

Resolution 2017-18: 171

Change Order #5 to M.A. Ferrauilo Plumbing & Heating Contract (School Without Walls)

By Board Member Benincasa

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 School Without Walls Commencement Academy (“School Without Walls”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to M.A. Ferrauilo Plumbing & Heating (“Ferrauilo”) for the School Without Walls project in Phase 2b (Resolution 2016-17: 239); and

WHEREAS, the RJSCB entered into a contract with Ferrauilo (Resolution 2016-17: 239) dated June 29, 2016 (the “Contract”), to perform the scope of services defined in the contract documents as the mechanical contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Ferrauilo, along with The Pike Company, Inc. (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for this change in scope item and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #5 includes the following item:

1. Fisen Unit Replacement – Materials Only \$197,195.00

The total amount of Change Order #5 is \$197,195.00; 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 the foregoing changes; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that Ferrauilo’s Contract should be amended to recognize the agreed-upon credit and decrease the Contract Sum in the amount of \$197,195.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 5, 2018 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Ferrauilo's Contract between the Board and Contractor dated June 29, 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 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 Cruz

Approved 5-0 with Member Richards away and Member Jones not yet arrived