

Resolution 2018-19: 159

Amendment #2 to Buffalo Construction Consultants Agreement Edison Educational Campus (Phase 2B)

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 (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014 (the “Amended Act”); 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 authorized 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, Edison Educational Campus (“Edison”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, on November 8, 2016 the RJSCB issued a request for proposals (the “RFP”) for construction management services for the Phase 2b Edison project (Resolution 2016-17: 77); and

WHEREAS, the RJSCB approved the selection of Buffalo Construction Consultants (“BCC”) as the Construction Manager for the Edison Educational Campus project in Phase 2b of the RSMP (Resolution 2016-17: 111); and

WHEREAS, the RJSCB entered into an agreement with BCC (Resolution 2016-17: 111) dated January 17, 2017, entitled Agreement Between Board and Construction Manager (the “Agreement”); and

WHEREAS, following the execution of the Agreement, BCC, along with the Program Manager, identified the need for an additional scope of construction management work, and a cost proposal was then obtained for this additional scope item and provided to the Program Manager for review; and

WHEREAS, the Program Manager recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that BCC’s Agreement should be amended to add the additional scope items and increase the Agreement in the amount of \$522,675.00 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 May 2, 2019 meeting 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 BCC Agreement between Board and Construction Manager dated January 17, 2017, as set forth above is hereby approved, increasing the total amount of the Agreement by \$522,675.00; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the BCC 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 Richards

Approved 5-0 with Member Brooks-Harris away