

**Resolution 2013-14: 277**

**Change Order #4 and #5 to Nairy Mechanical – (Plumbing - School 28)**

**By Board Member Brown**

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 Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program (“RSMP”) including a District Wide Technology program which involves technology upgrades and infrastructure work at each of the 12 school projects identified in Phase 1; and

WHEREAS, the RJSCB approved the award of the plumbing contractor contract to Nairy Mechanical LLC (“Nairy Mechanical”) for the School 28 project in Phase I (Resolution 2012-13: 106); and

WHEREAS, the RJSCB subsequently entered into a contract with Nairy Mechanical (Resolution 2012-13: 106) dated February 4, 2013 (the “Contract”), to perform the scope of services defined in the contract documents as the plumbing contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Nairy Mechanical, along with LeChase Construction, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #4 includes the following items:

1. Core through grade beam in the amount of \$483.23
2. Remove and cap floor drain in the amount of \$177.92
3. Reroute roof drain for the amount of \$3,767.97

The Total amount of Change Order #4 is \$4,429.12; and

WHEREAS, Change Order #5 includes the following items:

1. Changes to sanitary line for the amount of \$337.39
2. Add a floor drain for the amount of \$2,878.60
3. Changes to piping for the amount of \$1,705.31
4. Tie in piping at mezzanine for the amount of \$417.93
5. Add of floor drain for the amount of \$1,841.08

The Total amount of Change Order #5 is \$7,180.31; 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 Nairy Mechanical's Contract should be amended to add these additional scope items in the total amount of \$11,609.43; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 1, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Nairy Mechanical's Contract between the Board and Contractor dated February 4, 2013 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders that are 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 Vice Chair Brown**  
**Approved 6-0 with Member Thomas away**