

**Resolution 2019-20: 46**

**Amendment #2 to LaBella Associates, D.P.C. Environmental Monitoring Services Agreement (Phase 2a) East**

**By Board Member Tom 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, the Program Manager has recommended to the RJSCB that it engage the services of an Environmental Monitoring Agent as a third party inspector during construction of the Phase 2 projects; and

WHEREAS, the RJSCB issued a Request for Proposals (“RFP”) for Environmental Monitoring Agent Services (Resolution 2016 – 2017: 30), which included work at the first projects in Phase 2a; and

WHEREAS, the RJSCB approved the selection of LaBella Associates, D.P.C. (“LaBella”) as the Environmental Monitoring Agent for the School 16, James Monroe High School and the East Campus in Phase 2a of the RSMP (Resolution 2016-17: 47); and

WHEREAS, the RJSCB entered into an agreement with LaBella (Resolution 2016-17: 47) dated September 12, 2016, entitled Agreement Between Board and Consultant (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for additional environmental monitoring services at the Monroe High School 2a project; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that LaBella’s Agreement should be amended to adjust the original not-to-exceed allowance and add additional scope items in the total amount of \$100,000.00 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 October 31, 2019 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 Consultant dated September 12, 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 LaBella 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**