

Resolution 2014-15: 131
Amendment #2 to AP Safety and Security

By Board Member Coronas

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, in September 2012, as a result of repeated vandalism at the School 17 project site, the Program Manager recommended and the RJSCB approved that the Construction Manager (“CM”) for School 17, The Pike Company (“Pike”), hire security guard services for after hours and weekend/holiday coverage (Resolution 2012-2013: 31); and

WHEREAS, thereafter, the District requested that all RSMP projects include security guard services for after hours, weekends, and holiday coverage for those projects where the school buildings have been vacated for construction or are located in areas that either have a history or are considered more vulnerable to vandalism; and

WHEREAS, the costs for security guard services for the overall project were later identified by the Program Manager as a “program wide expense” and the method of paying for these services through the Construction Manager’s contract did not lend itself easily to separation and tracking of these program costs; and

WHEREAS, based upon the Program Manager’s recommendation, the RJSCB MWBE and Services Procurement Committee (“Committee”) at its meeting on November 29, 2012, decided to contract directly with the security guard services firm; and

WHEREAS, in December of 2012, the RJSCB approved that the CM for School 58, LeChase Construction (“Lechase”), hire security guard services for the School 58 project site for a period of 90 days (Resolution 2012-2013: 72) in order to provide the RJSCB time to prepare a contract directly with the security services firms; and

WHEREAS, Pike and Lechase each solicited proposals for these services for School 17 and School 58 respectively; and

WHEREAS, in March 2013, the RJSCB approved Resolution 2012-2013: 122 to directly hire the security services firms for projects that were under construction at the time including School 17, School 50, and School 58; and

WHEREAS, in May 2013, the RJSCB issued a Request For Proposals (“RFP”) for Security Services (Resolution 2012 – 2013: 176) for work at three projects in Phase 1b (School 5, School 28, and Edison High School); and

WHEREAS, the RJSCB identified AP Safety and Security as the best candidate based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services and the RJSCB subsequently awarded the contract at its monthly meeting on June 10, 2013 (Resolution 2012-13: 197) and then entered into an agreement with AP Safety and Security dated June 10, 2013 (the "Agreement"); and

WHEREAS, the RJSCB, based on the recommendation of the Construction Managers associated with each project, found it necessary to extend the hours of service at the School 5, School 28 and Edison project sites in order to provide continuous uninterrupted coverage during non-working hours, which resulted in the need to increase the contract value in an amount not-to-exceed \$68,622.51; and

WHEREAS, due to recent acts of vandalism at the East High School project, the Program Manager requested a proposal from AP Safety and Security to provide coverage during non-working hours which resulted in the need to increase the contract value in an amount not-to-exceed \$36,260; and

WHEREAS, the total contract increase for the additional coverage under Amendment No. 1 was \$104,882.51 (Resolution 2014-15: 2); and

WHEREAS, it has come to the attention of the RJSCB that the hourly rate that was being charged by AP Safety and Security and paid to its employees for the work under the Agreement and Amendment No. 1 was not correct and that a higher rate should have been charged and paid; and

WHEREAS, at the request of the Program Manager, AP Safety and Security provided certified payroll information to the RJSCB indicating the correct amounts that are due for the applicable pay periods under the Agreement and Amendment No. 1 showing the amount due of \$114,537.27; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Procurement Committee considered and discussed the proposal for additional compensation 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 AP Safety and Security dated June 10, 2013 as set forth above is hereby approved, subject to AP Safety and Security providing the executed certification forms and proof of payment to the employees, all in an acceptable form per the Program Manager and Executive Director; and
2. The RJSCB's Chair is authorized in the name and behalf of the RJSCB, to execute an amendment to the AP Safety and Security 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 Vice Chair Brown
Approved 6-0 with Member Hilger away