

**Rochester Joint Schools Construction Board
Minutes
September 8, 2014
4:30 PM**

Present

Chair Tom Richards, Members: Charles Benincasa, Vice Chair Bob Brown, Joe Brown, José Coronas, Aaron Hilger, and ICO Brian Sanvidge. Member Chris Thomas was away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, Program Director Tom Rog er from Gilbane and Pepin Accilien from Savin.

Chair Richards convened the meeting at 4:30 pm

Approval of Minutes

Monthly Meeting held on August 4, 2014

Chair Richards asked the Board if there were any questions or comments regarding the minutes. There were none. Chair Richards having heard no comments stated that the minutes stood as approved.

Consent Agenda Items

Resolution 2014-15: 51

Move Manager Additional Services – Amendment #17

By Vice Chair Brown

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

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

WHEREAS, the RJSCB issued a request for proposals dated August 9, 2011 for move management services (“Move Manager”) (Resolution 2011-12: 8); and

WHEREAS, at the monthly meeting held on October 3, 2011, the RJSCB selected Vargas Associates as the finalist for Move Manager (Resolution 2011-12: 31) and subsequently entered into an agreement with Vargas Associates dated February 2, 2012, entitled “Agreement Between Owner and Consultant” (the “Agreement”); and

WHEREAS, the Agreement includes scope of work for the first five projects in Phase 1a of the Rochester Schools Modernization Program (“RSMP”) (School 17, School 28, School 50, School 58, and Charlotte High School); and

WHEREAS, the RJSCB thereafter added certain additional services to the Move Manager’s scope of work (Resolution 2012-13: 9, Resolution 2012-13: 49, Resolution 2012-13:118, Resolution 2012-13: 145, Resolution 2012-13: 172, Resolution 2012-13: 192, Resolution 2013-14: 8, Resolution 2013-14: 34, Resolution 2013-14: 100, Resolution 2013-14: 101, Resolution 2013-14: 160, Resolution 2013-14: 203,

Resolution 2013-14: 204, Resolution 2013-14: 261, Resolution 2013-14: 287, and Resolution 2013-14: 288); and

WHEREAS, the RJSCB now wishes to add additional services to the Move Manager's scope of work and the Program Manager has received and reviewed proposals for this additional work provided by the Move Manager; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Procurement Committee considered and discussed the proposal for additional services from the Move Manager at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the proposal from the Move Manager for additional services to the Agreement in an amount not to exceed \$33,870; 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 with Vargas Associates 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 Benincasa
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 52
Supplemental FF&E Purchase Orders – Phase 1 projects**

By Vice Chair Brown

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 Vargas Associates (the "Move Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a request for bids ("Request for Bids") package for Furniture, Fixtures, and Equipment ("FF&E") (Resolution 2012-13: 124); and

WHEREAS the Request for Bids included FF&E items categorized into eleven primary groups and several non-grouped items; and

WHEREAS, the RJSCB awarded the following groups to FM Resources: Group 4 – Conference Furniture, Group 5 – Desks, Group 6 – Lounge Furniture, Group 9 – Storage, and Group 11 Task Seating (Resolution 2012-13: 162); and

WHEREAS, the RJSCB awarded the following groups to School Specialty, Inc.: Group 1 – Activity Tables, Group 2 – Art Room, and non-grouped items: Carpet (solid), Cubby Units, Sand and Water Table, Computer Tables, First Aid Couch, Metal Shelving, and Podium (Resolution 2012-13: 166); and WHEREAS, the RJSCB awarded the following groups to Facilities Equipment and Service, Inc.: Group 3 – Cafeteria Tables and Group 7 – Library Furniture (Resolution 2012-13: 166); and

WHEREAS, the RJSCB awarded the following groups to Hertz Furniture: Group 8 – Music Furniture, Group 10 – Student Furniture, and non-grouped items: Carpet (elementary)(Resolution 2012-13: 166); and

WHEREAS, the original bid documents stipulated that the awarded firms would hold their pricing for the remainder of 2013; and

WHEREAS, the RJSCB authorized a bulk FF&E purchase at the end of 2013 (Resolution 2013-14: 138) at the discounted rates achieved in the prior bid, for the next group of projects in Phase 1b of the RSMP (School 5, School 28, School 58, and Edison Technology Campus); and

WHEREAS, subsequent to the bulk purchase in December 2013, the Move Manager determined that additional furniture could still be purchased within the existing budget as a result of significant bid day savings; and

WHEREAS, the pricing received from each firm on bid day will be used again when placing orders for these additional FF&E items except with a markup per the bid form price sheet in the Request for Bids; and

WHEREAS, following the initial purchase orders for the bulk of the furniture, the Move Manager along with the Program Manager and the architect for each project, performed a detailed review of each school's needs and were able to determine that all new furniture could be purchased for each project within the existing budget; and

WHEREAS, in addition to the additional FF&E items, the Move Manager sought pricing from State Contract for unique and/or special furniture items for specific schools which will be included in these supplemental purchase orders; and

WHEREAS, at its September 4, 2014 meeting, the MWBE Procurement and Services Committee considered the recommendation of the Move Manager and the Program Manager to make the additional FF&E purchases and approved the additional FF&E purchase orders to the firms as set forth in the table below:

SUMMARY of SUPPLEMENTAL FURNITURE PURCHASE

Firm	Total Award
School Specialty, Inc.	\$16,219.03
Hertz Furniture	\$2,464.97
Facilities Equipment & Services Inc.	\$760.00
FM Office Supply	\$26,856.64
Meadows Office Furniture	\$1,175.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that a supplemental Purchase Order shall be issued to the above named firms, in the amount specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the projects in Phase 1 of the RSMP; and

2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to the firms named above, in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Benincasa
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 53
Additional Moving Services**

By Vice Chair Brown

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 approved the selection of FM Office Express ("FM"), Corrigan Moving Systems ("Corrigan"), and Clark Moving and Storage ("Clark") as the moving companies associated with the Phase 1 - Summer 2014 moves (Resolution 2013-14: 234); and

WHEREAS, Clark and Corrigan have submitted proposals to the Move Manager for additional work based on the hourly rates included with the original bid; and

WHEREAS, the Program Manager and Move Manager reviewed the additional costs and determined that they are fair and reasonable for the work being performed; and

WHEREAS, at its September 4, 2014 meeting, the MWBE and Services Procurement Committee considered the Program Manager's and Move Manager's recommendation to accept the proposals from Clark to perform the additional work in the amount of \$1,868 and Corrigan to perform the additional work in the amount of \$3,192 and it approved the proposals for the additional services;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant to accept the proposals for additional moving services as set forth above; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver a purchase order to the above named firms and in the amount listed above in substantially the form included in the Request for Bids with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Benincasa
Approved 6-0 with Member Thomas away**

Resolution 2014-15: 54

Change Order #65 to LeChase Construction – General Contractor (School 5)

By Vice Chair Brown

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 award of the general contractor contract to LeChase Construction Services LLC (“LeChase”) for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with LeChase (Resolution 2012-13: 177) dated June 4, 2013 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, LeChase, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #65 includes the following items:

1. Finishes inside closet for the amount of \$766.89
2. Balcony trim for the amount of \$352.11

The Total amount of Change Order #65 is \$1,119; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that LeChase’s Contract should be amended to add these additional scope items in the total amount of \$1,119; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to LeChase Construction Services LLC’s Contract between the Board and Contractor dated June 4, 2013 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 a Change Order to the Contract 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 Benincasa

Approved 6-0 with Member Thomas away

Resolution 2014-15: 55
Change Order #8 to Kaplan Schmidt – Electrical Contractor (School 5)

By Vice Chair Brown

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 award of the electrical contractor contract to Kaplan Schmidt for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with Kaplan Schmidt (Resolution 2012-13: 177) dated June 4, 2013 (the “Contract”), to perform the scope of services defined in the contract documents as the electrical contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Kaplan Schmidt, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #8 includes the following items:

1. Changes to library lighting for the amount of \$816.63
- The total amount of Change Order #8 is \$816.63; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Kaplan Schmidt’s Contract should be amended to add these additional scope items in the total amount of \$816.63; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Kaplan Schmidt’s Contract between the Board and Contractor dated June 4, 2013 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 a Change Order to the Contract 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 Benincasa
Approved 6-0 with Member Thomas away

Resolution 2014-15: 56

Change Order #13 to Bell Mechanical Contractors Inc. – Mechanical Contractor (School 5)

By Vice Chair Brown

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 award of the mechanical contractor contract to Bell Mechanical Contractors Inc. (“Bell”) for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with Bell (Resolution 2012-13: 177) dated June 4, 2013 (the “Contract”), to perform the scope of services defined in the contract documents as the mechanical contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Bell, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #13 includes the following items:

1. Changes to ductwork for the amount of \$3,050.32
- The total amount of Change Order #13 is \$3,050.32; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Bell’s Contract should be amended to add these additional scope items in the total amount of \$3,050.32; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Bell Mechanical Contractors’ Contract between the Board and Contractor dated June 4, 2013 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 a Change Orders to the Contract 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 Benincasa

Approved 6-0 with Member Thomas away

Resolution 2014-15: 57
Change Order #11 to Thurston Dudek – Plumbing Contractor (School 5)

By Vice Chair Brown

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 award of the plumbing contractor contract to Thurston Dudek for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with Thurston Dudek (Resolution 2012-13: 177) dated June 4, 2013 (the “Contract”), to perform the scope of services defined in the contract documents as the plumbing contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Thurston Dudek, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #11 includes the following item:

1. Replace wall hydrant for the amount of \$1,729
- The total amount of Change Order #11 is \$1,729; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Thurston Dudek’s Contract should be amended to add these additional scope items in the total amount of \$1,729; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Thurston Dudek’s Contract between the Board and Contractor dated June 4, 2013 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 a Change Order to the Contract 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 Benincasa
Approved 6-0 with Member Thomas away

Resolution 2014-15: 58

Change Order #1 and #2 to Steve General Contractor – Roofing General Contractor (School 5)

By Vice Chair Brown

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 School 5 project in Phase 1 is approaching its completion and the Program Manager has recently identified a portion of the School 5 project contingency budget which is currently unallocated; and

WHEREAS, these unallocated project contingency funds are available for additional scopes of work at the School 5 project or they will be re-allocated to one of the other projects in Phase 1; and

WHEREAS, the District has expressed a desire to have several areas of the existing School 5 building exterior masonry and concrete repaired; and

WHEREAS, this work was identified in the original School 5 project bid as alternates, but at the time of the award the budget could not afford this work, and the Program Manager recommended not to accept these alternates; and

WHEREAS, the remaining contingency funds available will not be enough to provide for the entire building exterior restoration, and therefore the Program Manager worked with District representatives to identify the most critical areas of restoration that would have the most benefit to the building; and

WHEREAS, having defined the areas of work necessary, the Program Manager and the Construction Manager worked to negotiate pricing with the School 5 General Contractor and were not able to reach an agreement; and

WHEREAS, the Program Manager, along with the Architect of record and the Construction Manager, then prepared a set of bid documents for the Masonry and Concrete Restoration Package, and

WHEREAS, on the date specified in the bid documents, the RJSCB received no bids for the “Masonry and Concrete Restoration” package; and

WHEREAS, in July 2014, the RJSCB approved the award of the roofing general contractor contract to Steve General Contractor Inc, for the School 5 project in Phase I (Resolution 2014-15: 8); and

WHEREAS, the RJSCB entered into a contract with Steve General Contractor Inc., (Resolution 2014-15: 8) dated July 7, 2014 (the “Contract”), to perform the scope of services defined in the contract documents as the roofing general contractor’s scope of work; and

WHEREAS, the Program Manager and the Construction Manager then worked to negotiate pricing for the masonry and concrete restoration with Steve General Contractor Inc.; and

WHEREAS, Steve General Contractor Inc. secured pricing from two other subcontractors, both of which exceeded the budget for the masonry and concrete work identified; and

WHEREAS, Steve General Contractor Inc. then submitted a price to self-perform the work to the Program Manager; and

WHEREAS, the pricing provided by Steve General Contractor Inc. is within the budget for the scope of work; and

WHEREAS, the District desires to have this work completed in a short timeframe so as to not impact the start of school or the safety of the building occupants; and

WHEREAS, the Program Manager reviewed the proposal for accuracy, completeness, and fairness and found it to be acceptable; and

WHEREAS, Change Order #1 includes the following item:
1. Provide concrete restoration for the amount of \$34,626.96
The total amount of Change Order #1 is \$34,626.96; and

WHEREAS, Change Order #2 includes the following item:
1. Provide masonry restoration for the amount of \$30,709.14
The total amount of Change Order #2 is \$30,709.14; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Steve General Contractors' Contract should be amended to add these additional scope items in the total amount of \$65,336.10; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Steve General Contractors' Contract between the Board and Contractor dated July 7, 2014 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that are 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 Benincasa
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 59
Change Order #25 and #26 to Manning Squires Hennig – (GC - School 28)**

By Vice Chair Brown

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 approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 28 project in Phase I (Resolution 2012-13: 106); and

WHEREAS, the RJSCB subsequently entered into a contract with Manning Squires (Resolution 2012-13: 106) dated February 4, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with LeChase Construction, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #25 includes the following items:

1. Replace existing back stage curtains for the amount of \$9,564
 2. Furnish a rack for the boiler room condensing units for the amount of \$848.23
- The total amount of Change Order #25 is \$10,412.23; and

WHEREAS, Change Order #26 includes the following items:

1. Revisions to the parapet wall for the amount of \$6,844.79
 2. Additional mailboxes for the main office for the amount of \$2,830.17
 3. Steel beam changes in the gym for the amount of \$12,665
- The total amount of Change Order #26 is \$22,339.96; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Manning Squires' Contract should be amended to add these additional scope items in the total amount of \$32,752.19; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Manning Squires' Contract between the Board and Contractor dated February 4, 2013 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders that are 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 Benincasa
Approved 6-0 with Member Thomas away**

Resolution 2014-15: 60

Change Order #61 through #64 to Manning Squires Hennig Co., Inc. – General Contractor (School 50)

By Vice Chair Brown

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 award of the general contractor contract to Manning Squires Hennig Co., Inc. (“Manning Squires”) for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2011-12: 101) dated June 4, 2012 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #61 includes the following items:

1. Gym roof cut out for the amount of \$5,082

The total amount of Change Order #61 is \$5,082; and

WHEREAS, Change Order #62 includes the following items:

1. Cut open sewer and remove debris for the amount of \$4,007.15

The total amount of Change Order #62 is \$4,007.15; and

WHEREAS, Change Order #63 includes the following items:

1. Remove and replace sidewalks for the amount of \$29,420.90
2. Reconciliation of costs related to COR #161 for the amount of \$579.10

The total amount of Change Order #63 is \$30,000; and

WHEREAS, Change Order #64 includes the following items:

1. Repair terrazzo cracks for the amount of \$15,782.50

The total amount of Change Order #64 is \$15,782.50; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Manning Squires’ Contract should be amended to add these additional scope items in the total amount of \$54,871.65; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Manning Squires Hennig Co., Inc.'s Contract between the Board and Contractor dated June 4, 2012 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that are 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 Benincasa
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 61
Change Order #10 to Thurston Dudek, LLC – Plumbing Contractor (School 50)**

By Vice Chair Brown

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 award of the plumbing contractor contract to Thurston Dudek, LLC ("Thurston Dudek") for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with Thurston Dudek (Resolution 2011-12: 101) dated June 4, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

WHEREAS, following the execution of the Contract, Thurston Dudek, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #10 includes the following item:

1. Back-charge for sewer cleanout for a credit of -\$4,007.15
The total amount of Change Order #10 is a credit of -\$4007.15; and

WHEREAS, the Construction Manager and the Program Manager believe that the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Thurston Dudek's Contract should be amended to deduct this cost in the total amount of -\$4,007.15; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Thurston Dudek, LLC's Contract between the Board and Contractor dated June 4, 2012 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 a Change Order to the Contract 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 Benincasa
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 62
Amendment to SJB Services, Inc. Contract (Phase 1b Projects)**

By Board Member Hilger

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 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 2011-12: 92) which included work at the first five projects in Phase 1a (School 17, School 50, School 58, Charlotte High School and Franklin Educational Campus); and

WHEREAS, the RJSCB, at its monthly meeting on June 4, 2012 (Resolution 2011-12: 115), approved the selection of SJB Services, Inc. ("SJB") for Special Inspection and Testing Agent Services for School 17, School 50, School 58, Charlotte High School, and Franklin Educational Campus, and the parties thereafter entered into an Agreement between the RJSCB and SJB dated June 11, 2012; and

WHEREAS, the RJSCB issued a Request For Proposals ("RFP") for Special Inspection and Testing Agent Services on May 7, 2013 (Resolution 2012-13: 174) which included work at four projects in Phase 1b (School 5, School 28, East High School, and Edison Technology Campus); and

WHEREAS, the RJSCB, at its monthly meeting on June 10, 2013 (Resolution 2012-13: 195), approved the selection of SJB Services, Inc. ("SJB") for Special Inspection and Testing Agent Services for School 5, School 28, East High School, and Edison Technology Campus, and the parties thereafter entered into an Agreement between the RJSCB and SJB dated June 28, 2013 (the "Agreement"); and

WHEREAS, the RJSCB now wishes to extend the services of SJB to include work at the School 12 project in Phase 1 which is scheduled to begin in October 2014 and be completed in August 2016; and

WHEREAS, the current contract (Section 1.1) between the RJSCB and SJB specifically allows for such an extension of services if the Board elects to do so; and

WHEREAS, the Special Inspections and Testing Services have been bid twice before by the RJSCB and on both occasions the firm SJB has been selected to provide these services based on quality and best value for the services; and

WHEREAS, the hourly rates and sampling/testing costs were previously negotiated for the Agreement and SJB has confirmed that it will honor these current rates [See exhibit 1 attached]; and

WHEREAS, the value for the Agreement was set by the RSMP based on previous project comparisons, and the contract value for P.B. Duffy School # 12 will be \$35,000.00; and

WHEREAS, the Program Manager met with SJB to discuss lessons learned and SJB has agreed to incorporate additional scope to include: holding a preconstruction meeting to review required inspections, defining and following protocol for requesting an inspection, maintaining a deficiency report log, and timely issuance of inspection reports; and

WHEREAS, based on the advice and recommendation of the Program Manager, at its September 4, 2014 meeting, the MWBE and Services Procurement Committee considered and discussed the proposal to extend the SJB contract to include work at the James P.B. Duffy School #12 in Phase 1 of the RSMP and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between Board and SJB Services Inc. dated June 28, 2013, as set forth above is hereby approved; and
2. The RJSCB's Chair is authorized in the name and behalf of the RJSCB, to execute an amendment to the SJB Services Inc. contract 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 Vice Chair Brown
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 63
Amendment #4 to OSO Inc. Contract (Phase 1b Projects)**

By Board Member Brown

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 issued a Request For Proposals ("RFP") for Environmental Monitoring and Indoor Air Monitoring Agent Services on June 5, 2012 (Resolution 2011-12: 107) 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 RJSCB, at its monthly meeting on July 2, 2012 (Resolution 2012-13: 13), approved the selection of OSO, Inc., for Environmental Monitoring and Indoor Air Monitoring Agent Services for School 17, School 50, School 58, Charlotte High School, and Franklin High School, and the parties thereafter entered into the Agreement between the RJSCB and Consultant dated July 2, 2012; and

WHEREAS, the RJSCB issued a Request For Proposals ("RFP") for Environmental Monitoring and Indoor Air Monitoring Agent Services on May 6, 2013 (Resolution 2012-13: 175) which included work at four projects in Phase 1b (School 5, School 28, East High School, and Edison Educational Campus); and

WHEREAS, the RJSCB, at its monthly meeting on June 10, 2013 (Resolution 2012-13: 196), approved the selection of OSO, Inc., for Environmental Monitoring and Indoor Air Monitoring Agent Services for

School 5, School 28, East High School, and Edison Educational Campus, and the parties thereafter entered into an Agreement between the RJSCB and Consultant dated June 28, 2013 (the "Agreement"); and

WHEREAS, the RJSCB now wishes to extend the services of OSO, Inc. to include work at the School 12 project in Phase 1 which is scheduled to begin in October 2014 and be completed in August 2016; and

WHEREAS, the current contract (Section 1.1) between the RJSCB and OSO, Inc. specifically allows for such an extension of services if the Board elects to do so; and

WHEREAS, the Environmental Monitoring and Indoor Air Monitoring Services have been bid twice before by the RJSCB and on both occasions the firm OSO, Inc. has been selected to provide these services based on quality and best value for the services; and

WHEREAS, the hourly rates and sampling/testing costs were previously negotiated for the Agreement and OSO, Inc. has confirmed that it will honor these current rates [See exhibit 1 attached]; and

WHEREAS, the value for the Agreement was set by the RSMP based on previous project comparisons, and the contract value for P.B. Duffy School # 12 will be \$85,000.00; and

WHEREAS, the Program Manager met with OSO, Inc to discuss lessons learned and OSO has agreed to incorporate additional scope to include: holding a preconstruction meeting to review submittals, verification of licenses and certifications of the remediation company employees, defining and following a protocol for an inspections, defining and following a protocol for time & material documentation, utilizing a daily report log to document each day's labor, progress, and work areas and the timely issuance of inspection reports; and

WHEREAS, based on the advice and recommendation of the Program Manager, at its September 4, 2014 meeting, the MWBE and Services Procurement Committee considered and discussed the proposal to extend the OSO, Inc. contract to include work at the James P.B. Duffy School #12 in Phase 1 of the RSMP and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between Board and OSO, Inc. dated June 28, 2013 as set forth above is hereby approved; and
2. The RJSCB's Chair is authorized in the name and behalf of the RJSCB, to execute an amendment to the OSO, Inc.'s contract 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 Vice Chair Brown
Approved 6-0 with Member Thomas away

Resolution 2014-15: 64
Amendment #3 to The Pike Company (CM – Schools 5 and 12)

By Board Member Brown

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 5 and School 12 projects in September of 2012 as a part of Phase 1b of the Rochester Schools Modernization Program (the “RSMP”) (Resolution 2012-13: 36) and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated September 10, 2012 (the “Agreement”); and

WHEREAS, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services and the Program Manager has received and reviewed proposals for this additional work provided by the Construction Manager; 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 \$168,952 for the additional scopes of work in support of the School 12 project; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 4, 2014 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 September 10, 2012 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 Vice Chair Brown
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 65
Amendment #3 to Cannon Design Agreement**

By Board Member Hilger

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 Cannon Design (“Cannon”) as the Architect for the East High School project in Phase I (Resolution 2011-12: 39); and

WHEREAS, the RJSCB entered into an agreement with Cannon (Resolution 2011-12: 39) dated November 15, 2011, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the District requested additional scopes of design work, including its request to provide support related to the University of Rochester’s plan to “re-start” the

East High School programmatic and teaching & learning plan, 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 Cannon's Agreement should be amended to add these additional scope items in the total amount of \$141,180 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Cannon Design Agreement Between Board and Architect dated November 15, 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 Vice Chair Brown
Approved 6-0 with Member Thomas away

Resolution 2014-15: 66
Request for Proposals, Security Services – School 12

By Vice Chair Brown

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 Security Services Firm to provide off-hours security services 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 a Security Services Firm 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 RJSCB wishes to retain Security Services for the School 12 project in Phase 1; and

WHEREAS, the MWBE and Services Procurement Committee has reviewed the RFP for Security Services and approved it at its meeting on September 4, 2014, for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The RFP for Security Services is approved for issuance on September 9, 2014; and
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 Security Services firms, and recommend to the RJSCB the most qualified candidate(s).

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

Resolution 2014-15: 67
Contract Award – School 12 Abatement and Demolition

By Board Member Brown

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 Program Manager presented the School 12 design to the Board of Education (“BOE”) and BOE approval took place on December 13, 2012 (BOE Resolution 2012-13: 364); and

WHEREAS, the Program Manager received State Education Department approval of the designs for School 12 on November 4, 2013; and

WHEREAS, following RJSCB approval, the Program Manager advertised and released the bid documents for the School 12 project in January 2014; and

WHEREAS, the schedule for the School 12 project had been modified to begin construction in late August 2014 in order to accommodate the District’s need to use the building for summer school programs; and

WHEREAS, during the bid period, the Program Manager and the Construction Manager continued their evaluation of the School 12 project schedule as it related to the sequence or work and types of construction activities included in the project scope; and

WHEREAS, the Program Manager determined that the success of the project would be greatly improved by shifting the construction timeline to more closely align with a typical construction schedule where more activities would take place in better weather in lieu of a significant number of winter activities; and

WHEREAS, in early February 2014, the Program Manager discussed cancelation of the School 12 bid with the Executive Director, the District, and the RJSCB; and

WHEREAS, the Program Manager subsequently canceled the School 12 bid on February 14, 2014; and

WHEREAS, the RJSCB’s Program Manager worked with the Architect, SEI Design Group (“SEI”), and the Construction Manager, The Pike Company (“Pike”), to prepare a new request for bids (“Request for Bids”) package for the School 12 project; and

WHEREAS, the new Request for Bids package includes an “early start” scope of work for abatement and demolition as a single prime GC package; and

WHEREAS, this “early start” package was to be bid prior to the main scope of work, allowing the work to begin in early Fall, and continue inside the building during the inclement weather conditions throughout the winter; and

WHEREAS, the RJSCB authorized the release of the “early start” package at its regular monthly meeting on August 4, 2014 (Resolution 2014-15: 36); and

WHEREAS, the RJSCB’s Executive Director received bids on September 2, 2014 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 bidder for the scope of work package is also qualified and responsible; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on September 4, 2014, following the review and consideration of recommendations provided by the RJSCB’s Program Manager and after due deliberation by the Committee, the following contract award was approved:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
Abatement and Demolition	Mark Cerrone Inc.	2368 Maryland Ave, Niagara Falls, NY 14305	\$2,292,000

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that a contract award shall be made to the above named firm and bid amount to provide all equipment, labor, materials, and plant necessary to execute the abatement and demolition scope of work associated with the School 12 project in Phase 1 of the RSMP.
2. This award is subject to the ICO’s final approval and the production to the ICO of signed subcontracts from those subcontractors listed on the Form DP-1.
3. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the “Agreement”) to the firm named above in substantially the form included in the Request for Bids for the School 12 project, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB’s general counsel.

Second by Vice Chair Brown
Approved 6-0 with Member Thomas away

Resolution 2014-15: 68
Purchasing and Procurement Policy – Revised September 8, 2014

By Vice Chair Brown

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 wishes to revise its existing Purchasing and Procurement Policy in order to more precisely align with General Municipal Law regarding thresholds for which bids are required to procure materials and services; and

WHEREAS, consistent with these wishes, the RJSCB has drafted proposed revisions to its Purchasing and Procurement Policy, a copy of which is attached to this resolution; and

WHEREAS, at the Finance Committee (the "Committee") meeting on September 4, 2014, the Committee discussed and considered the revised Purchasing and Procurement Policy and approved it for consideration by the full Board;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves and adopts in all respects the revised Purchasing and Procurement Policy.

**Second by Board Member Hilger
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 69
Code of Ethics Policy – Revised September 8, 2014**

By Board Member Coronas

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 wishes to revise its existing Code of Ethics Policy in order to include a new annual statement and to clarify certain language; and

WHEREAS, consistent with these wishes, the RJSCB has drafted proposed revisions to its Code of Ethics Policy, a copy of which is attached to this resolution; and

WHEREAS, at the Finance Committee (the "Committee") meeting on September 4, 2014, the Committee discussed and considered the revised Code of Ethics Policy and approved it for consideration by the full Board;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves and adopts in all respects the revised Code of Ethics Policy.

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

**Resolution 2014-15: 70
Change Order #44, #45, #47, and #48 to Manning Squires Hennig – School 58**

By Board Member Benincasa

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 approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. (“Manning Squires”) for the School 58 project in Phase I (Resolution 2012-13: 35); and

WHEREAS, the RJSCB subsequently entered into a contract with Manning Squires (Resolution 2012-13: 35) dated September 10, 2012 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with LeChase Construction, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #44 includes the following items:

1. Changes to room G145 ceiling for the amount of \$8,539
2. Steel conflict at lower level for the amount of \$2,139
3. Changes to ceilings and soffits for the amount of \$2,588
4. Changes at playground for the amount of \$1,735
5. Remove tree for the amount of \$1,230
6. Add soffit in room L105A for the amount of \$1,219
7. Window infill for the amount of \$5,343
8. Changes in room L119 for the amount of \$3,342
9. Infill at door opening for the amount of \$2,029
10. Media center window sills for the amount of \$22,369
11. Changes to wall finishes in locker rooms for the amount of \$11,342

The total amount of Change Order #44 is \$61,875; and

WHEREAS, Change Order #45 includes the following items:

1. Mechanical room floor finish for the amount of \$9,611
2. Tile in corridor for the amount of \$2,632
3. Areaway grating change for the amount of \$1,701
4. Window infill for the amount of \$5,033
5. Changes to ceiling in room L100 for the amount of \$1,378
6. Railing at slab edge for the amount of \$6,826
7. Abandon existing utility services for the amount of \$8,758
8. Replace deteriorated sills for the amount of \$10,164
9. Soffit in room U129 for the amount of \$1,808
10. Changes to ground level ceilings for the amount of \$1,532
11. Masonry repairs for the amount of \$4,070
12. Changes to chalk boards and tack boards for the amount of \$2,260

13. Drain pipe relocation for the amount of \$2,996
The total amount of Change Order #45 is \$58,769; and

WHEREAS, Change Order #47 includes the following items:

1. Changes at storm sewer for the amount of \$2,875
2. Changes to ceilings in room G105 and G107 for the amount of \$5,735
3. Expansion joints for the amount of \$9,717
4. Changes to ceiling heights for the amount of \$5,588
5. Locker room ceiling changes for the amount of \$3,274
6. Reinstall precast for the amount of \$9,883
7. Fire extinguisher cabinets for the amount of \$2,495
8. Extend concrete pad and add lockers for the amount of \$6,442
9. Changes to railings for the amount of \$21,433
10. Shaft wall in stairwell for the amount of \$17,919
11. Changes to walls at G101 and G200 for the amount of \$10,170
12. Projector lift for the amount of \$16,588
13. Partition and curtain changes for the amount of \$24,172

The total amount of Change Order #47 is \$136,291; and

WHEREAS, Change Order #48 includes the following items:

1. Roof support for the amount of \$4,096
2. Library table for the amount of \$4,287
3. Changes to elevator mechanical room for the amount of \$5,198
4. Shaft wall in room G211 for the amount of \$2,117
5. Change to abuse resistant drywall for the amount of \$37,818
6. Masonry at column line 17 for the amount of \$4,226
7. Ductwork conflicts in room U112 for the amount of \$1,615
8. Ceiling in media center for the amount of \$4,363
9. Changes to west side wall for the amount of \$6,840
10. Survey condition changes for the amount of \$3,145
11. Reduce bollards for a credit of -\$355
12. Relocate freezer/cooler condensers for the amount of \$5,002
13. Soffit in room L118 for the amount of \$1,519

The total amount of Change Order #48 is \$79,871; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is necessary, the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Manning Squires's Contract should be amended to delete and add these additional scope items in the total amount of \$336,806; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Manning Squires Hennig's Contract between the Board and Contractor dated September 10, 2012 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders that are 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 Vice Chair Brown

Approved 6-0 with Member Thomas away

Resolution 2014-15: 71

Change Order #9, #10, and #11 to EastCoast Electric – Electrical Contractor (School 58)

By Board Member Hilger

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 approved the award of the electrical contractor contract to EastCoast Electric LLC (“EastCoast”) for the School 58 project in Phase I (Resolution 2012-13: 120); and

WHEREAS, the RJSCB subsequently entered into a contract with EastCoast (Resolution 2012-13: 120) dated March 4, 2013 (the “Contract”), to perform the scope of services defined in the contract documents as the electrical contractor’s scope of work; and

WHEREAS, following the execution of the Contract, LeChase Construction, the Construction Manager, and the Program Manager, identified the need for changes to the scope of work; and

WHEREAS, Change Order #9 includes the following items:

1. Remove and reinstall MEP work supported by skylight infill for the amount of \$4,413
2. Smoke detector in room 120B for the amount of \$3,284
3. Changes to light in L112 for the amount of \$351
4. Changes to ground level ceiling heights for the amount of \$13,488
5. Add prox reader for the amount of \$4,811
6. Add power for refrigerators for the amount of \$1,192

The total amount of Change Order #9 is \$27,539; and

WHEREAS, Change Order #10 includes the following items:

1. Schedule extension costs associated with the School 58 project for the amount of \$518,144.96

The total amount of Change Order #10 is \$518,144.96; and

WHEREAS, Change Order #11 includes the following items:

1. Changes to room L113 for the amount of \$2,137
2. Smoke damper motor access for the amount of \$2,658
3. Soffit changes in three rooms for the amount of \$798
4. Media center ceiling changes for the amount of \$3,473

The total amount of Change Order #11 is \$9,066; and

WHEREAS, the Construction Manager and the Program Manager believe that the pricing is appropriate and the contract time will not be increased by this scope change; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that East Coast’s Contract should be amended to add these scope items for a total of \$554,749.96; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to EastCoast Electric's Contract between the Board and Contractor dated March 4, 2013 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders that are 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 Vice Chair Brown
Approved 6-0 with Member Thomas away

Resolution 2014-15: 72
Change Order #17 to M.A. Ferrauilo – School 58

By Board Member Hilger

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 approved the award of the plumbing contractor contract to M.A. Ferrauilo Heating and Plumbing, Inc. ("M.A. Ferrauilo") for the School 58 project in Phase I (Resolution 2012-13: 120); and

WHEREAS, the RJSCB subsequently entered into a contract with M.A. Ferrauilo (Resolution 2012-13: 120) dated March 4, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

WHEREAS, following the execution of the Contract, M.A. Ferrauilo, along with LeChase Construction, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #17 includes the following items:

1. Schedule extension costs associated with the School 58 project for the amount of \$110,090.58
- The total amount of Change Order #17 is \$110,090.58; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that M.A. Ferrauilo's Contract should be amended to add these additional scope items in the total amount of \$110,090.58; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to M.A. Ferraiulo's Contract between the Board and Contractor dated March 4, 2013 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 a Change Order 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 Benincasa
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 73
Change Order #4 to Leo J. Roth – (Mechanical - School 58)**

By Board Member Benincasa

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 approved the award of the mechanical contractor contract to Leo J. Roth Corporation ("Leo J. Roth") for the School 58 project in Phase I (Resolution 2012-13: 120); and

WHEREAS, the RJSCB subsequently entered into a contract with Leo J. Roth (Resolution 2012-13: 120) dated March 4, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the mechanical contractor's scope of work; and

WHEREAS, following the execution of the Contract, Leo J. Roth, along with LeChase Construction, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #4 includes the following item:

1. Remove and replace MEP & FP systems supported from existing skylight framing for the amount of \$13,535

The total amount of Change Order #4 is \$13,535; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is necessary, the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Leo J. Roth's Contract should be amended to add these additional scope items in the total amount of \$13,535; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Leo J. Roth's Contract between the Board and Contractor dated March 4, 2013 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 a Change Order 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 Vice Chair Brown
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 74
Change Order #14 and #15 to The Pike Company – General Contractor (East High School)**

By Board Member Benincasa

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 award of the general contractor contract to The Pike Company ("Pike") for the East High School project in Phase I (Resolution 2012-13: 147); and

WHEREAS, the RJSCB entered into a contract with Pike (Resolution 2012-13: 147) dated April 1, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Pike, along with LPCiminelli, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #14 includes the following items:

1. Vertical mullions for security screens for the amount of \$1,920
2. Electrical connections to coiling door for the amount of \$402
3. Reset Limestone at window sills for the amount of \$10,135
4. Flood damage monitoring credit in the amount of -16,022

The total amount for Change Order #14 is a credit of \$ -3,565; and

WHEREAS, Change Order #15 includes the following items:

1. Aluminum trim at curtain wall for the amount of \$18,217

The total amount for Change Order #15 is \$18,217; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Pike's Contract should be amended to add and delete these scope items in the total amount of \$14,652; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to The Pike Company's Contract between the Board and Contractor dated April 1, 2013 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that are 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 Vice Chair Brown
Approved 6-0 with Member Thomas away

Resolution 2014-15: 75
Change Order #4 to DiFiore Construction Inc. – General Contractor (East High School – Athletic Field)

By Board Member Hilger

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 award of the general contractor contract to DiFiore Construction Inc. ("DiFiore") for the East High School Athletic Field project in Phase I (Resolution 2013-14: 163); and

WHEREAS, the RJSCB entered into a contract with DiFiore (Resolution 2013-14: 163) dated January 13, 2014 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, DiFiore, along with LPCiminelli, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #4 includes the following items:

1. Excavation and removal of unsuitable soils at football field for the amount of \$95,635 (this amount includes a \$7,901 credit for track revisions and a \$9,065 credit for drainage revisions). The total amount for Change Order #4 is \$95,635; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that DiFiore's Contract should be amended to add these scope items in the amount of \$95,635; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to DiFiore Construction Inc.'s Contract between the Board and Contractor dated January 13, 2014 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 a Change Order to the Contract 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 Thomas away**

**Resolution 2014-15: 76
Change Order #8 to The Pike Company – General Contractor (Edison Technology Campus)**

By Vice Chair Brown

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 award of the general contractor contract to The Pike Company ("Pike") for the Edison Technology Campus project in Phase I (Resolution 2012-13: 194); and

WHEREAS, the RJSCB entered into a contract with Pike (Resolution 2012-13: 194) dated June 10, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Pike, along with LPCiminelli, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #8 includes the following items:

1. Soffit repairs for the amount of \$1,119
2. Laminate panels for the amount of \$1,922
3. Library computer stations for the amount of \$7,405
4. Autoclaves for the science prep rooms for the amount of \$8,969
5. Gas turrets for the amount of \$1,904

The total amount for Change Order #8 is \$21,319; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Pike's Contract should be amended to add these scope items for the total amount of \$21,319; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to The Pike Company's Contract between the Board and Contractor dated June 10, 2013 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 a Change Order to the Contract 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 Thomas away**

**Resolution 2014-15: 77
Change Order #4 to Landry Mechanical Contractors – Mechanical Contractor (Edison Technology Campus)**

By Board Member Benincasa

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 award of the mechanical contractor contract to Landry Mechanical Contractors ("Landry") for the Edison Technology Campus project in Phase I (Resolution 2012-13: 194); and

WHEREAS, the RJSCB entered into a contract with Landry (Resolution 2012-13: 194) dated June 10, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the mechanical contractor's scope of work; and

WHEREAS, following the execution of the Contract, Landry, along with LPCiminelli, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #4 includes the following items:

1. Fin tube radiation changes for the amount of \$6,733
2. Connection to dust collector for the amount of \$3,017
3. Ductwork changes for the amount of \$604

The total amount for Change Order #4 is \$10,354; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Landry's Contract should be amended to add these scope items in the amount of \$10,354; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Landry Mechanical Contractors' Contract between the Board and Contractor dated June 10, 2013 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 a Change Order to the Contract 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 Thomas away

Resolution 2014-15: 78
Change Order #6 to Hewitt Young Electric – Electrical Contractor (Edison Technology Campus)

By Board Member Benincasa

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 award of the electrical contractor contract to Hewitt Young Electric ("HYE") for the Edison Technology Campus project in Phase I (Resolution 2013-14: 15); and

WHEREAS, the RJSCB entered into a contract with HYE (Resolution 2013-14: 15) dated July 8, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

WHEREAS, following the execution of the Contract, HYE, along with LPCiminelli, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #6 includes the following items:

1. Additional lighting for "living wall" for the amount of \$3,389
2. Structural revisions at the plaza changes to electrical for the amount of \$10,451
3. Convenience outlets for the amount of \$738
4. Electrical revisions for kitchen equipment for the amount of \$8,934
5. Corridor ceiling revisions for the amount of \$3,908

The total amount for Change Order #6 is \$27,420; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that HYE's Contract should be amended to add these scope items in the amount of \$27,420; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Hewitt Young Electrical's Contract between the Board and Contractor dated July 8, 2013 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 a Change Order to the Contract 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 Vice Chair Brown
Approved 6-0 with Member Thomas away

Resolution 2014-15: 79
Change Order #4 to M.A. Ferrauilo – Plumbing Contractor (Edison Technology Campus)

By Board Member Hilger

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 award of the plumbing contractor contract to Michael A. Ferrauilo Plumbing and Heating Inc. ("M.A. Ferrauilo") for the Edison Technology Campus project in Phase I (Resolution 2012-13: 194); and

WHEREAS, the RJSCB entered into a contract with M.A. Ferrauilo (Resolution 2012-13: 194) dated June 10, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

WHEREAS, following the execution of the Contract, M.A. Ferrauilo, along with LPCiminelli, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #4 includes the following items:

1. Boiler flue revisions for the amount of \$10,040
- The total amount for Change Order #4 is \$10,040; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that M.A. Ferraiulo's Contract should be amended to add and delete these scope items for a total amount of \$10,040; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to M.A. Ferraiulo's Contract between the Board and Contractor dated June 10, 2013 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 a Change Order to the Contract 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 Vice Chair Brown
Approved 6-0 with Member Thomas away

Resolution 2014-15: 80
Change Order #3 and #4 to Hewitt Young Electric – District Wide Technology

By Board Member Brown

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 approved the award of the District Wide Technology Phase 1a contract to Hewitt Young Electric, LLC ("HYE") for the District Wide Technology Phase 1a projects in Phase I (Resolution 2011-12: 79); and

WHEREAS, the RJSCB subsequently entered into a contract with HYE (Resolution 2011-12: 79) dated March 12, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the District Wide Technology Phase 1a contractor's scope of work; and

WHEREAS, following the execution of the Contract, HYE, along with Millennium Strategies, the Technology Consultant, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Technology Consultant and the Program Manager for review; and

WHEREAS, Change Order #3 includes the following items:

1. Schedule extension at the School 58 project for the amount of \$0

The total amount of Change Order #3 is \$0; and

WHEREAS, Change Order #4 includes the following items:

1. Changes to locations and quantity of data/network/security/phone at School 58 for the amount of \$12,934.77

The total amount of Change Order #4 is \$12,934.77; and

WHEREAS, the Technology Consultant and the Program Manager believe that the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Hewitt Young Electric, LLC's Contract should be amended to add these additional scope items in the total amount of \$12,934.77; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its September 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Hewitt Young Electric, LLC's Contract between the Board and Contractor dated March 12, 2012 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute Change Orders that are 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 Vice Chair Brown
Approved 6-0 with Member Thomas away**

**Resolution 2014-15: 81
Pay Requisition Summary Acceptance (August 2014)**

By Board Member Benincasa

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 the pay requisition approval procedure (Resolution 2011-12: 23) ("Pay Requisition Approval Procedure"); and WHEREAS, the RJSCB, at its regular monthly meeting on September 10, 2012, revised the Pay Requisition Approval Procedure (Resolution 2012-13: 37) to include the Trustee as paying agent for construction related payments; and

WHEREAS, the RJSCB, at its regular monthly meeting on April 7, 2014, revised the Pay Requisition Approval Procedure (Resolution 2013-14: 257) to include discussion of the Pay Requisition Summary by

the Finance Committee and certain verification activities by the Program Manager following each monthly Board meeting; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program ("RSMP") Phase 1a projects were deposited in the Trustee's account on June 20, 2012; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program Phase 1b projects were deposited in the Trustee's account on June 6, 2013; and

WHEREAS, Excel Aid funding associated with the Rochester Schools Modernization Program is currently in the final stages of review and certification by the Dormitory Authority of the State of New York ("DASNY"); and

WHEREAS, the intended purpose of the Excel Aid funding is to partially pay for costs associated with the design and/or construction of certain Phase 1a projects; and

WHEREAS, due to the late timing of the DASNY certification process for the Excel Aid, if necessary, the District has decided to establish and fund a special account for the RSMP ahead of the completion of the DASNY certification process to pay for certain invoices associated with the Phase 1a projects; and

WHEREAS, the District will be reimbursed for any payments made after the DASNY certification process has been completed and the Excel Aid funds are released; and

WHEREAS, in compliance with the Pay Requisition Approval Procedure, the RJSCB's 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 the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$8,067,929.29 including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using Excel Aid funding, to the RJSCB Board Chair with copy to the full Board on August 25, 2014; and

WHEREAS, the RJSCB Board Chair approved the Pay Requisition Summary on August 25, 2014; and

WHEREAS, the RJSCB's Executive Director reviewed the regular monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on September 4, 2014;

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of August 2014 in the amounts stated above and as shown in the Summary sheets attached to this Resolution.

**Second by Vice Chair Brown
Approved 6-0 with Member Thomas away**

Communication

The Monthly Report is included in the Member's packets. The report was reviewed by Tom Rogér.

- School 5, School 28, Edison Technology Campus, East High School, and Franklin Auditorium are done – punchlist work is ongoing.

- Edison Technology Campus is finishing 5 months ahead of schedule and significantly under budget.

- School 58 is still active.
- School 12 will begin soon with the early demo and abatement package.
- Monroe will begin next summer.

The Compliance Report from Baker Tilly is included in the Member's packets. The Report was reviewed Brian Sanvidge.

- 90.8% of submissions have been received for July. January → April is now 100% reported.
- 85% of all Subcontracts have been received.
- Brian Sanvidge clarified that the Project Labor goals are for hours, not per headcount.
- Jose Coronas asked "how do we identify a Contractor that is falling below the goal? What do we do about it?" Brian Sanvidge stated the Baker Tilly sends out a list of EBE's to the Contractor and the Contractor submits their Good Faith Effort Checklist to document their efforts.

The Budget reports are included in the Member's packets. The RSMP Budget was reviewed by Tom Rogér. The overall project remains on budget.

The MWBE and Services Procurement Committee Report for September 4, 2014 is included in the Members packets

The Finance Committee Report for September 4, 2014 is included in the Members packets.

Executive Session

Chair Richards called for a closed session to discuss matters related to existing contracts.

Motion by Member Brown
Second by Member Benincasa
Approved 6-0 with Member Thomas away

Adjournment

Approved at 6:45 pm