

Resolution 2018-19: 113

Amendment #1 to LaBella Associates, P.C. Agreement (Design Services – Flower City School No. 54)

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; and

WHEREAS, the amended School Modernization 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, Flower City School (“Flower City”) is one of the schools included in Phase 2 of the RSMP; and

WHEREAS, the RJSCB selected LaBella Associates, P.C. (“LaBella” or “the Architect”) as the Architect for the Flower City project on December 11, 2017 as part of Phase 2d of RSMP (Resolution 2017-18: 121), and the parties thereafter entered into the Agreement between the RJSCB and LaBella dated December 11, 2017 (the “Agreement”); and

WHEREAS, following the execution of the Agreement, LaBella along with the Program Manager identified the need for additional scope of design services and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, the additional scope items include the following items:

1. Storm Water Management Documentation
2. Construction Documentation Phase Drawings
3. Municipal Permitting and Approval Assistance
4. Bid Phase Services
5. Construction Phase Services
6. Reimbursable Expenses As needed (Permitting Fees, etc.); 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 add the additional scope items and increase the Agreement in the amount of \$67,700.00 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 7, 2019 meeting, and after due deliberation, it approved the request to amend the LaBella Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the LaBella Agreement between the Board and the Architect dated December 11, 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 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 Norm Jones

Approved 4-0 With Members Schmidt & Brooks-Harris away