

**Resolution 2019-20: 81**

**Amendment #1 to DiMarco Constructors Construction Management Services Agreement George Mathers Forbes School 4 (Phase 2c)**

**By Board Member Thomas Richards**

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 (the “Amended Act”); 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 George Mathers Forbes School 4 (“School 4”) is one of the projects included in Phase 2 of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the selection of DiMarco Constructors as the Construction Manager for the School 4 project in Phase 2 (Resolution 2016-17: 201); and

WHEREAS, the RJSCB entered into an agreement with DiMarco Constructors (Resolution 2016-17: 201) dated May 25, 2017, entitled Agreement Between Board and Construction Manager (the “Agreement”) for the School 4 project; and

WHEREAS, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for additional construction management services at the School 4 project; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that DiMarco Constructors Agreement should be amended to adjust the original not-to-exceed allowance and add additional scope items in the total amount of \$41,165.50 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 February 6, 2020 meeting, and after due deliberation, it approved the request to amend the Agreement as set forth above.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between Board and DiMarco Constructors dated May 25, 2017 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 DiMarco Constructors 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 Rosiland Brooks-Harris  
Adopted 4-0**