

**Resolution 2015-16: 95
Settlement Between RJSCB and Manning Squires Hennig**

By Board Member 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 awarded the general construction contract to Manning Squires Hennig (“MSH”) as the general contractor for the School 58 World of Inquiry project in Phase I (Resolution 2012-13: 35); and

WHEREAS, the RJSCB entered into a contract agreement with MSH (Resolution 2012-13: 35) dated September 10, 2012; and

WHEREAS, MSH has advised the RJSCB that it has a claim for additional costs and damages in the amount of \$1,234,652, relating to the extension of the scheduled completion of School 58 and the bankruptcy of its structural steel subcontractor; and

WHEREAS, the RJSCB has informed MSH that it believes that MSH is responsible for some portion of the costs of the schedule extension and that the RJSCB is not responsible for the bankruptcy of MSH’s structural steel subcontractor; and

WHEREAS, MSH has now proposed that it would waive its claim for additional costs and damages if the RJSCB was to waive its claims for schedule extension costs; and

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

WHEREAS, the RJSCB has considered and discussed the Program Manager’s recommendation at its January 11, 2016 monthly meeting;

THEREFORE, BE IT RESOLVED:

1. The proposed settlement between the Board and Manning Squires Hennig 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 5-0 with Member Schmidt away**