

**Resolution 2018-19: 108**  
**Amendment #2 to LaBella Associates, D.P.C. Agreement (Phase 1)**

**By Board Member Tom Richards**

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 (the “Amended Act”); and

WHEREAS, the RJSCB approved the selection of LaBella Associates, D.P.C. (“LaBella”) as the Commissioning Agent for the Monroe High School project in Phase 1 of the RSMP (Resolution 2012-13: 67); and

WHEREAS, the RJSCB entered into an agreement with LaBella (Resolution 2012-13: 67) dated November 5, 2012, entitled Agreement Between Board and Consultant (the “Agreement”); and

WHEREAS, LaBella has completed its services under the Agreement and the Program Manager has completed its reconciliation of all invoices for these services resulting in an unused reimbursable allowance balance remaining in the amount of \$2,800.00; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that LaBella’s Agreement should be amended to reduce the contract sum by \$2,800.00 for the unused reimbursable expenses allowance; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its January 3, 2019 meeting to reduce LaBella’s Agreement amount by \$2,800.00, 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 November 5, 2012, as set forth above is hereby approved, reducing the total amount of the Agreement by \$2,800.00; 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 Norman Jones**  
**Approved 5-0 with Member Cruz away**