

Resolution 2016-17: 159
Program Manager Change Order/Construction Change Directive Authorization

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act (the “Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), 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 Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program (“RSMP”) including a District Wide Technology program which involves technology upgrades and infrastructure work at each of the 12 school projects identified in Phase 1; and

WHEREAS, the RJSCB selected Gilbane Building Company (“Phase 1 Program Manager”) to provide Phase 1 Program Management services to the Board in June of 2010 (Resolution 2009-10: 13) and thereafter the RJSCB and the Program Manager entered into the Program Management Agreement dated July 1, 2010 (the “Agreement”); 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 a District Wide Technology (“DWT”) program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB intends to undertake 14 projects for the design, reconstruction, or rehabilitation of existing school buildings for their continued use by the District (collectively, the “Phase 2 Projects”), which have been further defined as Phase 2a, Phase 2b, Phase 2c and Phase 2d, plus a DWT project at each of the Phase 2 school buildings; and

WHEREAS, pursuant to a Program Management Agreement dated December 15, 2015, by and between the RJSCB and Savin Engineers, P.C. (“Savin” or “Phase 2 Program Manager”), Savin is acting as program manager for Phase 2 of the RSMP; and

WHEREAS, construction contract change orders (“CCO”) and construction change directives (“CCD”) are tools for modifying construction contracts as needed to accommodate unforeseen conditions on the construction site and/or make necessary additions or deletions to complete the project work; and

WHEREAS, it is the responsibility of the RJSCB to evaluate and either approve or reject requested changes based on the acceptability and appropriateness of the change proposal; and

WHEREAS, the RJSCB’s evaluation is performed in conjunction with the Program Manager, the Architect of Record and the Construction Manager; and

WHEREAS, the Program Managers believe that effective and efficient construction administration of the RSMP projects requires that the RSMP Program Managers be given authority to approve and sign CCOs and CCDs in amounts that do not exceed \$5,000; and

WHEREAS, the Program Managers recommended to the MWBE and Services Procurement Committee (the "Committee") that the RJSCB authorize the Program Manager to approve and sign CCOs and CCDs in amounts that do not exceed \$5,000, and the Committee considered and discussed the Program Managers' recommendation at its regular monthly meeting on March 2, 2017, and approved forwarding the recommendation to the full Board for review and consideration at its monthly meeting on March 5, 2017.

THEREFORE, BE IT RESOLVED:

1. The RSMP Program Managers are authorized to approve and sign CCOs and CCDs of up to \$5,000, so long as the CCO or CCD, when added to the original contract amount and all prior CCOs and CCDs, does not exceed the amount of the approved project contingency.

Second by Board Member Jones

Approved 6-0 with Member Schmidt away