

Resolution 2012-13: 91

Change Order #1 to Testa Construction Inc. General Contractor (School 17 - Clinic)

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 award of the general contractor contract to Testa Construction Inc. (“Testa”) for the School 17 Clinic project in Phase I (Resolution 2012-13: 51); and

WHEREAS, the RJSCB entered into a contract with Testa (Resolution 2012-13: 51) dated October 15, 2012 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract and upon consultation with Lawley Services, the Board’s insurance review agent, the RJSCB made revisions to the insurance requirements for prime contractors and subcontractors; and

WHEREAS, the revisions to the insurance requirements include: for both prime contractors and subcontractors the reduction of the fire damage limit from \$1M down to \$300k and the medical payment limit from \$20k down to \$10k; and

WHEREAS, the revisions to the insurance requirements also include: for the subcontractors ONLY the reduction to the products and completed operations aggregate from \$3M down to \$2M, the reduction of the general aggregate from \$3M down to \$2M, the reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M, and the removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy; and

WHEREAS, these revisions to the insurance requirements will not result in a cost increase to the project, and

WHEREAS, these revisions to the insurance requirements will be incorporated into the project documents; and

WHEREAS, Change Order #1 includes the following items:

For prime contractors and subcontractors:

1. Reduction of the fire damage limit from \$1M down to \$300k
2. Reduction of the medical payment limit from \$20k down to \$10k

For subcontractors ONLY:

1. Reduction to the products and completed operations aggregate from \$3M down to \$2M
2. Reduction of the general aggregate from \$3M down to \$2M

3. Reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M
4. Removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy

The Total amount of Change Order #1 is \$0.00; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Testa's Contract should be amended to add these revisions to the insurance requirements; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Testa Construction Inc.'s Contract between the Board and Contractor dated October 15, 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 a 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 Board Member Pifer

Approved 5-0 with Members Castro and McCormick away