

**Resolution 2018-19: 72**

**Amendment #3 to Buffalo Construction Consultants (John Walton Spencer School 16 ) (Phase 2a)**

**By Board Vice Chair Michael Schmidt**

WHEREAS, the Rochester School Facilities Modernization Program Act (“School Modernization 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 School Modernization 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” or the “Program”) 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, John Walton Spencer School 16 (“School 16”) is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB selected LPCiminelli, Inc. (“LPCiminelli”) to provide construction management services for the School 16 project in August 2016 as part of Phase 2a of the of the RSMP (Resolution 2016-17: 29), and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated August 9, 2016 (the “School 16 CM Agreement”); and

WHEREAS, the RJSCB, LPCiminelli, and Buffalo Construction Consultants, Inc. (“BCC”) on August 21, 2017, consented to the assignment of the School 16 CM Agreement to BCC (Resolution 2017-18: 28); and

WHEREAS, following the execution of the School 16 CM Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for additional scopes of construction management services for the School 16 project; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that BCC’s School 16 CM Agreement should be amended to add these additional scope items and increase the contract value in an amount not to exceed \$75,840.00; and

WHEREAS, the Committee reviewed and discussed the recommendation from the Program Manager to increase the contract value with BCC in the amount not to exceed \$75,840.00 at its meeting on November 1, 2014, and after due deliberation, it approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the School 16 CM Agreement between the RJSCB and BCC dated August 13, 2012, 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 School 16 CM Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and RJSCB's general counsel.

**Second by Board Member Jones**

**Approved 4-0 with Member Richards away**