

Resolution 2012-13: 171
Amendment #3 to Wendel Energy Services Agreement

By Board Chair Giess

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 approved the selection of Wendel Energy Services (“Wendel Energy”) as the NYSERDA FlexTech Energy Services consultant for Phase 1 of the project (Resolution 2010-11: 15); and

WHEREAS, the RJSCB entered into an agreement with Wendel Energy Services (Resolution 2010-11: 15) dated November 18, 2010, entitled Agreement to Provide NYSERDA FlexTech Assistance Services (the “Agreement”); and

WHEREAS, following the execution of the Agreement, Wendel Energy Services, along with the Program Manager, identified the need to adjust the scopes of design work to add energy modeling for the School 5 and Monroe High School projects, which now include full building air conditioning, and to submit these projects to the NYSERDA under the “New Construction Program”; and

WHEREAS, the Program Manager has recommended that the East High School and Jefferson High School projects be removed from the original scope of services to be provided by Wendel Energy Services due to changes in project scope which no longer necessitate building energy modeling at those two schools; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Wendel Energy Services Agreement should be amended to change the scope of services, with the costs of the work at School 5 and Monroe High School being off-set by the deleted work at East High School and Jefferson High School, resulting in a zero cost change to the contract; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its May 2, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That the proposed amendment to the Wendel Energy Services Agreement Between Board and Architect dated November 18, 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 Pifer
Approved 7-0