

Rochester Joint Schools Construction Board

Minutes

October 3, 2011

4:30 PM

Present

Board Chair Kenneth Bell, Members: Richard Pifer, Bob Brown, Lois Giess, Alex Castro, Brian Roulin (arrived at 5:22pm), and ICO Windell Gray (arrived at 4:40pm). Member Jerome Underwood was away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Director Tom Rogér.

Chairman Bell convened the Board meeting at 4:35 pm and introduced the RJSCB's new member Lois Giess. Lois Giess is a former President of the Rochester City Council. – Welcome.

Chairman Bell asked if anyone present wished to address the Board.

Mr. Luis Aponte from the Charles Settlement House addressed the Board and stated the he is strongly in favor of the schematic design of School #17.

Mr. Scott Benjamin from the Charles Settlement House addressed the Board and stated that he is strongly in favor of the schematic design for School #17. "The schematic design accomplishes the needs and desires of the school and the community".

Approval of Minutes: Monthly Board Meeting held on September 12, 2011

Motion by Member Pifer

Second by Member Brown

Approved 4-0 with Member Giess abstaining, Member Roulin not yet present, and Member Underwood away.

Schematic Design Presentation – School #17 presented By Steve Rebholz of SWBR Architects

The site plan was reviewed. The school is in a residential area.

The school is moving to the K-8 model with 2 pre-k classrooms as well.

The floor plans were reviewed.

The new addition will include a new gym, kitchen, cafeteria, and music suite. The areas of the addition can be "locked out" from the main school for use after hours.

The Fixed Limit of construction was originally \$17M. The estimates came in at \$21M on 8/31/11. The newest estimates based on several design changes on 10/3/11, is now \$19M. Tom Roger discussed the budget issue. The current program is much different than the Master Plan. There was very little input from the community initially. The program now meets the needs of the school and the community. There will be additional value engineering efforts to bring the project cost down, but the program is no longer a \$17M program.

The schedule calls for SED submission in early 2012, with bidding in the Spring of 2012 and construction beginning in the Summer of 2012. Construction is to be completed by the Summer 2013.

This project was reviewed by the District Leadership group on 9/26/11. There were no issues.

Lois Giess asked if an environmental study had been done. Tom Roger stated that the entire project, all 12 schools, has already had a full SEQR study done.

There are no property acquisitions associated with the project.

Schematic Design Presentation – School #28 presented By Mike Short of LaBella Associates

The start of construction is slated for Summer 2013 with work complete in Summer of 2015.

The asbestos issues at the school will require a full “gut” renovation to the entire building.

There is a 16,000 sqft addition which will be added to the top of the structure creating a 3rd floor.

The school is moving from K-6 to K-8 model.

The MAP program in the school adds a 4th strand to grades 4 through 8 requiring additional classrooms.

The capacity of the school when completed will be 817.

The floor plans were reviewed.

The parking issues and options were reviewed. The best option will be if the District is able to agree on a lease of 100 parking spaces in a nearby parking lot. This will allow all of the busses to be queued on the school's property, off of Humbolt Street, a much safer plan than is currently being used. The alternate option will take up some green space and will accommodate some additional parking, however the busses will remain on Humbolt Street and staff will still have to park on surrounding side streets or double/triple park in the school parking lot.

Neighborhood issues/concerns were discussed.

The exterior façade options were reviewed.

The budget was reviewed. There are two estimates being reconciled at this time.

Ken Bell asked about Teacher's Union approval for the parking lot options. Tom Roger stated that he is working on setting up a meeting with the Teacher's Union representatives to discuss this. The leased parking lot gets busses off of Humbolt Street and creates a clear, lighted parking area for staff.

Bob Brown asked if a panelized system for the façade had been considered. Mike Short will review.

Lois Giess asked if a pre-school is located nearby. School 46 was discussed. Tom Roger stated that there is no SED funding for pre-k.

Lois Giess asked about swing space. School 28 is slated to go into 30 Hart Street for 2 years during construction.

Ken Bell asked if the project had been reviewed by the District Leadership Group. Tom Roger stated that all 6 projects in Phase 1A had been reviewed at by the District Leadership Group on 9/26/11.

Schematic Design Presentation – Charlotte High School presented By Craig Jensen of CJS Architects

The front façade was discussed. It will be cleaned and repaired to bring back its presence to the street. The budget for site work is limited, so the focus will be on the parking areas and the front of the building.

The 2 schools within Charlotte were discussed. (All Boys Academy and the Co-ed School)

The floor plans were reviewed.

The finishes will be replaced such as floors, ceilings, paint, etc.

There is some hope that the budget will allow for some work in the Gym and the Auditorium.

The budget was reviewed. The fixed limit of construction is \$19.2M. Estimates are currently at approximately \$19M.

Lois Giess asked about community access for afterhours activities. Craig stated that the building can be isolated for the Gym or the Auditorium.

Air conditioning will be limited to administrative spaces and the cafeteria.

Action Items

Ken Bell stated that Resolutions 2011-12: 27 through 30 were reviewed by the M/WBE Services Procurement Committee.

Resolution 2011-12: 24 Schematic Design Approval – School #17

By Board Chairman 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 entered into an agreement with SWBR Architects, dated March 28, 2011, with respect to the renovations to occur at School #17 (Agreement between Board and Architect); and

WHEREAS, pursuant to the Agreement between Board and Architect, SWBR Architects has performed and completed the Program Verification Phase and has now submitted the Schematic Design Documents to the Program Manager and Building Advisory Committee members for review; and

WHEREAS, Building Advisory Committee (BAC) meetings have been held throughout the schematic design process for School #17 which include participants from the Program Manager, the Architect, representatives from the RCSD facilities department, the City of Rochester, the building principal, teachers, staff, parents, and community members; and

WHEREAS, subsequent community meetings, which were open to the public, have been held during and at the conclusion of the Schematic Design Phase; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the School #17 project; and

WHEREAS, SWBR Architects presented the Schematic Design Documents for School #17 to the RJSCB, at its regular monthly meeting on October 3, 2011, for review and approval;

THEREFORE, BE IT RESOLVED:

1. That the Schematic Design Documents for the School #17 project are approved.
2. The Program Manager is hereby authorized to direct the Architect for School #17 (SWBR Architects) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Architect.

**Second by Board Member Bob Brown
Approved 4-0 with Member Giess abstaining, Member Roulin not yet present, and Member Underwood away**

Resolution 2011-12: 25 Schematic Design Approval – Charlotte High School

By Board Member Richard Pifer

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 entered into an agreement with CJS Architects, dated March 28, 2011, with respect to the renovations to occur at Charlotte High School (Agreement between Board and Architect); and

WHEREAS, pursuant to the Agreement between Board and Architect, CJS Architects has performed and completed the Program Verification Phase and has now submitted the Schematic Design Documents to the Program Manager and Building Advisory Committee members for review; and

WHEREAS, Building Advisory Committee (BAC) meetings have been held throughout the schematic design process for Charlotte High School which include participants from the Program Manager, the Architect, representatives from the RCSD facilities department, the City of Rochester, the building principal, teachers, staff, parents, and community members; and

WHEREAS, subsequent community meetings, which were open to the public, have been held during and at the conclusion of the Schematic Design Phase; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the Charlotte High School project; and

WHEREAS, CJS Architects presented the Schematic Design Documents for Charlotte High School to the RJSCB, at its regular monthly meeting on October 3, 2011, for review and approval;

THEREFORE, BE IT RESOLVED:

1. That the Schematic Design Documents for the Charlotte High School project are approved.
2. The Program Manager is hereby authorized to direct the Architect for Charlotte High School (CJS Architects) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Architect.

Second by Board Member Brian Roulin

Approved 5-0 with Member Giess abstaining and Member Underwood away

Resolution 2011-12: 26

Schematic Design Approval – School #28

By Board Chairman 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 entered into an agreement with LaBella Associates, dated March 28, 2011, with respect to the renovations to occur at School 28 (Agreement between Board and Architect); and

WHEREAS, pursuant to the Agreement between Board and Architect, LaBella Associates has performed and completed the Program Verification Phase and has now submitted the Schematic Design Documents to the Program Manager and Building Advisory Committee members for review; and

WHEREAS, Building Advisory Committee (BAC) meetings have been held throughout the schematic design process for School 28 which include participants from the Program Manager, the Architect, representatives from the RCSD facilities department, the City of Rochester, the building principal, teachers, staff, parents, and community members; and

WHEREAS, subsequent community meetings, which were open to the public, have been held during and at the conclusion of the Schematic Design Phase; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the School 28 project; and

WHEREAS, LaBella Associates presented the Schematic Design Documents for School 28 to the RJSCB, at its regular monthly meeting on October 3, 2011, for review and approval;

THEREFORE, BE IT RESOLVED:

1. That the Schematic Design Documents for the School 28 project are approved.
2. The Program Manager is hereby authorized to direct the Architect for School 28 (LaBella Associates) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Architect.

Second by Board Member Bob Brown

Approved 5-0 with Member Giess abstaining and Member Underwood away

Resolution 2011-12: 27

Amendment #4 to SWBR Architect's Agreement

By Board Chairman 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 \$8,756 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 September 29, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That 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 Richard Pifer

Approved 5-0 with Member Giess abstaining and Member Underwood away

**Resolution 2011-12: 28
Amendment #3 to Chaintreuil Jensen Stark Architects, LLP Agreement**

By Board Chairman 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 Chaintreuil Jensen Stark Architects, LLP, (“CJS”) as the Architect for the Charlotte High School project in Phase I (Resolution 2010-11: 35);

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

WHEREAS, following the execution of the Agreement, Chaintreuil Jensen Stark 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 Chaintreuil Jensen Stark Architects Agreement should be amended to add these additional scope items in the total amount of \$17,455 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 September 29, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That the proposed amendment to the Chaintreuil Jensen Stark Architects 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 Member Richard Pifer
Approved 5-0 with Member Giess abstaining and Member Underwood away**

**Resolution 2011-12: 29
Amendment to LaBella Associates Agreement**

By Board Chairman 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 \$11,150 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 September 29, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That 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 Member Bob Brown

Approved 5-0 with Member Giess abstaining and Member Underwood away

Resolution 2011-12: 30

Amendment #2 to Wendel Energy Services Agreement

By Board Chairman 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 Wendel Energy Services ("Wendel Energy") as the NYSERDA FlexTech Energy Services consultant for Phase 1 of the project (Resolution 2010-11: 15); and

WHEREAS, the RJSCB entered into an agreement with Wendel Energy Services (Resolution 2010-11: 15) dated September 27, 2010, entitled Agreement to Provide NYSERDA FlexTech Assistance Services (the "Agreement"); and

WHEREAS, following the execution of the Agreement, Wendel Energy Services, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Wendel Energy Services Agreement should be amended to add these additional scope items in the total amount of \$29,900; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 29, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That the proposed amendment to the Wendel Energy Services Agreement Between Board and Architect dated September 27, 2010 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 Richard Pifer

Approved 5-0 with Member Giess abstaining and Member Underwood away

Resolution 2011-12: 31

Move Manager Selection

By Board Chairman 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 issued Request for Proposals dated August 9, 2011 for Move Management Services; and

WHEREAS, the RJSCB's Procurement Policy stipulates that the MWBE and Services Procurement Committee shall conduct interviews of the finalists, unless the Committee makes a determination that interviews are not necessary to further the RJSCB's goal of acquiring services in a cost-effective manner while promoting full and open competition among the finalists. (Article 2 Section 1(e)); and

WHEREAS, the MWBE and Services Procurement Committee determined that formal interviews of the finalists were not necessary due to the large monetary disparity in the proposals from the bidders; and

WHEREAS, the RJSCB's Executive Director, along with the Program Manager, conducted "de-scope" meetings with the bidders in order to verify and determine that the low bidder was a qualified and fiscally responsible bidder; and

WHEREAS, based upon the de-scope meetings and their review of the proposals, the RJSCB's Executive Director and the Program Manager have concluded that the low bidder is a qualified and fiscally responsible bidder; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on September 29, 2011, following the review and consideration of recommendations provided by the RJSCB's Executive Director and the Program Manager and after due deliberation by the Committee, the firm Vargas Associates was identified as being highly qualified and fiscally responsive to the RJSCB's Rochester Schools Modernization Program.

THEREFORE, BE IT RESOLVED:

1. That the RJSCB hereby approves Vargas Associates to provide Move Management Services as indicated above for the first six schools in Phase 1 of the RSMP; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") with the firm named above in substantially the form previously approved by the RJSCB as an attachment to the RFP (dated August 9, 2011) for Move Management Services, Renovation and Addition Projects, with such changes as the Chair may approve (his signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Member Bob Brown

Approved 5-0 with Member Giess abstaining and Member Underwood away

Resolution 2011-12: 32
Pay Requisition Summary Acceptance (September 2011)

By Board Chairman 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 \$3,198,573.32 to the Board Chair with copy to the full Board on September 13, 2011; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on September 14, 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 September 2011 in the amount stated above and as shown in the Summary attached to this Resolution.

Second by Member Bob Brown
Approved 5-0 with Member Giess abstaining and Member Underwood away

Staff Updates

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

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 operating budget was reviewed.

Windell Gray stated that at next month’s Board meeting he will issue the first Compliance Report.

The Committee Report from 9/29/11 is included in the Board member’s packets.

Adjournment

Motion by Member Roulin
Second by Member Pifer
Approved 6-0 at 6:22 pm