

Rochester Joint Schools Construction Board
Minutes
March 12, 2012
4:30 PM

Present

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

Chairman Bell convened the Board meeting at 4:36pm

Chairman Bell opened the meeting to those present who wished to speak to the Board. There were no comments.

Chairman Bell called for an Executive Session for the following reasons:

1 - Chairman Bell requests a motion to enter into executive session pursuant to Section 105(1)(h) of the New York Public Officers Law in order for the Board to discuss the proposed acquisition of real property and because public disclosure would substantially and adversely affect the value thereof.

2 - Chairman Bell requests a motion to enter into executive session pursuant to Section 105(1)(f) of the New York Public Officers Law in order for the Board to discuss the employment performance history of Harter Secrest & Emery LLP.

Motion by Member Brown

Second by Member Underwood

Approved 5-0 with Member Castro not yet present and Member Pifer away.

The Board reconvened at 5:29pm

Approval of Minutes: Monthly Board Meeting held on February 6, 2012

Motion by Member Brown

Second by Member Castro

Approved 6-0 with Member Pifer away.

Action Items

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

Resolution 2011-12: 69

Amendment #5 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); and

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”); and

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; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that CJS’s Agreement should be amended to add these additional scope items in the total amount of \$8,415 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 March 8, 2012 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 Brown
Approved 6-0 with Member Pifer away.**

**Resolution 2011-12: 70
Amendment #6 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); and

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”); and

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; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that CJS’s Agreement should be amended to add these additional scope items in the total

amount of \$7,726 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 March 8, 2012 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 Underwood
Approved 6-0 with Member Pifer away.**

**Resolution 2011-12: 71
Amendment #3 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); and

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"); and

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; and

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 \$34,700 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 March 8, 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 6-0 with Member Pifer away.

Resolution 2011-12: 72
Amendment #6 to JCJ Architecture'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 JCJ Architecture, P.C. ("JCJ Architecture") as the Architect for the School 58 World of Inquiry project in Phase I (Resolution 2010-11: 35); and

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

WHEREAS, following the execution of the Agreement, JCJ Architecture, 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 JCJ Architecture's Agreement should be amended to add these additional scope items in the total amount of \$68,232 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 March 8, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the JCJ Architecture Agreement Between the 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 6-0 with Member Pifer away.

Resolution 2011-12: 73
REVISED Amendment #6 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); and

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”); and

WHEREAS, the RJSCB adopted Resolution 2011-12: 54 at its January 9, 2012 meeting which approved Amendment #6 to SWBR’s contract; and

WHEREAS, SWBR has now determined that it will hire The RediCheck Firm, LLC to provide Interdisciplinary Document Review Services (proposal attached hereto) instead of The Gilbane Building Company, these services having been included as a part of SWBR’s Amendment #6; and

WHEREAS, the cost of these services as proposed by The RediCheck Firm, including the contractually permitted mark-up by SWBR, is \$29,920, which is different from the value previously approved in Amendment #6 to SWBR’s contract (Resolution 2011-12: 54) for these specific services, and should therefore cause Amendment #6 to be revised to reflect this change accordingly; and

WHEREAS, all other items and costs included in the original Amendment #6 to SWBR shall remain the same; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Amendment #6 to SWBR’s Agreement should be revised to show The RediCheck Firm, LLC as the Interdisciplinary Document Review service provider selected by SWBR and that SWBR’s Agreement should be amended to add these services in the total amount of amount of \$39,059, and this amount being added to Exhibit I of the Agreement 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 March 8, 2012 meeting and after due deliberation, it approved the request to revise the previously approved Amendment #6 to the Agreement;

THEREFORE, BE IT RESOLVED:

1. Amendment #6 to SWBR’s Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby revised and 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 Castro
Approved 6-0 with Member Pifer away.

Resolution 2011-12: 74
Amendment #7 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 \$24,945.75 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 March 8, 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 Roulin
Approved 6-0 with Member Pifer away.**

**Resolution 2011-12: 75
Amendment #1 to Gilbane Building Company**

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 thereafter the RJSCB and the Program Manager entered into the Program Management Agreement dated July 1, 2010 (the "Agreement"); and

WHEREAS, following the execution of the Agreement, the Program Manager incurred costs in the amount of \$9,484 for document scanning and CD burning for the 12 school projects identified in Phase 1 of the RSMP and the Program Manager is entitled to be reimbursed for these costs incurred on behalf of the RJSCB as a reimbursable expense; and

WHEREAS, under Section 5.3 of the Agreement, the Program Manager is entitled to interest at the rate of .55% per month on the amount of each invoice submitted to the RJSCB that was deferred in payment pending the receipt of funding by the RJSCB and that the amount of interest that accrued was \$56,068 through September 15, 2011; and

WHEREAS, the RJSCB's Executive Director recommended to the MWBE and Services Procurement Committee (the "Committee") that the Program Manager's Agreement should be amended to add the total amount of \$9,464 as a reimbursable expense and \$56,068 for interest under the Agreement (through September 15, 2011); and

WHEREAS, the Committee considered and discussed the Executive Director's recommendation at its March 8, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Program Manager dated July 1, 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 Giess
Approved 6-0 with Member Pifer away.**

**Resolution 2011-12: 76
Second Revision to Gilbane 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 a change in position for one member of their personnel who has been assigned to the projects under the Agreement; 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 March 8, 2012 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 Brown
Approved 6-0 with Member Pifer away.

Resolution 2011-12: 77
Amendment #1 to The Pike Company

By Board Member Underwood

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 The Pike Company ("Construction Manager") to provide Construction Management services for the School 17 and School 50 projects in August of 2011 as a part of Phase 1 of the Rochester Schools Modernization Program (the "RSMP") (Resolution 2011-12: 7) and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated August 3, 2011 (the "Agreement"); and

WHEREAS, following the execution of the Agreement, and in keeping with the overall project schedule, the Program Manager has directed the Construction Manager to provide coordination and printing of the bid documents for the School 17 and School 50 projects, and under Section 4.2(c) of the Agreement, the Construction Manager is entitled to be reimbursed for these costs incurred on behalf of the RJSCB as a reimbursable expense; and

WHEREAS, the RJSCB's Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the Construction Manager's Agreement should be amended to add the Not to Exceed amount of \$40,000 as a reimbursable expense under the Agreement for printing and coordination of the bid documents for the School 17 and School 50 projects (\$20,000 for each School); and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its March 8, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Construction Manager dated August 3, 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 6-0 with Member Pifer away

**Resolution 2011-12: 78
Amendment #1 to Campus Construction Management Group**

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 Campus Construction Management Group (“Construction Manager”) to provide Construction Management services for the Charlotte High School and Franklin High School projects in August of 2011 as a part of Phase 1 of the Rochester Schools Modernization Program (the “RSMP”) (Resolution 2011-12: 7) and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated August 3, 2011 (the “Agreement”); and

WHEREAS, following the execution of the Agreement, and in keeping with the overall project schedule, the Program Manager has directed the Construction Manager to provide coordination and printing of the bid documents for the Charlotte High School and Franklin High School projects, and under Section 4.2(c) of the Agreement, the Construction Manager is entitled to be reimbursed for these costs incurred on behalf of the RJSCB as a reimbursable expense; and

WHEREAS, the RJSCB’s Program Manager recommended to the MWBE and Services Procurement Committee (the “Committee”) that the Construction Manager’s Agreement should be amended to add the Not to Exceed amount of \$40,000 as a reimbursable expense under the Agreement for printing and coordination of the bid documents for the Charlotte High School and Franklin High School projects (\$20,000 for each School); and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its March 8, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Construction Manager dated August 3, 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 6-0 with Member Pifer away.**

**Resolution 2011-12: 79
Contract Award - District Wide Technology, Phase 1a Schools**

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 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 worked 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

WHEREAS, the RJSCB authorized the release of the Request for Bids at its monthly meeting on January 9, 2012 (Resolution 2011-12: 60) pending approval of the Board of Education (“BOE”) and the State Education Department of New York (“SED”); and

WHEREAS, the Program Manager received approval of the District Wide Technology project by the BOE at their monthly meeting on January 26, 2012 (BOE Resolution 2011-12: 480) and by SED on February 10, 2012; and

WHEREAS, the RJSCB’s Executive Director received bids on March 7, 2012 per the deadline stipulated in the Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Technology Consultant and the Program Manager have reviewed the bids and concluded that the apparent low bidder is also a qualified and responsible bidder; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on March 8, 2012, following the review and consideration of recommendations provided by the RJSCB’s Technology Consultant and the Program Manager and after due deliberation by the Committee, the firm Hewitt Young Electric, LLC was identified as being the low responsible bidder for the total recommended bid award of \$2,776,558, of which it is anticipated that \$1,212,278 will be discounted by the E-rate Discount Program and the net contract amount will be \$1,564,280. Included in the total recommended bid award amount is accepted Alternate DWT-1, in the amount of \$420,488 (after approved equivalent discount) for sound field equipment and installation.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Technology Consultant and the Program Manager that Hewitt Young Electric, LLC shall be awarded the contract to provide all equipment, labor, materials, and plant necessary to execute the scope of work associated with the District Wide Technology project as indicated above for the first six schools in Phase 1 of the RSMP;
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 included in the Request for Bids (dated February 7, 2012) for the District Wide Technology Project, 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; and
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 Member Underwood
Approved 6-0 with Member Pifer away.

Resolution 2011-12: 80
Contract Awards – Network Electronics, Interactive White Boards, and IP Handsets

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 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 worked with Millennium Strategies, the RJSCB's Technology Consultant, to prepare requests for three commodity bids ("Mini-Bids") off of a New York State Office of General Services contract ("State Contract") in conjunction with the District Wide Technology project; and

WHEREAS, the RJSCB approved the District Wide Technology project and the issuance of a Request for Bids at its monthly meeting on January 9, 2012 (Resolution 2011-12: 60) pending approvals of the Board of Education ("BOE") and the State Education Department of New York ("SED"); and

WHEREAS, the Program Manager received approval of the District Wide Technology project by the BOE at their monthly meeting on January 26, 2012 (BOE Resolution 2011-12: 480) and by SED on February 10, 2012; and

WHEREAS, the RJSCB's Executive Director received bids for Network Electronics, Interactive White Boards, and IP Handsets through the issuance of individual Mini-Bids on March 7, 2012 per the deadline stipulated in each of the Mini-Bid Documents, and those bids were subsequently publicly opened and read aloud at the location stated in each of the Mini-Bid Documents; and

WHEREAS, the Technology Consultant and the Program Manager have reviewed the bids and concluded that the apparent low bidder for Network Electronics, Interactive White Boards, and IP Handsets is also a qualified and responsible supplier of each commodity; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on March 8, 2012, following the review and consideration of recommendations provided by the RJSCB's Technology Consultant and the Program Manager and after due deliberation by the Committee, the Value Added Reseller Ronco, listed on the competitively bid State Contract PT64525, was identified as being the low responsible supplier of Network Electronics; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on March 8, 2012, following the review and consideration of recommendations provided by the RJSCB's Technology Consultant and the Program Manager and after due deliberation by the Committee, the Value Added Reseller TeQ, listed on the competitively bid State Contract PC64216, was identified as being the low responsible supplier of Interactive White Boards; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on March 8, 2012, following the review and consideration of recommendations provided by the RJSCB's Technology Consultant and the Program Manager and after due deliberation by the Committee, the Value Added Reseller ICS Telecom, listed on the competitively bid State Contract PT64438, was identified as being the low responsible supplier of IP Handsets; and

WHEREAS, the Committee approved the recommendation of the Technology Consultant and the Program Manager to award the three commodity Mini-Bids as follows:

Vendor	Commodity	State Contract	Not to Exceed \$	E-rate Subsidy	Net Amount
Ronco	Network Elec	PT64525	\$1,539,762.04	\$1,231,809.63	\$307,952.41
TeQ	Smart Boards	PC64216	\$1,139,550	\$0.00	\$1,139,500
ICS Telecom	IP Handsets	PT64438	\$148,076.25	\$0.00	\$148,076.25

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Technology Consultant and the Program Manager to utilize State Contract PT64525, State Contract PC64216, and State Contract PT64438, to procure the equipment and materials as indicated above and associated with the District Wide Technology project for the first six schools in Phase 1 of the RSMP.

2. The RJSCB hereby awards the three commodity Mini-Bids to Ronco for Network Electronics, TeQ for Interactive White Boards, and ICS Telecom for IP Handsets, and the Chair, with the advice of the Program Manager and the RJSCB's general counsel, will develop and issue a purchase order to procure the commodities through the State Contracts from these three firms.

3. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to issue a purchase order to Ronco for the Cisco Network Electronics at a 48.6% discount from MSRP between July 1, 2012 and July 30, 2014 for a Gross amount not to exceed \$1,539,762.04 with an anticipated E-rate Subsidy of \$1,231,809.63 for a Net Cost to the RJSCB of \$307,952.41.

4. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to issue a purchase order to TeQ for the Interactive White Boards and ancillary Smart Technology Products between July 1, 2012 and July 30, 2014 for a Gross amount not to exceed \$1,139,550.

5. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to issue a purchase order to ICS Telecom for the IP Handsets and ancillary Mitel Products at a 47.5% Discount from MSRP between July 1, 2012 and July 30, 2014 for a Gross amount not to exceed \$148,076.25.

6. 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 6-0 with Member Pifer away.**

**Resolution 2011-12: 81
Trustee Services**

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 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 General Counsel, determined a need for a trustee bank (the "Trustee") to provide trust administration and paying agent services for the Rochester Schools Modernization Program Phase 1; and

WHEREAS, the RJSCB issued a Request for Proposals (an "RFP") dated February 7, 2012 for a Trustee (Resolution 2011-12: 67); 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 similarity in qualifications of each of the four bidders and the fact that trustee services are a commodity product; and

WHEREAS, the Executive Director and RJSCB's general counsel, Financial Advisor, and Underwriter conducted a de-scope conference call on March 2, 2012 with the apparent low bidder in order to confirm their understanding of the scope of services being requested; and

WHEREAS, based upon their review of the fees proposed by each of the four bidders, the RJSCB's Executive Director and its Financial Advisor have concluded that one bidder has significant experience, is fiscally responsible, and is clearly the low bidder; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on March 8, 2012, following the Committee's review and consideration of recommendations provided by the RJSCB's Financial Advisor and after due deliberation, the Committee identified the firm of Deutsche Bank Trust Company Americas ("Deutsche Bank") as being qualified and having submitted the most cost-effective response to the RFP.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the selection of Deutsche Bank to provide Trustee Services for Phase 1 of the RSMP as described in the RFP.

2. With the advice of the Program Manager, the RJSCB's Financial Advisor and its General Counsel, the Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") with Deutsche Bank in substantially the form previously approved by the RJSCB as an attachment to the RFP (dated February 7, 2012) for Trustee Services, with such changes as the Chair may approve (his signature thereon being conclusive evidence of such approval).

**Second by Board Member Castro
Approved 6-0 with Member Pifer away.**

**Resolution 2011-12: 82
Bond Underwriting Co-Managers**

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 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, in March 2010 the RJSCB issued a Request for Proposals ("RFP") for Bond Underwriting Services (Resolution 2009-2010: 7) for Phase 1 of the RSMP; and

WHEREAS, in June 2010 the RJSCB selected Citigroup Global Markets Inc. as the Senior Managing Bond Underwriter (the "Senior Manager") for Phase 1 of the RSMP (Resolution 2009-2010: 14); and

WHEREAS, the RJSCB now wishes to further its goal to create, promote, and coordinate efforts to ensure participation among Minority and Women owned firms working on the RSMP; and

WHEREAS, in order to achieve its stated diversity goals of creating, promoting and coordinating efforts to ensure participation among Minority and Women-owned firms working on the RSMP, the RJSCB wishes to have the Senior

Manager form an underwriting syndicate for Phase 1 of the RSMP using three Co-Managers as follows: 85% to the Senior Manager, 5% to a Minority-owned firm, 5% to a Hispanic-owned firm and 5% to a Woman-owned firm; and

WHEREAS, the M/WBE Firms to be selected as Co-Managers are among those who responded to the initial RFP and were found to be qualified to provide these services; and

WHEREAS, the RJSCB's Financial Advisor, Capital Markets Advisors, has recommended that the RJSCB select the following firms to act as Co-Managers: M.R. Beal & Company (a Minority-owned firm), Ramirez & Co., Inc. (a Hispanic-owned firm) and Lebenthal & Co., LLC (a Woman-owned firm) (collectively, the "M/WBE Co-Managers"); and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on March 8, 2012, following review and consideration of the Financial Advisor's recommendations and after due deliberation by the Committee, the RJSCB approved hiring the M/WBE Co-Managers and recommended said firms to the full Board for its approval .

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the appointment of the M/WBE Co-Managers for Phase 1 of the RSMP, with the firms having the syndicate participation amounts described above.
2. With the advice of the RJSCB's Financial Advisor and General counsel, the Chair is hereby authorized, in the name and on behalf of the RJSCB, to enter into any agreements or engagement letters necessary to implement the foregoing resolution.

**Second by Board Member Roulin
Approved 6-0 with Member Pifer away.**

**Resolution 2011-12: 83
Request for Bids - School 17, School 50, Charlotte High School and Franklin High School**

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 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 the Architects and the Construction Managers of the Phase 1a schools to prepare request for bid ("Request for Bid") packages for the first group of school construction projects to be released for bids; and

WHEREAS, those projects which will be released for bid beginning in the early Spring of 2012 include: School 17, School 50, Charlotte High School and Franklin High School, and project descriptions for each proposed project are attached hereto; and

WHEREAS, the scope of work at each school project is broken down into the following contracting plan: General Construction, Mechanical, Electrical, and Plumbing; and

WHEREAS, the Program Manager presented each of the school designs to the Board of Education ("BOE") in the Fall of 2011 for which subsequent BOE approval took place on December 15, 2011 (BOE Resolution 2011-12: 413); and

WHEREAS, the Program Manager is expecting that the State Education Department will issue its approval of the school designs for School 17, School 50, Charlotte High School, and Franklin High School in the next 30-45 days; and

WHEREAS, the RJSCB's MWBE and Services Procurement Committee reviewed and discussed these school projects at its meeting on March 8, 2012, including the project descriptions attached hereto, and approved the request by the Program Manager to proceed with the issuance of a Request for Bids for the School 17, School 50, Charlotte High School and Franklin High School projects to the full Board for consideration;

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for each of the school projects referenced in this Resolution (School 17, School 50, Charlotte High School, and Franklin High School) in order to maintain the overall project schedule and such issuance shall only occur subsequent to State Education Department approvals of the final project designs and specifications;
2. Also, prior to issuance, for each of the school projects, the Program Manager will work with the RJSCB's general counsel to further develop and finalize the Request for Bid packages, 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 for these four projects and recommend to the RJSCB the lowest responsible bidders; and
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 Castro

Approved 6-0 with Member Pifer away.

Resolution 2011-12: 84

Pay Requisition Summary Acceptance (February 2012)

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) totaling \$660,248.72 to the Board Chair with copy to the full Board on February 27, 2012; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on February 27, 2012; 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 February 2012 in the amount stated above and as shown in the Summary attached to this Resolution.

Second by Board Member Brown
Approved 6-0 with Member Pifer away.

Resolution 2011-12: 85
Purchase of Property (University Avenue)

By Board Member Roulin

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 renovation project at School #58 on University Avenue, which is one of the 12 school projects identified in Phase 1; and

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby authorizes the City of Rochester to negotiate for the purchase of the Kentucky Fried Chicken property located on University Avenue adjacent to School #58 for an amount not to exceed the sum of One Hundred Eighty Thousand Dollars (\$180,000) and that this amount is based upon the appraisal obtained for this property.
2. It is contemplated that this purchase will be for RSMP project purposes, including but not limited to its use by contractors during the School #58 project.
3. This purchase will be subject to appropriate environmental testing and analysis which will be coordinated by the RJSCB's Program Manager and reviewed by the City of Rochester and the RJSCB's general counsel.

Second by Member Giess
Approved 6-0 with Member Pifer away.

Staff Updates

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

The MWBE Compliance Report is in the Board member's packets. The numbers continue to be ahead of the goals.

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 3/5/12 is included in the Board member's packets.

Adjournment

**Motion by Chairman Bell
Second by Member Brown
Approved 6-0 at 6:12 pm**