJSCB’s Program Manager has been working with Millennium Strategies, the RJSCB’s technology consultant, to prepare a request for bids (“Request for Bids”) package for the District Wide Technology project, and a description of the proposed District Wide Technology project is attached hereto; and

WHEREAS, the Program Manager intends to present the District Wide Technology designs to the Board of Education (“BOE”) later this month for approval and is also expecting that the State Education Department will issue its approval of the District Wide Technology designs in the next 30 days; and

WHEREAS, the RJSCB’s MWBE and Services Procurement Committee has reviewed and discussed the District Wide Technology project, including the project description attached hereto, and approved it at its meeting on January 5, 2012, for forwarding to the full Board; and

WHEREAS, the Program Manager and Millennium Strategies presented the District Wide Technology project scope of work and designs, and other project particulars, to the RJSCB at its regular monthly meeting on January 9, 2012, for review and approval;

THEREFORE, BE IT RESOLVED:

1. The District Wide Technology project is approved and the RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids, but such issuance shall only occur subsequent to BOE and State Education Department approvals of the project designs.
2. Also, prior to issuance, the Program Manager will work with the RJSCB’s general counsel to further develop and finalize the Request for Bids package, including the General Conditions of the Contract and the form of Contract.
3. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidder.
4. The Officers of the RJSCB are hereby authorized and directed for and on behalf of the RJSCB and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the RJSCB with all of the provisions of the foregoing resolutions.

**Second by Member Brown  
Approved 5-0 with Members Castro and Underwood away**

**Resolution 2011-12: 61  
Master Plan Update and Retaining of SWBR**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act (“the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB hired SWBR Architects (“SWBR”) (Resolution 2010-11: 8) to create a comprehensive Facilities Modernization Plan (“FMP” or “Master Plan”) in August of 2010; and

WHEREAS, the RJSCB subsequently approved the Master Plan prepared by SWBR in January of 2011 (Resolution 2010-11: 29) and directed the Program Manager to forward it to the State Education Department (“SED”) and to the State Comptroller for review and approval; and

WHEREAS, the Master Plan was subsequently approved by SED and the State Comptroller in May 2011; and

WHEREAS, the RJSCB now believes it is necessary to evaluate the progress to date of Phase I of the Rochester School Modernization Program (“RSMP”), and begin to prepare for future phases of the RSMP by updating the original Master Plan, including a district wide strategic plan (“Strategic Plan”), buildings infrastructure review, long range program evaluations including the K-8 model program, and a district wide capacity study; and

WHEREAS, the District’s Superintendent has requested that the Program Manager begin the update of the Master Plan and assist the District in the further development of the long range District Strategic Plan; and

WHEREAS, as the consultant hired by the RJSCB to create the original Master Plan, SWBR has significant experience and knowledge regarding the District’s school buildings, their infrastructure, and their use, and there should be cost savings to the RJSCB in continuing to retain SWBR given their experience and knowledge and SWBR’s use of the same Master Plan team headed by architect Steve Rebholz; and

WHEREAS, based on the above factors, the RJSCB believes that a competitive bid for these services or a request for proposal for this specific scope of work will not produce significant cost savings or provide an overall benefit to the RSMP projects; and

WHEREAS, SWBR has provided a proposed scope of work to update the original Master Plan and that such services would be an additional service under SWBR’s contract with the RJSCB dated August 10, 2010 (“Agreement”); and

WHEREAS, the RJSCB’s Program Manager has recommended to the RJSCB’s MWBE and Services Procurement Committee (“the Committee”) that the RJSCB proceed with the updating of the original Master Plan and that SWBR be retained by amendment to the Agreement to perform these services; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its January 5, 2012 meeting to update the Master Plan and to retain SWBR for these services, and after due deliberation, it approved updating the Master Plan and the retaining of SWBR as the best qualified firm to perform these services based on their prior work on the original Master Plan;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the updating of the Comprehensive Facilities Modernization Plan.
2. SWBR Architects shall be retained to perform the Master Plan update services as an amendment to their existing Agreement.
3. The RJSCB’s Chair is hereby authorized in the name and on behalf of the RJSCB, to negotiate and finalize an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel, and that such amendment with a final scope of work and a total cost for this scope of work will be further considered by the Committee at a subsequent meeting.
4. The Officers of the RJSCB are hereby authorized and directed for and on behalf of the RJSCB and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the RJSCB with all of the provisions of the foregoing resolutions.

**Second by Board Member Pifer  
Approved 5-0 with Members Castro and Underwood away**

**Resolution 2011-12: 62**  
**Request for Proposals, Commissioning Agent**

**By Board Chair Ken Bell**

WHEREAS, the Rochester School Facilities Modernization Program Act ("the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program ("RSMP") including a District Wide Technology program which involves technology upgrades and infrastructure work at each of the 12 school projects identified in Phase 1; and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a Commissioning Agent Consultant to provide a single point of contact for all equipment and mechanical systems related components that are part of the Rochester Schools Modernization Program, to ensure seamless integration in all schools; and

WHEREAS, the RJSCB's Program Manager has prepared a Request For Proposal (an "RFP") for a Commissioning Agent Consultant that requires the responding firms to set forth their Fee Proposals for a specific scope of work (a copy of the RFP is attached hereto); and

WHEREAS, the MWBE and Services Procurement Committee has reviewed the RFP for a Commissioning Agent Consultant and approved it at its meeting on January 5, 2012, for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The RFP for a Commissioning Agent is approved for issuance on January 9, 2012.
2. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the RFP responses, reduce the list of firms to be interviewed if appropriate, participate along with other RJSCB board members in the interviews of the Commissioning Agent consulting firms, and recommend to the RJSCB the most qualified candidate(s).
3. The Officers of the RJSCB are hereby authorized and directed for and on behalf of the RJSCB and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the RJSCB with all of the provisions of the foregoing resolutions.

**Second by Board Member Pifer**  
**Approved 5-0 with Members Castro and Underwood away**

**Resolution 2011-12: 63**  
**Pay Requisition Summary Acceptance (December 2011)**

**By Board Chair Ken Bell**

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 RJSCB developed a Pay Requisition Approval Procedure with input from its Counsel, the MWBE and Services Procurement Committee, members of the accounting department of Rochester City School District, and the RJSCB's independent auditing firm; and

WHEREAS, the RJSCB, at its regular monthly meeting on September 12, 2011, adopted a Pay Requisition Approval Procedure (Resolution 2011-12: 23); and

WHEREAS, in compliance with the Pay Requisition Approval Procedure, the RJSCB Executive Director has reviewed the individual pay applications from each of the consultants and suppliers for accuracy and completeness; and

WHEREAS, the Executive Director forwarded a Pay Requisition Summary (attached to this Resolution) in the amount of \$536,989.10 to the Board Chair with copy to the full Board on December 15, 2011; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on December 15, 2011; and

WHEREAS, the BAN proceeds for the RSMP were deposited in the City's account on September 15, 2011;

THEREFORE, BE IT RESOLVED:

1. That the Rochester Joint Schools Construction Board hereby accepts the Pay Requisition Summary for the month of December 2011 in the amount stated above and as shown in the Summary attached to this Resolution.

**Second by Board Member Brown**  
**Approved 5-0 with Members Castro and Underwood away**

#### **Staff Updates**

Monthly project reports from Gilbane are included in the Board member's packets.

The M/WBE Compliance Report is in the Board member's packets. Windell reported that we are exceeding our Business and Work Force goals for the professional service companies.

The monthly budget reports for the Board's operating expenses and the Board's contract commitments are included in the Board member's packets.

The Committee Report from 1/9/12 is included in the Board member's packets.

#### **Adjournment**

**Motion by Member Pifer**  
**Second by Member Brown**  
**Approved 5-0 at 5:45 pm**