

Resolution 2015-16: 191

Extension of Phase 1 Project Labor Agreement for Monroe High School Phase 2a Project

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act (“School Modernization 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 School Modernization Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including District Wide Technology improvements which involve technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the School Modernization Act allows the RJSCB to “revise and extend the requirements of the Project Labor Agreement entered into for Phase 1 Projects to the Projects authorized in Phase 2, contingent upon the completion of a supplemental Project Labor Agreement Benefit Analysis”; and

WHEREAS, the Project Labor Agreement (“PLA”) for Phase 1 was approved by the RJSCB in February 2012 and subsequently executed by the Phase 1 Program Manager, Gilbane Building Company, as the Phase 1 PLA Administrator, and the Rochester Building and Construction Trades Council, and each of the craft unions participating in Phase 1 of the RSMP; and

WHEREAS, in December 2015, the RJSCB engaged Seeler Engineering, P.C., to perform a PLA Study for Phase 2 (Resolution 2015-2016: 83) to evaluate potential costs/benefits of utilizing a PLA for Phase 2 of the RSMP; and

WHEREAS, the RJSCB accepted the results of the Phase 2 PLA Study and approved the use of a PLA for Phase 2 in April 2016 (Resolution 2015-2016: 149); and

WHEREAS, the RJSCB has authorized the Phase 2 Program Manager to act as the PLA Administrator for Phase 2 and, with the assistance of Seeler Engineering, P.C. and the Board’s General Counsel, to negotiate a PLA for Phase 2 with the Rochester Building and Construction Trade’s Council (Resolution 2015-16: 149); and

WHEREAS, the RJSCB’s Program Manager for Phase 2, Savin Engineers P.C. (“Program Manager” or “Phase 2 PLA Administrator”), working with the District, has developed a list of proposed Phase 2 projects known as the Phase 2 Draft Comprehensive Master Plan dated March 2016 (the “Proposed Plan”) which includes among the projects listed, the Monroe High School 2a Project; and

WHEREAS, the Board of Education approved the Proposed Plan at its monthly meeting on March 24, 2016 (BOE Resolution 2015-16: 630); and

WHEREAS, the RJSCB also approved the Proposed Plan at its monthly meeting on April 4, 2016 (Resolution 2015-16: 144) and authorized the Phase 2 Program Manager to submit the Proposed Plan to the New York State Education Department (“SED”) Office of Facilities Planning for review and approval; and

WHEREAS, as a part of the Proposed Plan, the RJSCB authorized the Program Manager to prepare bid documents for the first project in Phase 2, the Monroe High School 2a Project (“Bid Documents”) (Resolution 2015-16: 175); and

WHEREAS, the Program Manager, along with the Architect of Record and the Construction Manager for the Monroe High School 2a Project, is in the process of preparing plans and specifications (the “Construction Documents”) for bidding purposes; and

WHEREAS, the Program Manager has submitted the Construction Documents to the SED Office of Facilities Planning for review and approval; and

WHEREAS, the RJSCB anticipates approval of the Monroe High School Phase 2a Project Construction Documents by the SED in the next 4 to 6 weeks; and

WHEREAS, negotiations between the RJSCB and the Rochester Building and Construction Trades Council are expected to begin at the end of June 2016; and

WHEREAS, due to schedule constraints, it is not likely that the Phase 2 PLA negotiations will be concluded nor will an amendment to the Phase 1 PLA or a new Phase 2 PLA be fully executed in time to incorporate into the Monroe High School 2a Project Bid Documents, anticipated to be issued for bid in early July 2016; and

WHEREAS, the RJSCB wishes to extend the Phase 1 PLA for use on the Monroe High School Phase 2a Project in Phase 2; and

WHEREAS, should Phase 2 PLA negotiations be concluded and an executed amendment to the Phase 1 PLA or a new Phase 2 PLA be completed in time, it shall be inserted into the Monroe High School Phase 2a Project Bid Documents via addendum, prior to receipt of bids;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the use of the Phase 1 PLA to be included in the Bid Documents for the Monroe High School Phase 2a Project of the RSMP, which Bid Documents are under review at the SED and are expected to be bid in early July 2016.
2. In the event that Phase 2 PLA negotiations are concluded and the resulting agreement is executed with sufficient time to include it in the Monroe High School 2a bid documents via addendum, the Phase 1 PLA shall be amended or replaced as necessary by the newly executed agreement.

Second by Board Member A. Williams

Approved 6-0 with Member Schmidt absent (left at 5:10pm)