

**Resolution 2014-15: 122**  
**Amendment #3 to LP Ciminelli, Inc. (CM – East and Edison)**

**By Vice Chair 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 RJSCB selected LPCiminelli, Inc. (“Construction Manager”) to provide Construction Management services for the East High School and Edison Technology Campus projects in September of 2012 as a part of Phase 1b of the Rochester Schools Modernization Program (the “RSMP”) (Resolution 2012-13: 36) and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated September 10, 2012 (the “Agreement”); and

WHEREAS, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services and the Program Manager has received and reviewed proposals for this additional work provided by the Construction Manager; and

WHEREAS, there are unused allowance funds under the Agreement related to Field Office expenses and unused Printing costs under the Agreement which if reallocated will provide funding for additional staffing resulting in a no-cost change to the Agreement; and

WHEREAS, the amount of \$37,597 is remaining to be reallocated from the Field Office allowance funds, and the amount of \$17,220.55 is remaining to be reallocated from the Printing cost allowance funds; and

WHEREAS, based on the reallocation of these funds, LPCiminelli will provide extended staffing and services through December 31, 2014 or sooner if the projects are completed earlier, or until the reallocated funds have been exhausted if so directed by the Program Manager; and

WHEREAS, if the project work related to East High School and Edison Technology Campus is completed prior to exhausting the reallocated funds, those funds remaining will be credited back to the RJSCB; and

WHEREAS, the RJSCB’s Program Manager recommended to the MWBE and Services Procurement Committee (the “Committee”) that the Construction Manager’s Agreement should be amended to reallocate unused allowance funds in order to provide funding for extended staffing and service at East High School and Edison Technology Campus in Phase 1 of the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its December 4, 2014 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and the Construction Manager dated September 10, 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 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 Benincasa**  
**Approved 6-0 with Member Hilger away**