

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

Present

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

At 4:32pm Ken Bell began by making a motion for an executive session pursuant to Section 105(f) of the Open Meetings Law to discuss the Executive Director's performance summary for this first year of his employment and also to discuss the proposed appointment of Landon & Rian as Independent Compliance Officer for an additional term.

Second by Member Brown

Approved 6-0 with Member Castro away

Following the executive session, Chairman Bell convened the Board meeting at 5:32pm

Chairman Bell asked if anyone in attendance wished to address the Board.

Ms. Tala Hopkins, member of the School 28 BAC and resident on Amsterdam addressed the Board.

Ms. Hopkins asked that more trees be incorporated into the School 28 landscape design. The current plan for trees calls for them to be an alternate to the base bid. The alternate list has been prioritized and the trees are at the bottom of the list. Tala suggested that the alternate for the floor design in the main lobby be deleted in favor of adding the trees. Ms. Hopkins also stated that the North Winton Village has asked for the trees to be included in the project design.

Ken Bell thanked Ms. Hopkins for her comments.

Approval of Minutes: Monthly Board Meeting held on May 21, 2012

Motion by Member Underwood

Second by Member Brown

Approved 6-0 with Member Castro away

The School 28 Design was presented to the Board by Pepin Accilien (Gilbane), Jim Lobene and Ray LeChase (LeChase), and Mike Short (LaBella)

Jim Lobene reviewed the project schedule. SED review is scheduled for Aug/Sept. The project is scheduled to bid in November 2012.

Pepin Accilien stated that the front end documents are in process and that they will be reviewed with HSE.

Mike Short reviewed the design. Instead of the original 3rd floor addition, there are now 4 smaller additions in various locations. The total square footage planned has been reduced by approximately 8,000sqft

The building will be fully abated, except for non-accessible areas.

As a safety/security feature, the new lobby is laid out such that incoming people must go through the main office to gain entry into the building.

Mike Short stated that the location of the dumpsters is still an issue. The team is working to possibly relocate them to the other side of the building from where they are currently located. The Facilities Group has expressed a concern with moving them to a new location. The local residents have expressed concerns about their current location.

Parking is being increased on site by 34 spaces. This is not enough to meet the total need for all faculty and staff, but it maintains the current status with the additional staff that is anticipated.

The budget was discussed. The plan is to use alternates to keep within the budget. The bidding climate for November is currently unknown at this time. The budget does include contingency for design and construction.

Bob Brown commented that there are too many alternates in the project. His concern is that contractors will not bid if there are too many alternates. Tom Roger stated that they will work to reduce the number of alternates.

Tom Renauto asked that the overall construction schedule be described. Pepin stated that the original construction schedule was slated for 24 month duration. Due to the elimination of the 3rd floor addition and other design changes the construction schedule is being reduced to 15 months.

Ken Bell asked Windell Gray for an update on the M/W/S/DBE goals.

Windell handed out a 4 page document which indicates the current status of each contractor's DP-1 (M/W/S/DBE Utilization Plan) for each school. Windell has approved each contractor's plan with the understanding that Landon & Rian will continue to monitor the numbers and will continue to work with each contractor to maintain or improve their numbers. It is Windell's expectation that each contractor will meet or exceed the project goals.

Peter Abdella asked that the Utilization Plans be sent to him.

Jerome Underwood asked Windell what will happen if a contractor does not meet the goals. Windell stated that he will work closely with any contractor who is falling short. Also, payments can be held if contractors are not in compliance.

Action Items

**Resolution 2011-12: 101
Contract Awards – School 50**

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, with the advice of Clark Patterson Lee (the "Architect"), The Pike Company (the "Construction Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a request for bids ("Request for Bids") package for the School 50 project; and

WHEREAS, the RJSCB previously had authorized the release of the Request for Bids at its monthly meeting on March 12, 2012 (Resolution 2011-12: 83) pending approval of the Board of Education ("BOE") and the State Education Department of New York ("SED"); and

WHEREAS, the RJSCB received approval of the School 50 project by the BOE at their monthly meeting on December 15, 2011 (BOE Resolution 2011-12: 413) and by SED on March 23, 2012; and

WHEREAS, the RJSCB's Executive Director received bids on May 1, 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 Program Manager, Architect, Construction Manager, and Independent Compliance Officer have reviewed the bids, conducted de-scoping meetings, and concluded that the apparent low bidders for each scope of work package are also qualified and responsible bidders; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on May 17, 2012, following the review and consideration of recommendations provided by the RJSCB's Program Manager and after due deliberation by the Committee, the following contract awards were approved:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
General Contractor	Manning Squires & Hennig	8426 Seven Springs Road, Batavia, NY 14021	\$10,442,000
Mechanical Contractor	B&B Mechanical Contracting, Inc.	105 Lincoln Parkway, East Rochester, NY 14445	\$2,740,000
Electrical Contractor	Eastcoast Electric	546 Lyell Avenue, Rochester, NY 14606	\$2,222,300
Plumbing Contractor	Thurston Dudek	291 David Parkway, Ontario, NY 14519	\$791,300

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that contract awards shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the scope of work associated with the School 50 project 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") to each firm named above in substantially the form included in the Request for Bids (dated March 26, 2012) for the School 50 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 Brown
Approved 6-0 with Member Castro away

The Budget for the School 17 Project was discussed. All of the deduct alternates are being accepted. In addition, \$2.37M will be re-allocated from the Jefferson Project. Tom Roger stated that during the last financial review for the overall project, the capitalized interest went down by nearly \$1.5M. This money was placed in the DWT incidentals line item as a place holder. Tom Roger will be moving approximately \$300k from that DWT line item into the School 17 project.

The Playground work, originally valued at \$400k is being reduced in scope to approximately \$230K. Claude Watt has discussed this scope reduction with the School 17 principal, Ms. Jones, and she has accepted the reduced scope for the betterment of the project.

Resolution 2011-12: 104
Contract Awards – 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 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, with the advice of SWBR Architects (the "Architect"), The Pike Company (the "Construction Manager"), the RJSCB's General counsel, and the RJSCB's Independent Compliance Officer, prepared a request for bids ("Request for Bids") package for the School 17 project; and

WHEREAS, the RJSCB previously had authorized the release of the Request for Bids at its monthly meeting on March 12, 2012 (Resolution 2011-12: 83) pending approval of the Board of Education ("BOE") and the State Education Department of New York ("SED"); and

WHEREAS, the RJSCB received approval of the School 17 project by the BOE at their monthly meeting on December 15, 2011 (BOE Resolution 2011-12: 413) and by SED on March 23, 2012; and

WHEREAS, the RJSCB's Executive Director received bids on May 8, 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 Program Manager, Architect, Construction Manager, and Independent Compliance Officer have reviewed the bids, conducted de-scoping meetings, and concluded that the apparent low bidders for each scope of work package are also qualified and responsible bidders (GC, Electrical, Mechanical, and Plumbing); and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on May 31, 2012, following the review and consideration of recommendations provided by the RJSCB's Program Manager and after due deliberation by the Committee, the following contract awards were forwarded to the full Board for consideration, pending the further recommendation of the Program Manager:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
General Contractor	Manning Squires & Hennig	8426 Seven Springs Road Batavia, NY 14021	\$14,417,000
Mechanical Contractor	M.A Ferrauilo Plumbing & Heating, Inc.	1600 Jay Street Roachester, NY 14611	\$2,875,200
Electrical Contractor	Eastcoast Electric	546 Lyell Avenue Roachester, NY 14606	\$2,674,295
Plumbing Contractor	M.A Ferrauilo Plumbing & Heating, Inc.	1600 Jay Street Roachester, NY 14611	\$1,261,000

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that contract awards shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the scope of work associated with the School 17 project in Phase 1 of the RSMP;
2. The RJSCB approves the re-allocation of \$2,370,000 from the Jefferson High School project to assist in funding the School 17 project.
3. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") to each firm named above in substantially the form included in the Request for Bids (dated March 30, 2012) for the School 17 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

4. The Officers of the RJSCB are hereby authorized and directed for and on behalf of the RJSCB and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the RJSCB with all of the provisions of the foregoing resolutions.

Second by Member Brown
Approved 6-0 with Member Castro away

Resolution 2011-12: 105
Contract Awards – Charlotte 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, with the advice of Chaintreuil Jensen Stark Architects (the “Architect”), Campus Construction Management (the “Construction Manager”), the RJSCB’s General counsel, and the RJSCB’s Independent Compliance Officer, prepared a request for bids (“Request for Bids”) package for the Charlotte High School project; and

WHEREAS, the RJSCB previously had authorized the release of the Request for Bids at its monthly meeting on March 12, 2012 (Resolution 2011-12: 83) pending approval of the Board of Education (“BOE”) and the State Education Department of New York (“SED”); and

WHEREAS, the RJSCB received approval of the Charlotte High School project by the BOE at their monthly meeting on December 15, 2011 (BOE Resolution 2011-12: 413) and by SED on April 11, 2012; and

WHEREAS, the RJSCB’s Executive Director received bids on May 22, 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 Program Manager, Architect, Construction Manager, and Independent Compliance Officer have reviewed the bids, conducted de-scoping meetings, and concluded that the apparent low bidders for each scope of work package are also qualified and responsible bidders (GC, Electrical, Mechanical, and Plumbing); and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on May 31, 2012, following the review and consideration of recommendations provided by the RJSCB’s Program Manager and after due deliberation by the Committee, the following contract awards were approved:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
General Contractor	The Pike Company	One Circle Street Rochester, NY 14607	\$14,536,000
Mechanical Contractor	M.A. Ferrauilo Plumbing & Heating, Inc	1600 Jay Street Rochester, NY 14611	\$2,227,000
Electrical Contractor	Concord Electric	705 Maple Street Rochester, NY 14611	\$2,205,000
Plumbing Contractor	Thurston-Dudek	291 David Parkway Ontario, NY 14519	\$1,690,300

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that contract awards shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the scope of work associated with the Charlotte High School project 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") to each firm named above in substantially the form included in the Request for Bids (dated April 13, 2012) for the Charlotte High School 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 Pifer
Approved 6-0 with Member Castro away

Resolution 2011-12: 106
Contract Awards – 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, with the advice of Young + Wright Architectural (the "Architect"), Campus Construction Management (the "Construction Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a request for bids ("Request for Bids") package for the Franklin High School project; and

WHEREAS, the RJSCB previously had authorized the release of the Request for Bids at its monthly meeting on March 12, 2012 (Resolution 2011-12: 83) pending approval of the Board of Education ("BOE") and the State Education Department of New York ("SED"); and

WHEREAS, the RJSCB received approval of the Franklin High School project by the BOE at their monthly meeting on December 15, 2011 (BOE Resolution 2011-12: 413) and by SED on March 30, 2012; and

WHEREAS, the RJSCB's Executive Director received bids on May 15, 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 Program Manager, Architect, Construction Manager, and Independent Compliance Officer ("ICO") have reviewed the bids, conducted de-scoping meetings, and concluded that the apparent low bidders for three of the scope of work packages (Mechanical, Electrical, and Plumbing) are also qualified and responsible bidders; and

WHEREAS, on May 17, 2012, the apparent low bidder for the GC scope of work package, Testa Construction Inc., requested to rescind its bid due to a claimed mathematical or transcriptional error; and

WHEREAS, the Executive Director, Program Manager, Architect, Construction Manager, and the RJSCB's general counsel, met with Testa Construction Inc. and its counsel, on May 24, 2012, and were provided with an explanation of the alleged error together with Testa Construction Inc.'s supporting documentation thereof; and

WHEREAS, Testa Construction Inc. indicated to the RJSCB's Executive Director during the May 24, 2012 meeting that it could not perform the GC scope of work in accordance with the bid given its alleged error; and

WHEREAS, after receiving some additional materials from Testa Construction Inc. and upon further investigation determined that Testa Construction Inc. had apparently committed a mathematical or transcriptional error in calculating its bid for the Franklin Project; and

WHEREAS, the Program Manager, Construction Manager, and ICO have reviewed the bid proposal from the second bidder for the GC scope of work package, conducted a de-scope meeting with the bidder, and concluded that the second bidder for the GC scope of work package was also a qualified and responsible bidder; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on May 31, 2012, the RJSCB's Program Manager and ICO reviewed the status of the following proposed contract awards:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
General Contractor	Cucchiara Construction, Inc.	659 Ridge Road Webster, NY 14580	\$3,659,000
Mechanical Contractor	Leo J. Roth Inc.	841 Holt Road Webster, NY 14580	\$355,990
Electrical Contractor	Kaplan Schmidt	50 Saginaw Drive Rochester, NY 14623	\$378,600
Plumbing Contractor	Thurston Dudek	291 David Parkway Ontario, NY 14519	\$131,050

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby acknowledges Testa Construction Inc.'s decision to withdraw its bid for the GC scope of work package associated with the Franklin High School Project given its asserted inadvertent bid calculation error.
2. This resolution does not waive any of the RJSCB's legal rights with regard to Testa Construction Inc.'s bid security.
3. After due deliberation and consideration of the advice from the Program Manager and the ICO, the RJSCB hereby approves the recommendation of the Program Manager that contract awards shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the scope of work associated with the Franklin High School project in Phase 1 of the RSMP;
4. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") to each firm named above in substantially the form included in the Request for Bids (dated April 16, 2012) for the Franklin High School 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
5. 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 Castro away

Resolution 2011-12: 107

Request for Proposals, Environmental Monitoring and Indoor Air Monitoring Agent

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, upon the recommendation of its Program Manager, has determined a need for an Environmental Project Monitoring and Indoor Air Quality Monitoring/Sampling Agent to provide field inspections and laboratory testing to comply with the specifications set forth by the Architect of Record for the Phase 1 projects that are part of the Rochester Schools Modernization Program; and

WHEREAS, the RJSCB’s Program Manager has prepared a Request For Proposal (an “RFP”) for an Environmental Project Monitoring and Indoor Air Quality Monitoring/Sampling Agent that requires the responding firms to set forth their Fee Proposals for a specific scope of work (a copy of the RFP is attached hereto); and

WHEREAS, the MWBE and Services Procurement Committee has reviewed the RFP for an Environmental Project Monitoring and Indoor Air Quality Monitoring/Sampling Agent and approved it at its meeting on May 31, 2012, for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The RFP for an Environmental Project Monitoring and Indoor Air Quality Monitoring/Sampling Agent is approved for issuance on June 5, 2012.

2. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the RFP responses, reduce the list of firms to be interviewed if appropriate, participate along with other RJSCB board members in the interviews of the Environmental Project Monitoring and Indoor Air Quality Monitoring/Sampling firms, and recommend to the RJSCB the most qualified candidate(s).

3. The Officers of the RJSCB are hereby authorized and directed for and on behalf of the RJSCB and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the RJSCB with all of the provisions of the foregoing resolutions.

Second by Board Member Pifer

Approved 6-0 with Member Castro away

Resolution 2011-12: 108

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 June 4, 2012, for review and approval;

THEREFORE, BE IT RESOLVED:

1. 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 Brown
Approved 6-0 with Member Castro away**

**Resolution 2011-12: 109
Request for Bids - School 58**

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 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 (School 50, School 17, Charlotte High School, Franklin High School, School 58, and School 28); and

WHEREAS, the School 58 project is proposed to be released for bid beginning in the early Summer of 2012 and a project description for this proposed project is attached hereto; and

WHEREAS, the scope of work at the School 58 project is broken down into the following contracting plan: General Construction, Mechanical, Electrical, and Plumbing; and

WHEREAS, the Program Manager presented 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 designs for School 58 in the next 5 days; and

WHEREAS, the RJSCB’s MWBE and Services Procurement Committee reviewed and discussed this school project at its meeting on May 31, 2012, including the project description attached hereto, and approved the request by the Program Manager to proceed with the issuance of a Request for Bids for the School 58 project and is forwarding this request now 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 the School 58 project 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 this project 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 Brown
Approved 6-0 with Member Castro away

Resolution 2011-12: 110
Financial Audit Services by Freed Maxick & Battaglia

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’s General Counsel recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that the RJSCB undertake a Financial Audit of its financial commitments, obligations and internal controls for the year ending June 30, 2012; and

WHEREAS, the District and the RJSCB will enjoy substantial benefits from coordinating the RJSCB’s audit with the District’s annual audit; and

WHEREAS, the RJSCB believes that by engaging the same firm already engaged by the District, Freed Maxick & Battaglia (the “Accountants”), it can realize efficiencies and cost savings ; and

WHEREAS, given the short time frame to coordinate the two audits and the small scale and scope of the proposed audit work, the RJSCB believes that a competitive hiring process would not offer significant cost savings or sufficient timeliness; and

WHEREAS, the RJSCB’s operating budget contains sufficient funding for this work; and

WHEREAS, at its May 31, 2012 meeting, the Committee considered and discussed the proposal for audit services submitted by the Accountants, a copy of which is attached hereto, in an estimated amount of \$6,000 (the "Proposal"), and after due deliberation, it approved the proposal;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the Proposal from the Accountants.
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's General Counsel.
3. The Board and staff of the RJSCB are hereby authorized to take any additional actions necessary to implement the foregoing resolutions.

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

Resolution 2011-12: 111
Independent Compliance Officer, Contract Extension

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 requires the Board is to engage an Independent Compliance Officer ("ICO") to report directly to the Board; and

WHEREAS, the RJSCB issued an RFP for an Independent Compliance Officer in April of 2010 (Resolution 2009-10: 11); and

WHEREAS, in June of 2010, the RJSCB selected Landon & Rian Enterprises, Inc. as the finalist for Independent Compliance Officer (Resolution 2009-10: 14) and subsequently entered into an agreement with Landon & Rian Enterprises, Inc. entitled "Independent Compliance Officer Agreement" (the "Agreement") in August of 2010 (Resolution 2010-11: 7); and

WHEREAS, the Agreement includes a Scope of Work divided into two Stages; Stage 1 for work during the Master Plan Development and Stage 2 for Pre-Construction activities; and

WHEREAS, the Agreement has a term of two years; and

WHEREAS, the RJSCB now wishes to extend the term of the Agreement and add certain additional services, including but not limited to: EEO project monitoring for the first five construction projects of the RSMP scheduled to begin construction in the summer of 2012 (School 17, School 50, School 58, Charlotte High School, and Franklin High School), compliance monitoring for all of the RJSCB's professional service consultants, and M/WBE community outreach efforts on behalf of the RJSCB; and

WHEREAS, based on negotiations between the Executive Director and the Independent Compliance Officer, the Independent Compliance Officer has agreed to reduce its hourly rate by a significant amount (the "Cost Savings"); and

WHEREAS, based on the negotiated Cost Savings, the RJSCB believes that no further cost savings could be achieved by conducting a competitive hiring process; and

WHEREAS, the RJSCB believes that the Independent Compliance Officer has gained in-depth knowledge of the day-to-day operations of the project and is best suited to address any future needs of the RJSCB; and

WHEREAS, at its May 31, 2012 meeting, the Committee considered and discussed a proposal from the Independent Compliance Officer, a copy of which is attached hereto, in an amount not to exceed \$549,936 (the "Proposal"), and after due deliberation, it approved the proposal;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the Proposal from the Independent Compliance Officer.
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an Amendment that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's General Counsel.
3. The Board and staff of the RJSCB are hereby authorized to take any additional actions necessary to implement the foregoing resolutions.

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

**Resolution 2011-12: 112
RJSCB Annual Report FY2011-12**

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, under Section 21 of the Act, is required to submit an annual report to various State agencies noting the progress and status of the projects undertaken by the RJSCB;

THEREFORE, BE IT RESOLVED:

1. The FY2011-12 Annual Report of the RJSCB is hereby accepted and authorized for distribution on or before June 30, 2012.

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

**Resolution 2011-12: 113
Easement on 236 University Avenue**

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, part of the scope of work for the School 58 project involves upgrades to the fire sprinkler system to provide sufficient code required water pressure within the system; and

WHEREAS, the City's dedicated high pressure fire- water system utility (the "Holly System") is located in close proximity to the School 58 property; and

WHEREAS, connection to the Holly System will provide a source of high pressure fire water for School 58 and will eliminate the need to install a new fire pump and its associated components; and

WHEREAS, the shortest path for the connection to the Holly System is from the east side of the School 58 property through the property located at 236 University Avenue, commonly known as the "KFC Property" to a connection point near East Main St; and

WHEREAS, the City, on behalf of the District, must acquire an easement across the KFC property (the "Easement") in order to connect to the Holly System; and

WHEREAS, the City has agreed to purchase and hold the Easement on behalf of the District; and

WHEREAS, the RJSCB and the City have determined that the sum of not to exceed \$3,000 (the "Purchase Price") is an appropriate purchase price for the Easement based upon an independent, third-party appraisal (a copy of which is attached hereto) and reasonably estimated closing costs; and

WHEREAS, the Purchase Price is included as part of the School 58 project's incidental budget; and

WHEREAS, connecting to the Holly System will result in approximately \$80,000 of net savings to the RJSCB; and

WHEREAS, the Program Manager has recommended to the RJSCB's MWBE and Procurement Committee that the RJSCB approve the proposed purchase by the City of the Easement, subject to review of the Easement documentation by the RJSCB's general counsel; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 31, 2012 meeting and, after due deliberation, it approved the proposed purchase of the Easement, subject to the recommended legal review.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the proposed acquisition of the Easement by the City using Rochester Schools Modernization Program funds in the amount not to exceed \$3,000, subject to approval by Bond Counsel for the County of Monroe Industrial Development Agency School Facility Revenue Bonds (Rochester Schools Modernization Project) Series 2012A and Series 2012B Bonds.
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.
3. The Board and staff of the RJSCB are hereby authorized to take whatever additional actions are necessary to implement the foregoing resolutions.

Second by Board Member Brown
Approved 6-0 with Member Castro away

Resolution 2011-12: 114
Approval of Adjustment in Compensation of Executive Director

By Chairman Bell

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board (the "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, in Resolution 2010-11:47, (a) approved the hiring of Thomas M. Renauto as the its Executive Director, and (b) approved the employment agreement between the RJSCB and Mr. Renauto (the "Employment Agreement"), effective June 27, 2011, and the terms and conditions therein, and authorized the RJSCB Chair to execute the Employment Agreement on behalf of the RJSCB; and

WHEREAS, the Employment Agreement provides that the RJSCB shall review Mr. Renauto's base compensation on an annual basis, at which time the RJSCB shall determine in its sole discretion whether or not to increase Mr. Renauto's base compensation under the Employment Agreement for the next employment year; and

WHEREAS, the RJSCB Chair has reviewed and evaluated Mr. Renauto's performance for the employment year beginning on June 27, 2011, and has determined that, based on such performance, an increase in Mr. Renauto's base compensation for the employment year of June 27, 2012 through June 26, 2013 is appropriate; and

WHEREAS, the RJSCB Chair has recommended to the RJSCB that Mr. Renauto's base compensation pursuant to the Employment Agreement for the employment year of June 27, 2012 through June 26, 2013 be increased to \$123,167 per annum, and has discussed this recommendation with the RJSCB;

THEREFORE, BE IT RESOLVED:

1. Upon due consideration and discussion of the RJSCB Chair's recommendation, the RJSCB hereby approves an increase in the "Base Compensation" payable to Thomas M. Renauto pursuant to the Employment Agreement for the employment year of June 27, 2012 through June 26, 2013, and the adjusted "Base Compensation" amount shall be \$123,167 per annum.
2. The Employment Agreement shall be amended to provide that Mr. Renauto be paid a vehicle allowance in the amount of \$500 per month during the employment term, and the RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Employment Agreement that is consistent with this approval and in a form acceptable to the Chair upon the advice of the RJSCB's general counsel.

***Second by Member Brown
Approved 6-0 with Member Castro away***

**Resolution 2011-12: 115
Special Inspection and Testing Agent Services**

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 Program Manager has recommended to the RJSCB that it engage the services of a Special Inspection and Testing Agent as a third party inspector during construction of the Phase 1 projects; and

WHEREAS, the RJSCB issued a Request For Proposals ("RFP") for Special Inspection and Testing Agent Services on April 9, 2012 (Resolution 2011 – 2012: 92) which included work at the first five projects in Phase 1a (School 17, School 50, School 58, Charlotte High School and Franklin High School); and

WHEREAS, the Executive Director received four proposals in response to the RFP for Special Inspection and Testing Agent Services on May 4, 2012; and

WHEREAS, based on the qualifications presented in the RFP responses, the Executive Director and the Program Manager subsequently conducted interviews with three of the candidates on May 25, 2012; and

WHEREAS, following the interviews, the Executive Director and Program Manager identified SJB Services Inc., as the best candidate based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, the M/WBE and Services Procurement Committee considered the recommendation from the Program Manager to award the contract for Special Inspection and Testing Agent Services to SJB Services, Inc., at its meeting on May 31, 2012 and after due deliberation, it approved the recommendation;

THEREFORE, BE IT RESOLVED:

1. The contract for Special Inspection and Testing Agent Services for the first five schools in Phase 1a (School 17, School 50, School 58, Charlotte High School, and Franklin High School) of the Rochester Schools Modernization Program is hereby awarded to SJB Services, Inc.; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

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

**Resolution 2011-12: 116
Pay Requisition Summary Acceptance (May 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 \$884,341.69 to the Board Chair with copy to the full Board on May 18, 2012; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on May 18, 2012; and

WHEREAS, the Executive Director forwarded an additional Pay Requisition (attached to this Resolution) in the amount of \$87,790.24 to the Board Chair with copy to the full Board on May 25, 2012; and

WHEREAS, the RJSCB Chair approved the additional Pay Requisition on May 25, 2012; and

WHEREAS, the total approved amount for the month of May 2012 is \$972,131.93; 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 and the additional Pay Requisition for the month of May 2012 in the amount stated above and as shown in the Summary attached to this Resolution.

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

Staff Updates

Monthly Reports for all of the projects are included in the Board Member's packets.

Budget Reports are included in the Board Member's packets.

The Committee Report from May 31, 2012 is included in the Board Member's packets.

Tom Renauto stated that the next Committee meeting is on 6/28/12. The next Monthly meeting and Organizational meeting are on 7/2/12. The full 2012-2013 Calendar is in the Board Members packets.

Adjournment

**Motion by Member Pifer
Second by Member Brown
Approved 6-0 at 6:32pm**