

**Resolution 2015-16: 70  
Settlement Between RJSCB and JCJ Architecture**

**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 JCJ Architecture, P.C. (“JCJ Architecture”) as the architect for the School 58 World of Inquiry project in Phase I (Resolution 2010-11: 35); and

WHEREAS, the RJSCB entered into an agreement with JCJ Architecture (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, JCJ Architecture has advised the RJSCB that it has a claim for additional services in the amount of \$780,367, relating to the extension of the scheduled completion of School 58; and

WHEREAS, the RJSCB has informed JCJ that it believes that JCJ is responsible for some portion of the costs of the schedule extension and for some portion of the costs of certain change orders because of errors and omissions by JCJ and/or its consultants; and

WHEREAS, JCJ has proposed that it would waive its claim for additional services if the RJSCB was to waive its claims for schedule extension costs and errors and omissions, except JCJ and the RJSCB would reserve their claims and defenses concerning any claim brought by Manning Squires Hennig, the project contractor; and

WHEREAS, the Program Manager has recommended that the RJSCB approve JCJ Architecture’s settlement proposal; and

WHEREAS, the RJSCB has considered and discussed the Program Manager’s recommendation at its December 14, 2015 monthly meeting;

THEREFORE, BE IT RESOLVED:

1. The proposed settlement between the Board and JCJ Architecture as set forth above is hereby approved; and
2. The Chair is hereby authorized in the name and on behalf of the RJSCB, to execute any necessary instruments to effectuate the settlement described above upon the advice of the RJSCB’s general counsel.

**Second by Board Member Benincasa  
Approved 6-0**