

**Resolution 2011-12: 75
Amendment #1 to Gilbane Building Company**

By Board Chairman Bell

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB”), 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 RJSCB selected Gilbane Building Company (“Program Manager”) to provide Program Management services to the Board in June of 2010 (Resolution 2009-10: 13) and thereafter the RJSCB and the Program Manager entered into the Program Management Agreement dated July 1, 2010 (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the Program Manager incurred costs in the amount of \$9,523.72 for document scanning and CD burning for the 12 school projects identified in Phase 1 of the RSMP and the Program Manager is entitled to be reimbursed for these costs incurred on behalf of the RJSCB as a reimbursable expense; and

WHEREAS, under Section 5.3 of the Agreement, the Program Manager is entitled to interest at the rate of .55% per month on the amount of each invoice submitted to the RJSCB that was deferred in payment pending the receipt of funding by the RJSCB and that the amount of interest that accrued was \$56,068 through September 15, 2011; and

WHEREAS, the RJSCB’s Executive Director recommended to the MWBE and Services Procurement Committee (the “Committee”) that the Program Manager’s Agreement should be amended to add the total amount of \$9,523.72 as a reimbursable expense and \$56,068 for interest under the Agreement (through September 15, 2011); and

WHEREAS, the Committee considered and discussed the Executive Director’s recommendation at its March 8, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Program Manager dated July 1, 2010 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 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 Giess
Approved 6-0 with Member Pifer away.**