

**Rochester Joint Schools Construction Board**  
**Minutes**  
**August 8, 2011**  
**4:30 PM**

**Present**

Board Chair Kenneth Bell, Members: Bob Brown, Alex Castro, Brian Roulin, 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 4:32 pm and asked if anyone present wished to address the Board. No one had any comments.

**Approval of Minutes: Organizational Meeting July 19<sup>th</sup>, 2011 and Board Meeting July 19<sup>th</sup>, 2011**

**Motion by Member Roulin**

**Second by Member Brown**

**Member Underwood abstained due to not having been present at either of the meetings**

**Approved 4-0 with Member Underwood abstaining and Member Pifer away**

**Action Items:**

Chairman Bell stated that all of the Amendments to Architect's contracts have been reviewed and approved at the M/WBE Procurement sub-committee on 8/4/11 for submission to the full Board for review and approval.

Chairman Bell stated that all of the packages handed out include all of the back-up documentation for each of the Resolutions.

Ken Bell read each of the Resolutions.

**Resolution 2011-12: 6**

**Amendment to Chaintreuil Jensen Stark Architects, LLP Agreement**

***By Chairman Bell***

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the selection of Chaintreuil Jensen Stark Architects, LLP, ("CJS") as the Architect for the Charlotte High School project in Phase I (Resolution 2010-11: 35);

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

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Chaintreuil Jensen Stark Architects Agreement should be amended to add these additional scope items in the total amount of \$23,920 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 August 4, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

***Second by Member Brown  
Approved 5-0 with Member Pifer away***

Tom Roger described the RFQ and RFP Part 1 and 2 process for CM Services selection. There were 4 Firms that were interviewed, three of which are being recommended for approval. Tom Roger noted that each of the Firms being recommended are Rochester based companies.

**Resolution 2011-12: 7  
Construction Manager Selection**

***By 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 identified qualified Construction Management firms for Phase I of the Rochester Schools Modernization Program (RSMP) using a Request for Qualifications process in keeping with its timeline for construction that will commence Summer 2012; and

WHEREAS, the RJSCB subsequently issued Request for Proposals (RFP) Part One (dated June 7<sup>th</sup>, 2001) and Part Two (dated July 20<sup>th</sup>, 2001) for Construction Management Services, Renovation and Addition Projects; and

WHEREAS, the RJSCB's Procurement Policy stipulates that the MWBE and Services Procurement Committee shall select finalists and conduct interviews for professional service contracts (Article 2 Section 1(e)); and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on July 7<sup>th</sup>, 2011 the Committee selected seven finalists based on the responses to the RFP Part One, following the review and consideration of recommendations provided by the RJSCB Program Manager; and

WHEREAS, the list of finalists was further reduced to 4 finalists based on the responses to the RFP Part Two, who were then interviewed on August 2<sup>nd</sup>, 2011 by Committee members, Program Manager representatives, and District representatives; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on August 4<sup>th</sup>, 2011, after due deliberation by the Committee, the following firms were identified as being highly qualified and fiscally responsive to the RJSCB's Rochester Schools Modernization Program for the specific projects set forth below;

<b>Group One</b> (School #17 and School #50)	The Pike Company	One Circle Street Rochester, NY 14607
<b>Group Two</b> (School #28 and School #58)	LeChase / Cummings JV	300 Trolley Boulevard Rochester, NY 14606
<b>Group Three</b> (Charlotte and Franklin)	Campus Construction Management Group Inc.	1241 Pittsford-Victor Road Pittsford, NY 14534

THEREFORE, BE IT RESOLVED:

1. That the Rochester Joint Schools Construction Board hereby approves the named firms to provide Construction Management Services as indicated above for the first six schools in Phase 1 of the RSMP; and

2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver individual Agreements (the "Agreement") with each firm named above in substantially the form previously approved by the RJSCB as an attachment to the RFP Part 2 (dated July 20<sup>th</sup>, 2011), for Construction Management Services, Renovation and Addition Projects, with such changes as the Chair may approve (his signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

***Second by Member Underwood  
Approved 5-0 with Member Pifer away***

Tom Renauto and Tom Roger to finalize the date for Move Manager interviews. September 1<sup>st</sup> is the tentative date.

**Resolution 2011-12: 8  
Move Management Request for Proposals**

***By 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 a Move Management Consultant to provide a single point of contact for all FF&E related components that are part of the Rochester Schools Modernization Program, to ensure seamless integration in all schools; and

WHEREAS, the RJSCB's MWBE and Services Procurement Committee at its August 4<sup>th</sup> meeting has reviewed a Request for Proposals for Move Management Consultant and approved it for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The Request for Proposals for Move Management Consultant is approved for issuance August 9<sup>th</sup>, 2011.
2. The MWBE and Services Procurement Committee is authorized on behalf of the RJSCB to select finalists, conduct interviews as necessary, and recommend to the RJSCB the most qualified candidate.

***Second by Member Underwood  
Approved 5-0 with Member Pifer away***

**Resolution 2011-12: 9  
Amendment to Clark Patterson Lee Agreement**

***By 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 Clark Patterson Lee (“CPL”) as the Architect for the School 50 project in Phase I (Resolution 2010-11: 35);

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

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Clark Patterson Lee’s Agreement should be amended to add these additional scope items in the total amount of \$23,400 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 August 4, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

***Second by Member Brown  
Approved 5-0 with Member Pifer away***

**Resolution 2011-12: 10  
Amendment #2 to JCJ Architecture’s Agreement**

***By 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);

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");

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;

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 \$42,000 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 4, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

***Second by Member Underwood  
Approved 5-0 with Member Pifer away***

**Resolution 2011-12: 11  
Amendment #2 to SWBR Architect's Agreement**

***By 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 \$32,800 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 August 4, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

***Second by Member Brown***

***Approved 5-0 with Member Pifer away***

**Resolution 2011-12: 12**

**Amendment #2 to Chaintreuil Jensen Stark Architects, LLP Agreement**

***By Chairman Bell***

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the selection of Chaintreuil Jensen Stark Architects, LLP, ("CJS") as the Architect for the Charlotte High School project in Phase I (Resolution 2010-11: 35);

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

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Chaintreuil Jensen Stark Architects Agreement should be amended to add these additional scope items in the total amount of \$8,700 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 August 4, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

***Second by Member Castro***

***Approved 5-0 with Member Pifer away***

**Resolution 2011-12: 13**  
**Amendment to Young & Wright Architectural Agreement**

***By 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 Young & Wright Architectural as the Architect for the Franklin High School project in Phase I (Resolution 2010-11: 35);

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

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Young & Wright Architectural’s Agreement should be amended to add these additional scope items in the total amount of \$55,000 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its August 4, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

***Second by Member Brown***  
***Approved 5-0 with Member Pifer away***

Freed Maxick & Battaglia are currently working for the City and RCSD. Brian Roulin described the need for an Audit and the timeframe is short in order to perform this work in parallel with the District’s own audit.

**Resolution 2011-12: 14**  
**Audit Services by Freed Maxick & Battaglia**

***By 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 a Financial Audit of the RJSCB's financial commitments, obligations, and internal controls be performed for the time period ending June 30, 2011; and

WHEREAS, time is a critical factor in order to coordinate the RJSCB's audit with the District's audit; and

WHEREAS, The RJSCB believes that cost savings can be achieved through efficiencies gained by engagement of the same auditing Firm already engaged by the District for its annual audit; and

WHEREAS, the RJSCB believes that a competitive bid or a request for proposal for the small scale and scope of this work would not be cost effective nor produce a significant cost savings to the project; and

WHEREAS, the funding for this work is available within the RJSCB's operating budget; and

WHEREAS, this audit is necessary and consistent with the goals of the RJSCB; and

WHEREAS, the Committee considered and discussed the proposal for audit services from Freed Maxick & Battaglia at its August 4, 2011 meeting, a copy of which is attached hereto, for the estimated amount of \$5,000 to \$6,000, and after due deliberation, it approved the proposal;

THEREFORE, BE IT RESOLVED:

1. That the proposal for audit services from Freed Maxick & Battaglia as set forth above is hereby approved for the estimated amount of \$5,000 to \$6,000; 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 Member Brown***

***Approved 5-0 with Member Pifer away***

### **Staff Updates**

Program Manager Monthly Report – Tom Roger stated that schematic designs are proceeding. Schematic Designs for schools 17, 50, and Charlotte are due to be completed this month. Gilbane will update progress at the next Board meeting.

Tom Renauto stated that a summary sheet detailing the status of all of the current executed contracts has been emailed to all of the Board members.

Tom Renauto continues to work with the District's accounting department to create a Fiscal Year financial statement.

Ken Bell asked the Board members to review the letter included in their packet regarding the BANs. This letter is from the Mayor to the RCSD Superintendent and Teachers Union president. Brian Roulin stated that the BANs will take approximately 20 days to be issued from the date that the City Council approves their issuance (City Council Meeting 8/16/11) The BANs will likely be priced by 9/7/11 and closing would take place approximately on 9/15/11. A new account will need to be set up ahead of time for the funds to be deposited.

The Committee Report from 8/4/11 was distributed.

Member Underwood requested of Chairman Bell that the Board go into Executive Session under New York State Open Meetings Law 108 (3). to discuss a legal matter.

**Mr. Underwood made a Motion to go into Executive Session  
Second by Member Brown  
Approved 5-0 at 5:04 pm with Member Pifer away**

**Executive Session Adjournment  
Motion by Chairman Bell to adjourn the Executive Session  
Second by Member Brown  
Approved 5-0 at 5:25 pm with Member Pifer away**

**Adjournment**

**Motion by Chairman Bell  
Second by Member Brown  
Approved 5-0 at 5:26 pm**