

**Resolution 2019-20: 80**

**Change Order #6 to Manning Squires Hennig (School 54 Phase 2d)**

**By Board Member Rosalind Brooks-Harris**

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, for Phase 2 of the RSMP, the RJSCB intends to undertake 14 projects for the design, reconstruction, or rehabilitation of existing school buildings for their continued use by the District (collectively, the “Phase 2 Projects”), which have been further defined as Phase 2a, Phase 2b, Phase 2c and Phase 2d, plus a DWT project at each of the Phase 2 school buildings; and

WHEREAS, the Flower City School No. 54 Project (“School 54”) is one of the projects included in Phase 2d of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig, Inc. (“Manning Squires”) for the School 54 project in Phase 2d (Resolution 2018-19: 155); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2018-19: 155) dated April 8, 2019 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, during the execution of the scheduled work, it was discovered that the ground area of the new south parking lot and bus loop contained asbestos containing materials (“ACM”) that per direction from the NYS Department of Labor (“DOL”) must be abated; and

WHEREAS, the ACM abatement in the new parking area and bus loop at School 54 must be performed under NYS Department of Labor variance number 19-1076; and

WHEREAS, following the execution of the Contract, Manning Squires, along with Buffalo Construction Consultants (the “Construction Manager”), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #6, includes the following item:

1. RFP-056 Additional ACM soil removal \$725,650.00

The Total amount of Change Order #6 is **\$725,650.00**; 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 recommended to the RJSCB's that Manning Squires' Contract should be amended to add and these scope items for a total net increase in the Contract Sum of \$725,650.00; and

WHEREAS, the RJSCB considered and discussed the Program Manager's recommendation at its January 13, 2020 regular meeting and after due deliberation, it approved the request to amend the Contract between the Board and Manning Squires dated April 8, 2019 as set forth above is hereby approved.

THEREFORE, BE IT RESOLVED:

1. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute the 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 Jesse Dudley**  
**Adopted 4-0**