

**Resolution 2018-19: 175**  
**Amendment #2 Erdman Anthony Commissioning Agent Services (Phase 2)**

**By Board Member Norm Jones**

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 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 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 (the “DWT”) program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the RJSCB issued a request for proposals (the “RFP”) for Commissioning Agent Services for Phase 2 Schools (Resolution 2016-17: 48); and

WHEREAS, the RJSCB approved the selection of Erdman Anthony Engineering Services (“Erdman Anthony”) to provide the Commissioning Agent Services for Phase 2 (Resolution 2016-17:66); and

WHEREAS, the RJSCB entered into an agreement with Erdman Anthony for Commissioning Agent Services (Resolution 2016-17: 66) dated October 17, 2016 (the “Agreement”); and

WHEREAS, following the execution of the Agreement, Erdman Anthony, along with the Program Manager, identified the need for additional Commissioning Agent Services for Barton School No. 2, Lincoln School No. 22, Edison Campus and Dr. Freddie Thomas Learning Center projects, and a cost proposal was then obtained for this additional scope of services and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that Erdman Anthony’s Agreement should be amended to add the additional scope services in the total amount of \$62,220.00 and that this amount shall be treated as a not-to-exceed allowance under the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 6, 2019 meeting, and after due deliberation, it approved the request to amend the Erdman Anthony Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between RJSCBB and Erdman Anthony dated October 17, 2016 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Tom Richards**

**Approved 4-0 with Member Cruz away and Vice Chair Schmidt not yet arrived**