

Resolution 2018-19: 164
Change Order #1 to Nairy Mechanical, LLC Contract (Lincoln School 22)

By Board Member Jones

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 (“RSMMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to Nairy Mechanical, LLC (“Nairy”) for the Lincoln School No. 22 project (f/k/a as the Dag Hammarskjold School 6) in Phase 2c (Resolution 2017-18: 182); and

WHEREAS, the RJSCB entered into a contract with Nairy (Resolution 2017-18:182) dated May 7, 2018 (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, Nairy along with Buffalo Construction Consultants, Inc. (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 #1 includes the following item:

1. Bulletin 14 MC Chiller Addition

The total amount of Change Order #1 is **\$397,242.29**; 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 this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that Nairy’s Contract should be amended to add these scope items for a total increase in the Contract Sum of \$397,242.29; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its May 2, 2019 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Nairy's Contract between the Board and Contractor dated May 7, 2018 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 the 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 Richards

Approved 5-0 with Member Brooks-Harris away