

Resolution 2017-18: 161

Amendment #1 to The Pike Company Contract (Construction Manager – School 2)

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act (the “Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), 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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program, which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the Board of Education (“BOE”) has approved the comprehensive Master Plan for Phase 2 (BOE Resolution 2015-16: 630); and

WHEREAS, the Superintendent has identified and confirmed the projects for Phase 2 of the RSMP for which the RJSCB has started design and planning work in advance of the New York State Education Department and New York State Comptroller’s approval of the comprehensive Master Plan for Phase 2; and

WHEREAS, these identified projects (the “Phase 2c Projects”) include: Dag Hammarskjold School 6; Dr. Walter Cooper Academy School 10; George Mather Forbes School 4; and Clara Barton School 2; and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a construction management firm to provide a single point of contact for all construction management tasks on each of the Phase 2c projects of the RSMP; and

WHEREAS, on April 11, 2017, the RJSCB issued a request for proposals (the “RFP”) for construction management services for the Phase 2c Clara Barton School 2 project (Resolution 2016-17: 168); and

WHEREAS, the RJSCB’s Program Manager received four proposals as of the date and time specified in the RFP, and promptly distributed those proposals to the RJSCB members; and

WHEREAS, the RJSCB Chair, the Program Manager and Independent Compliance Officer (“ICO”) subsequently interviewed the four respondent firms; and

WHEREAS, at the M/WBE and Services Procurement Committee (“Committee”) meeting held on May 4, 2017, after due deliberation by the Committee, The Pike Company was identified as being highly qualified and fiscally responsive to the RJSCB’s RFP for Construction Management services for the Clara Barton School 2 project.

WHEREAS, the RJSCB at its regular meeting on May 8, 2017, approved The Pike Company (“Construction Manager”) to provide Construction Manager services for the Phase 2c Clara Barton School 2 project (Resolution 2016-17: 200), and the parties thereafter entered into the Agreement between the RJSCB and The Pike Company dated May 8, 2017 (the “Agreement”); and

WHEREAS, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services to complete for the Phase 2c Clara Barton School 2 project, and the Program Manager has received and reviewed the proposal for this additional work provided by the Construction Manager;

WHEREAS, the Program Manager recommended to the M/WBE and Services Procurement Committee (the "Committee") that the Construction Manager's Agreement should be amended to add the not-to-exceed amount of \$168,300.00 the additional services for the Phase 2c Clara Barton School 2 project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 5, 2018 meeting to increase the Construction Manager's Agreement amount by \$168,300.00, and after due deliberation, the Committee 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 May 8, 2017, as set forth above is hereby approved, increasing the total amount of the Agreement by the sum of \$168,300.00; 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 RJSCB's general counsel.

Second by Board Member Cruz

Approved 5-0 with Member Richards away and Member Jones not yet arrived