

**Resolution 2014-15: 153**  
**Amendment #5 to Cannon Design Agreement**

**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 approved the selection of Cannon Design (“Cannon”) as the Architect for the East High School project in Phase I (Resolution 2011-12: 39); and

WHEREAS, the RJSCB entered into an agreement with Cannon (Resolution 2011-12: 39) dated November 15, 2011, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the District requested additional scopes of design work, including its request to provide support related to the University of Rochester’s plan to “re-start” the East High School programmatic and teaching & learning plan; and

WHEREAS, the RJSCB amended the Agreement with Cannon to provide for consultation and programming services in September 2014 (Resolution 2014-15: 65); and

WHEREAS, at its monthly meeting on December 18, 2014, the Board of Education (“BOE”) approved the University of Rochester’s implementation plan for East High School (BOE Resolution 2014-15: 390); and

WHEREAS, the RJSCB, on the advice of the Program Manager, has set a budget limit of \$1.5 million for construction and \$500,000 for soft costs associated with this additional work at East High School in Phase 1 of the RSMP, and these budget limits were recommended by the Program Manager based on the amount of work that could reasonably be accomplished in the eight weeks available for construction in the summer of 2015, with the scope limited to only that work which is deemed “critical” by the University of Rochester for the start of school in September 2015; and

WHEREAS, the District has agreed with and has authorized the funding for this additional project at East High School through a reduction in scope at other Phase 1 projects; and

WHEREAS, in order to meet the schedule for bidding and summer construction for this scope of work, the RJSCB now wishes to authorize Cannon to prepare bid documents associated with the scope of work that was developed with the University of Rochester during the planning design phase; and

WHEREAS, the Program Manager recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Cannon’s Agreement should be amended to add these additional scope items in the total amount of \$90,000 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 8, 2015 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Cannon Design Agreement Between Board and Architect dated November 15, 2011 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 Hilger**

**Approved 5-0 with Members Brown and Coronas away**