

Rochester Joint Schools Construction Board
Minutes
December 5, 2011
4:30 PM

Present

Board Chair Kenneth Bell, Members: Lois Giess, Alex Castro, Brian Roulin, and ICO Windell Gray (arrived at 4:45). Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Director Tom Rog r. Members Richard Pifer, Jerome Underwood, and Bob Brown were away.

Chairman Bell convened the Board meeting at 4:42 pm

Chairman Bell asked if anyone present wished to address the Board. There were no comments.

Approval of Minutes: Monthly Board Meeting held on November 7, 2011

Motion by Member Giess

Second by Member Roulin

Approved 4-0 with Members Pifer, Underwood, and Brown away.

Action Items

Ken Bell stated that all of the Resolutions had been reviewed by the M/WBE Services Procurement Committee at the December 1st meeting and the Committee has recommended that these Resolutions be presented to the full Board for review and consideration.

Resolution 2011-12: 46

Amendment #4 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 CJS (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the “Agreement”);

WHEREAS, following the execution of the Agreement, CJS, 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;

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that CJS’s Agreement should be amended to add these additional scope items in the total amount of \$29,287 to Exhibit I of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 1, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. 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 Board Member Roulin

Approved 4-0 with Board Members Pifer, Underwood, and Brown away

Resolution 2011-12: 47

Maynards Property Acquisition

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 desires to utilize the Maynard's warehouse and properties located at 1776 North Clinton, 1790 North Clinton, and 21 Rau Street (the "Property") for purposes related to the Rochester Schools Modernization Program ("RSMP"), with the Property consisting of 61,676 sf of warehouse space and 2.66 acres of real property; and

WHEREAS, the use of the Property for the RSMP will include: office space for all of the Program Manager's staff; RJSCB staff and program functions; swing space for furniture storage for all school projects that need to be vacated during construction; job office space and parking for the construction manager and all of the construction contractors for School # 50 which is adjacent to the site; and training and office space for the RSMP Pre-Apprentice Training Program services that will be provided in the building; and

WHEREAS, the use of the Property for these RSMP purposes will result in significant cost savings by avoiding the costs of renting office, training and storage space for a period of approximately 4 to 5 years; and

WHEREAS, the City has agreed to purchase and own the Property using the proceeds of its General Obligation Bonds, which will be refinanced with the proceeds of certain bonds to be issued by the County of Monroe Industrial Development Agency as RSMP program funds ; and

WHEREAS, the RJSCB and the City have determined that the sum of \$775,000 is an appropriate purchase price for the Property based upon an independent, third-party appraisal (a copy of which is attached) and a physical review by the City to confirm the value of the existing Property and certain improvements to be made by the current owner prior to transferring the Property to the City; and

WHEREAS, the RJSCB will obtain aid from New York State to offset the purchase price of the Property , since the Property will be used for program administration and the purchase price is included in the current project budget as an incidental expense; and

WHEREAS, the RJSCB, the City and the District intend to have the use of the Property transfer to the District as part of School # 50 in approximately 4 to 5 years once the program administration is complete ; and

WHEREAS, the Program Manager has recommended to the RJSCB's MWBE and Procurement Committee that it approve the proposed purchase by the City of the Property, subject to review by the RJSCB's general counsel and completion of a SEQRA review by Clark Patterson Lee; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 1, 2011 meeting and, after due deliberation, it approved the proposed purchase of the Property, subject to the recommended legal and SEQRA reviews;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the proposed acquisition of the Property by the City using RSMP program funds in the amount of \$775,000 , subject to satisfactory legal and SEQRA reviews; and
2. The RJSCB hereby authorizes its Chair to execute an Agreement with the City in such form as is acceptable to the Chair with the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Castro
Approved 4-0 with Board Members Pifer, Underwood, and Brown away

Resolution 2011-12: 48
Career Compliance and Placement Contract 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 believes that a Pre-Apprenticeship Program should be instituted for the Rochester Schools Modernization Program ("RSMP") projects to help achieve the workforce diversity goals established for the projects as a part of the Master Plan; and

WHEREAS, the RJSCB previously approved hiring Career Compliance and Placement ("CCP") to implement a Pre-Apprenticeship Program for Phase 1 of the RSMP (Resolution 2011-12: 40) at its November 7, 2011 meeting; and

WHEREAS, the RJSCB's Executive Director has been working with CCP to finalize the contract terms and conditions for these services based on feedback from RJSCB members and RJSCB's general counsel; and

WHEREAS, the negotiations with CCP have resulted in a proposed written Agreement , a copy of which is attached (the "Agreement"), with a total Not-to-Exceed cost of \$300,000; and

WHEREAS, the RJSCB's Executive Director has recommended to the RJSCB's MWBE and Services Procurement Committee ("the Committee") that the Agreement as proposed and negotiated should be approved by the RJSCB; and

WHEREAS, the Committee considered and discussed the proposed Agreement at its December 1, 2011 meeting and after due deliberation, it approved the Agreement;

THEREFORE, BE IT RESOLVED:

1. The Agreement between the RJSCB and Career Compliance and Placement is hereby approved in the amount Not to Exceed \$300,000; and

2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute the Agreement 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 Castro

Approved 4-0 with Board Members Pifer, Underwood, and Brown away

Resolution 2011-12: 49

SEQRA Update and Amendment to Clark Patterson Lee's Agreement on SEQRA

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 declared its intent to serve as the SEQRA Lead Agency for the project components of the Rochester Schools Modernization Program ("RSMP") in the fall of 2010 (Resolution 2010-11: 23), and 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 projects, based on the Master Plan, the RJSCB formally issued a Negative Declaration 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 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 impacts based upon program changes to these first six school projects as set forth in the original SEQRA report; and

WHEREAS, Clark Patterson Lee, the SEQRA consultant who was hired by the RJSCB (Resolution 2010-11: 18) to prepare the original SEQRA report for the Master Plan, has provided a proposal for services to update the original SEQRA report for the RSMP based on any program changes to the first six schools in the amount of \$14,500 and that such services would be additional services under Clark Patterson Lee's contract with the RJSCB dated November 23, 2010 ("Agreement"); and

WHEREAS, the RJSCB's Executive Director has recommended to the RJSCB's MWBE and Services Procurement Committee ("the Committee") that the RJSCB proceed with the updating of the original SEQRA report and that Clark Patterson Lee be retained by amendment to the Agreement to perform these services for the not-to-exceed amount of \$14,500; and

WHEREAS, the Committee considered and discussed the Executive Director's recommendation at its December 1, 2011 meeting to update the original SEQRA report and to accept Clark Patterson Lee's proposal for SEQRA update services, and after due deliberation, it approved the updating of the SEQRA Report and the request to amend the Agreement between the RJSCB and Clark Patterson Lee;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby authorizes the update to the original SEQRA Report; and
2. The proposed amendment to the Clark Patterson Lee Agreement Between Board and Architect dated November 23, 2010 as set forth above is hereby approved in the amount Not to Exceed \$14,500; and

3. 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 4-0 with Board Members Pifer, Underwood, and Brown away

Resolution 2011-12: 50

Gilbane Revised Exhibit B (Staffing Plan)

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 selected Gilbane Building Company ("Program Manager") to provide Program Management services to the Board in June of 2010 (Resolution 2009-10: 13); and

WHEREAS, Article 5.1 (a) of the Agreement between the RJSCB and the Program Manager (the "Agreement") states that revisions to Exhibit B, the Program Manager's staffing plan, are permitted in order to identify staff members not originally identified in the exhibit as of the date of the Agreement or as a result of permitted changes in personnel during the term of the Agreement; and

WHEREAS, also under Article 5.1 (a) of the Agreement, the Program Manager may establish new rates specific to the newly assigned individual, upon written approval by the RJSCB, provided that the Service Fee Limit set forth in the Agreement shall remain the same; and

WHEREAS, the Program Manager has recently updated its staffing plan on Exhibit B (a copy of which is attached) with the names and positions of the actual personnel who have been assigned to the projects under the Agreement; and

WHEREAS, the Program Manager's staffing plan on Exhibit B has also been revised to reflect the actual staffing resource demands of the projects under the Agreement and to more efficiently and effectively meet the complex demands of the program schedule; and

WHEREAS, the Service Fee Limits of the Agreement shall not be effected by these staffing changes; and

WHEREAS, the RJSCB's Executive Director recommended to the RJSCB's MWBE and Services Procurement Committee ("Committee") that it approve the Program Manager's revised staffing plan as shown in Exhibit B and that the Agreement then will be amended to incorporate the revised Exhibit B; and

WHEREAS, the Committee considered and discussed the Executive Director's recommendation at its December 1, 2011 meeting and after due deliberation, it approved the revised staffing plan and request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed changes to Exhibit B of the Agreement between the RJSCB and the Program Manager are approved; and
2. The Agreement between the RJSCB and the Program Manager dated July 1, 2010 is hereby amended to incorporate the revised Exhibit B.

Second by Board Member Giess

Approved 4-0 with Board Members Pifer, Underwood, and Brown away

Resolution 2011-12: 51

Pay Requisition Summary Acceptance (November 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 \$1,064,274.90 to the Board Chair with copy to the full Board on November 18, 2011; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on November 18 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 November 2011 in the amount stated above and as shown in the Summary attached to this Resolution.

Second by Board Member Roulin

Approved 4-0 with Board Members Pifer, Underwood, and Brown away

Staff Updates

Monthly project reports from Gilbane are included in the Board member's packets. Tom Roger provided the Board with an update on the status of Design Development for each of the first six projects.

Windell Gray reported that the Compliance Report will be available in the coming day or two. The numbers are looking very good with respect to the Professional Service Firms EEO. Windell reported that the EEO Goals for the project are 25% Minority and 6.9% Female. Our current numbers are 34% and 23% respectively through the end of October (based on actual hours worked). The Business Utilization piece will be updated shortly.

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

The Committee Report from 12/1/11 is included in the Board member's packets.

Adjournment

**Motion by Member Roulin
Second by Member Castro
Approved 4-0 at 5:37 pm**