

Resolution 2014-15: 107
Contract Award – School 12 Abatement and Demolition

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 Program Manager presented the School 12 design to the Board of Education (“BOE”) and BOE approval took place on December 13, 2012 (BOE Resolution 2012-13: 364); and

WHEREAS, the Program Manager received State Education Department approval of the designs for School 12 on November 4, 2013; and

WHEREAS, following RJSCB approval, the Program Manager advertised and released the bid documents for the School 12 project in January 2014; and

WHEREAS, the Program Manager subsequently canceled the School 12 bid on February 14, 2014; and

WHEREAS, the RJSCB’s Program Manager worked with the Architect, SEI Design Group (“SEI”), and the Construction Manager, The Pike Company (“Pike”), to prepare a new request for bids (“Request for Bids”) package for the School 12 project; and

WHEREAS, the new Request for Bids package includes an “early start” scope of work for abatement and demolition as a single prime GC package; and

WHEREAS, the RJSCB authorized the release of the “early start” package at its regular monthly meeting on August 4, 2014 (Resolution 2014-15: 36); and

WHEREAS, at the monthly meeting on September 8, 2014, the Program Manager recommended and the RJSCB approved the award of the “early start” package to Mark Cerrone Inc. (Resolution 2014-15:67) and;

WHEREAS, the award was approved by the RJSCB contingent on reaching mutual agreement on contract language and the contractor fulfilling certain requirements; and

WHEREAS, no contract has been executed between the RJSCB and Mark Cerrone Inc. and;

WHEREAS, in the intervening time, the Program Manager received updated governmental regulations related to testing of vermiculite materials, such as those found in the spray-on fireproofing at School 12; and

WHEREAS, instead of assuming that the vermiculite materials contain asbestos, the updated regulations state that the Department of Health will allow the RJSCB to use new methods to test for the actual presence of asbestos; and

WHEREAS, the Program Manager directed the Architect to send samples of the existing spray-on fireproofing materials at School 12 to a laboratory for testing; and

WHEREAS, the test results are conclusive that the spray-on fireproofing found at School 12 does not contain asbestos; and

WHEREAS, the test results significantly reduce the overall scope of work needed on the project at School 12; and

WHEREAS, the reduction in scope of work will benefit the project by reducing the cost and shortening the scheduled duration for the work; and

WHEREAS, due to the substantial change in the scope of work and the fact that the RJSCB and Mark Cerrone Inc. have not signed a contract, the Program Manager has recommended that the RJSCB reject all bids and abandon the original procurement, have the Architect formulate a new set of project specifications and scope, and then re-bid the project as soon as possible; and

WHEREAS, at the monthly RJSCB meeting held on October 6, 2014, following the review and consideration of the above recommendation from the RJSCB's Program Manager and after due deliberation, the RJSCB agreed with the full recommendation (Resolution 2014-15: 100); and

WHEREAS, on October 14, 2014, the revised School 12 Abatement and Demolition documents were issued for re-bid; and

WHEREAS, the RJSCB's Executive Director received bids on October 28, 2014, per the deadline stipulated in the Request for Bids; and

WHEREAS, the Program Manager, Architect, Construction Manager, and Independent Compliance Officer ("ICO") participated in a de-scoping meeting with the apparent low bidder on October 29, 2014; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on October 30, 2014, following the review and consideration of recommendations provided by the RJSCB's Program Manager and after due deliberation by the Committee, the following contract award was approved:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
Abatement and Demolition	Mark Cerrone, Inc.	2368 Maryland Ave Niagara Falls, NY 14304	\$1,428,790

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that a contract award shall be made to the above named firm and bid amount to provide all equipment, labor, materials, and plant necessary to execute the abatement and demolition scope of work associated with the School 12 project in Phase 1 of the RSMP; and
2. This award is subject to the ICO's final approval of those subcontractors listed on the Form DP-1; and
3. The Contractor has agreed to provide fully executed subcontracts to the ICO within 30 days of the date of the executed agreement referenced in No. 4 below; and
4. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") to the firm named above in substantially the form included in the Request for Bids for the School 12 project, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Vice Chair Brown

Approved 6-0 with Member Hilger away