

Resolution 2016-17: 59
Phase 2 PLA (Amendment to the Phase 1 PLA)

By Board Member Richards

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 RJSCB engaged Seeler Engineering, P.C. (the “PLA Consultant”) 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 PLA study by Seeler Engineering, P.C. and authorized the Program Manager to begin negotiating the terms of a PLA for Phase 2 at a Special Meeting on April 25, 2016 (Resolution 2015-16 149); and

WHEREAS, the Board Chairman, the Program Manager, the Executive Director, the RJSCB’s PLA Consultant, and the ICO, participated in negotiations with the Rochester Building and Construction Trades Council resulting in an Amendment to the Phase 1 PLA to revise and extend certain requirements of the PLA entered into for Phase 1 projects to all projects to be undertaken in Phase 2 of the RSMP; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the provisions described in the Amendment to the Phase 1 PLA at its July 14, 2016 meeting and further discussion and due deliberation occurred at the Board meeting on July 18, 2016; and

WHEREAS, on August 4, 2016, at a Special Meeting of the RJSCB, Resolution 2016-17: 23 concerning a proposed Amendment to the Phase 1 PLA was rejected by the RJSCB by a 4 to 3 vote; and

WHEREAS, pursuant to an Order of the New York State Supreme Court, Monroe County (Justice John J. Ark, J.S.C.) issued on September 7, 2016, the RJSCB has been ordered to have an open meeting for reconsideration and revote on the issue of a project labor agreement for Phase 2 of the RSMP;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Amendment to the Phase 1 PLA and authorizes the Program Manager for Phase 1 and the Program Manager for Phase 2 to sign the Amendment to the Phase 1 PLA as the respective PLA Administrators for Phase 1 and Phase 2; and
2. The Amendment to the Phase 1 PLA shall be incorporated into the project specifications for each of the projects in Phase 2; and

**Second by Board Member Brown
Rejected 4-3**

Roll call vote

**Member Richards: Yes
Member Brown: Yes
Member Benincasa: No
Member Williams: No
Member Cruz: No
Vice Chair Schmidt: Yes
Chair Williams: No**