

Resolution 2015-16: 19
Amendment #4 to Wendel Energy Services Agreement

By Board Member B. 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 Wendel Energy Services (“Wendel Energy”) as the NYSERDA FlexTech Energy Services consultant for Phase 1 of the project (Resolution 2010-11: 15); and

WHEREAS, the RJSCB entered into an agreement with Wendel Energy Services (Resolution 2010-11: 15) dated November 18, 2010, entitled Agreement to Provide NYSERDA FlexTech Assistance Services (the “Agreement”); and

WHEREAS, under the Agreement, Wendel Energy is entitled to interest at the rate of .55% per month on the amount of each invoice submitted to the RJSCB that was deferred in payment pending the receipt of funding by the RJSCB and that the amount of interest that accrued was \$3,552.47 through September 15, 2011; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the “Committee”) that Wendel Energy’s Agreement should be amended to add the total amount of \$3,552.47 for interest under the Agreement (through September 15, 2011); and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its July 30, 2015 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Wendel Energy Services Agreement Between Board and Architect dated November 18, 2010 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 7-0