

Resolution 2020-21:44

Change Orders #29-30 to DiPasquale Construction (School 4 Phase 2c)

By Board Member

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

WHEREAS, the RJSCB approved the award of the general contractor contract to DiPasquale Construction, Inc. (“DCI”) for the School 4 project in Phase 2c (Resolution 2018-19: 24); and

WHEREAS, the RJSCB entered into a contract with DCI (Resolution 2018-19: 24) dated July 13, 2018 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, DCI, along with DiMarco Constructors (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 #29 includes the following item:

1. The Additional Scope was performed on an emergency basis to correct Latent Site Conditions beyond the Bid Alternate No. 2 Playground Scope. The existing seasonal flooding occurs between Playground area and the outdoor electrical transformer pad making the entire area unsafe. The work required the installation of underground drainage piping and catch basins, as	\$107,965.37
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<p>well as re-grading and hydro-seeding. The opportunity for a final / permanent 'fix' occurred due to the COVID-19 policies delaying the re-occupancy of the School by students to a date well beyond the traditional September Start of the school year, essentially making this Change Order time and cost effective in the interest of the School District.</p>	
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The total amount of Change Order #29 is **\$107,965.37** and

WHEREAS, Change Order #30 includes the following item:

<p>1. The Additional Scope was performed on an emergency basis to correct Latent Site Conditions beyond the Bid Alternate No. 2 Playground Scope. The existing Playground has a seriously deteriorated, and uneven modular vinyl tile surface installation that has become unsafe as a tripping hazard, and in terms of ADA accessibility. The work required the full replacement and enlargement for overall consistency to comply with today's safe clearance criteria using a more durable rubberized solid surfacing installation. The opportunity for a final / permanent 'fix' occurred due to the COVID-19 policies delaying the re-occupancy of the School by students to a date well beyond the traditional September Start of the school year, essentially making this Change Order time and cost effective in the interest of the School District.</p>	<p>\$89,241.08</p>
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The total amount of Change Order #30 is **\$89,241.08** 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 the foregoing changes; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB that DCI's Contract should be amended to add the scope items for an increase in the Contract Sum of **\$197,206.45**; and

WHEREAS, the RJSCB Board considered, discussed and deliberated the Program Manager's recommendation at its December 14, 2020 regular meeting.

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby approves the proposed Change Orders to DCI's Contract between the Board and Contractor dated July 13, 2018 as set forth above; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute the Change Orders to the Contract that are 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