

Resolution 2012-13: 99
Change Order #3 to B&B Mechanical Contractors Inc. – School 50

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 mechanical contractor contract to B&B Mechanical Contractors Inc. (“B&B Mechanical”) for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with B&B Mechanical (Resolution 2011-12: 101) dated June 4, 2012 (the “Contract”), to perform the scope of services defined in the contract documents as the mechanical contractor’s scope of work; and

WHEREAS, in late summer of 2012 the Rochester City School District (“the District”) requested that full building air conditioning be added to the scope of the Rochester School Modernization Project (“RSMP”); and

WHEREAS, after evaluation of each project by the Program Manager and the various design teams, it was determined that the scope of work at the following schools would be increased in order to meet this new requirement: School 5, School 28, School 50, School 58, and Monroe High School; and

WHEREAS, the timing of the District’s request has had an impact on each of the above mentioned projects; however, the only project that had already been bid and started construction was the School 50 project; and

WHEREAS, the School 50 project is a one year project which began construction in July 2012 and is scheduled for completion in August 2013; and

WHEREAS, the air conditioning work is an extension of the original scope of work at School 50 which already includes extensive electrical and mechanical system upgrades; and

WHEREAS, in order to meet the tight schedule for completion of the School 50 project, the State Education Department (“SED”) was consulted on this matter, and the SED was agreeable to adding this additional work to the School 50 project by change orders to the contracts of the existing contractors; and

WHEREAS, following SED’s advice, it took several months for the Architect and Engineer to complete the air conditioning system design; and

WHEREAS, if the air conditioning work were to be bid at this late timeframe, there would be several negative impacts to the project including:

- 1 – The schedule for completion in August 2013 could not be achieved due to the timeframe necessary to develop a full drawing and specification package, advertise the work, allow an appropriate time for bidding, de-scope contractors, and award contracts.
- 2 – The timeframe for shop drawings, mechanical and electrical rough-in, and equipment orders would be delayed, some of which have extensive lead times for production.
- 3 – The bids could potentially result in a completely new set of contractors for this work. It would be difficult and costly to coordinate an additional set of contractors with the existing contractors' work.
- 4 – Any delay in completion of the School 50 project would negatively impact the start of the subsequent School 28 project due to the need for swing space in the summer of 2013 (School 28 is scheduled to move in to the swing space at School 6 in the summer of 2013, currently occupied by School 50); and

WHEREAS, cost proposals have been obtained for the additional air conditioning and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #3 includes the following item:

1. Full Building Air Conditioning in the amount of \$1,264,102.00
- The Total amount of Change Order #3 is \$1,264,102.00; and

WHEREAS, the Construction Manager and the Program Manager believe that the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that B&B Mechanical's Contract should be amended to add these additional scope items in the total amount of \$1,264,102.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 31, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to B&B Mechanical Contractors Inc.'s Contract between the Board and Contractor dated June 4, 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 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 Member Brown
Approved 5-0 with Members Castro and McCormick away

