

Resolution 2016-17: 73
Amendment #1 to Cannon Design – East (Phase 2)

By Board Member Benincasa

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 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, the Superintendent identified and confirmed several projects for Phase 2 of the RSMP for which the District requested the RJSCB to begin design work immediately, in parallel to the work being done on the Master Plan for Phase 2, and in advance of formal Board of Education and New York State Comptroller approval (the “Early Start Projects”); and

WHEREAS, the RJSCB recognized that in order to maintain the proposed Phase 2 activity schedule it was necessary to engage the design services for these Early Start Projects immediately; and

WHEREAS, as permitted by the Phase 2 legislation, the RJSCB extended the services of certain architectural firms which are most familiar with the Early Start Project buildings, having performed the Phase 1 designs associated with those buildings; and

WHEREAS, the RJSCB approved the selection of Cannon Design (“Cannon”) as the Architect for the East High School project in Phase I (Resolution 2011-12: 39); and

WHEREAS, the RJSCB approved the selection of Cannon as the Architect for the East High School project in Phase 2 (Resolution 2014-15: 216); and

WHEREAS, the RJSCB entered into an agreement with Cannon (Resolution 2014-15: 216) dated December 22, 2015, entitled Agreement Between Board and Architect (the “Cannon Agreement”); and

WHEREAS, based on the recommendation of the Program Manager, the RJSCB has determined that a more prudent method for executing the design, drawing coordination, bidding, and execution of the DWT work associated with each Phase 2 project is to have the DWT design work and bid documents prepared by the Architect of Record for each Phase 2 project in lieu of a third-party consultant; and

WHEREAS, following the execution of the Cannon Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for the scope of design work specifically related to the design of the DWT associated with the Phase 2 project at East High School; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that the Cannon Agreement be amended to add these additional scope items in the total amount of \$166,000 to Exhibit I of the Cannon Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Cannon Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 3, 2016 meeting, and after due deliberation, it approved the request to amend the Cannon Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Cannon Agreement between Board and Architect dated December 22, 2015 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 Cannon 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 Brown

Approved 4-0 with Member Cruz away and Vice Chair Schmidt delayed