

**Rochester Joint Schools Construction
Board Monthly Meeting Minutes
September 9, 2019
4:30 PM**

Present

Meeting attended by: Board Chair Norman Jones, Vice Chair Mike Schmidt, Jesse Dudley, Everton Sewell (4:40), Tom Richards, I.Geena Cruz, Rosiland Brooks-Harris, Savin Program Director P  pin Accilien (5:20), Savin Deputy Director Roland Coleman; General Counsel Greg McDonald, and ICO Brian Sanvidge.

Board Chair Norman Jones asked the Committee to go into Executive Session pursuant to New York Public Officer's Law Article 7, Section 105.1 (f), to discuss personnel matters.

Motion by Tom Richards
Second by Jesse Dudley
Approved 6-0 at 4:34 pm
The Committee came out of Executive session at 4:43 pm
Motion by Mike Schmidt
Second by Jesse Dudley
Approved 7-0

Chairman Jones convened the public meeting at 4:45 pm.

Action Item

RSMP Program Position Approval

Motion by Vice Chair Schmidt
Second by Board Member Dudley
Adopted 7-0

Approval of Minutes

Monthly Meeting held on August 5, 2019

Motion by Vice Chair Mike Schmidt
Second by Board Member Rosiland Brooks-Harris
Adopted 7-0

Consent Agenda Items

By Vice Chair Schmidt
Second by Member Cruz
Adopted 7-0

Resolution 2019-20: 28

Amendment #2 to SWBR Feasibility Study Agreement (Phase 2)

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 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 program, which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the RJSCB approved the selection of SWBR Architecture, Engineering & Landscape Architecture, P.C. (“SWBR”) to provide a campus feasibility study for the John Marshall Campus for Phase 2 of the RSMP (Resolution 2017-18: 45); and

WHEREAS, the RJSCB entered into an agreement with SWBR, dated September 11, 2017, for the provision of a feasibility study for the Marshall Campus (the “Agreement”) (Resolution 2017-18: 45); and

WHEREAS, subsequent to the execution of the Agreement, the Program Manager requested, and a cost proposal was obtained and reviewed, for additional scope of services for signage design services developing new district wide standards for East Campus that would be adaptable to other Phase 2 projects; and

WHEREAS, the Program Manager recommended to the M/WBE and Services Procurement Committee (the “Committee”) that SWBR’s Agreement should be amended to add these additional services in the total amount of \$55,000.00 and that this amount shall be treated as a not-to-exceed allowance under the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 5, 2019, and after due deliberation, it approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between the RJSCB and SWBR dated September 11, 2017, as set forth above is hereby approved, increasing the total amount of the Agreement by the sum of \$55,000.00; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB’s general counsel.

Resolution 2019-20: 29

Purchase Order Additional Move Services – School 2

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 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 is undertaking 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, the RJSCB, upon the recommendation of its Program Manager and Move Management Consultant (Vargas Associates), has determined a need for a moving services firm to provide the labor and equipment to perform the physical moves (“Move Services”) in the summer of 2019 for all furniture and contents of School 22, School 54, Edison Tech and East High School and the RSMP Warehouse that are included in and part of the RSMP; and

WHEREAS, the RJSCB approved the selection of Clark Moving & Storage (“Clark”) as the supplier of Move Services for summer 2019 School Projects (Resolution 2018-19: 126); and

WHEREAS, the RJSCB issued purchase order to Clark to supply Move Services for the summer 2019 School Projects (Resolution 2018-19: 126); and

WHEREAS, Clark has submitted a proposal to the Move Management Consultant for additional work associated with the Clara Barton School No. 2 relocation during the 2019-2020 winter break based on the hourly rates included with the original bid; and

WHEREAS, the Program Manager and Move Management Consultant reviewed the proposed additional costs and determined that they are fair and reasonable for the work being performed; and

WHEREAS, at its September 5, 2019 meeting, the M/WBE and Services Procurement Committee considered the Program Manager’s and Move Management Consultant’s recommendation to accept the proposal from Clark to perform the additional work in the amount of \$48,582.00 and it approved the proposal for such additional services.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Manager to accept the proposal for additional moving services as set forth above; and
2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to Clark, in substantially the form included in the Request for Bid for the Move Services with such changes as the Chair may approve (the Chair’s signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB’s general counsel.

Resolution 2019-20: 30

Change Orders #32 & 34-39 to Concord Electric Contract (Clara Barton School No. 2)

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 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 RJSCB approved the award of the electrical contractor contract to Concord Electric Corp. (“Concord”) for the Clara Barton School No. 2 project in Phase 2c (Resolution 2017-18: 181); and

WHEREAS, the RJSCB entered into a contract with Concord (Resolution 2017-18:181) dated May 7, 2018 (the “Contract”), to perform the scope of services defined in the contract documents as the electrical contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Concord, along with The Pike Company, Inc. (the “Construction Manager”), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #32 includes the following item:

1. RFI095-Complete Lightning Protection System \$48,165.00

The total amount of Change Order #32 is **\$48,165.00**; and

WHEREAS, Change Order #34 includes the following item:

1. IB-67-Projector & Screen at Stage \$24,028.00

The total amount of Change Order #34 is **\$24,028.00**; and

WHEREAS, Change Order #35 includes the following item:

1. IB-68-Gym Scoreboard & Power requirement \$12,079.00

The total amount of Change Order #35 is **\$12,079.00**; and

WHEREAS, Change Order #36 includes the following item:

1. IB-70-Teaching Walls in room 112B & 228 \$12,752.00

The total amount of Change Order #36 is **\$12,752.00**; and

WHEREAS, Change Order #37 includes the following item:

1. IB-71-RFI232-Provide Power & Data Outlets in Maker Space \$24,202.00

The total amount of Change Order #37 is **\$24,202.00**; and

WHEREAS, Change Order #38 includes the following item:

1. RFI 252- Provide New Feed to 2nd Floor Panel \$42,916.00

The total amount of Change Order #38 is **\$42,916.00**; and

WHEREAS, Change Order #39 includes the following item:

1. IB-91R1-Provide New Electrical Service to Building \$190,441.00

The total amount of Change Order #39 is **\$190,441.00**; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is necessary, the pricing is appropriate and the Contract Time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Concord's Contract should be amended to add these scope items for a total increase in the Contract Sum of \$354,583.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 5, 2019 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Concord's Contract between the Board and Contractor dated May 7, 2018 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute the Change Orders to the Contract that are 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.

Resolution 2019-20: 31

Change Orders #25, #26 & #32 to Holdsworth Klimowski Construction Contract (East Campus – Phase 2b)

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 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 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, the East Campus Modernization Project ("East") is one of the projects included in Phase 2 of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the general construction contract to Holdsworth Klimowski Construction ("HKC") for the East project in Phase 2 (Resolution 2018-19: 51); and

WHEREAS, the RJSCB entered into a contract with HKC (Resolution 2018-19: 51) dated September 10, 2018 (the "Contract"), to perform the scope of services defined in the contract documents as the general construction contractor's scope of work; and

WHEREAS, following the execution of the Contract, HKC, along with The Pike Company, Inc. (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #25 includes the following item:

1. Room E110 & E112 Floor Reinstall \$19,121.00

The total amount of Change Order #25 is **\$19,121.00**; and

WHEREAS, Change Order #26 includes the following item:

1. E Floor Substrate \$38,198.00

The total amount of Change Order #26 is **\$38,198.00**; and

WHEREAS, Change Order #32 includes the following item:

1. Soffit in E-107 \$21,656.00

The total amount of Change Order #32 is **\$21,656.00**; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is necessary, the pricing is appropriate and the Contract Time will not be increased by the foregoing changes; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that HKC's Contract should be amended to add these scope items for an increase in the Contract Sum of \$78,975.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 5, 2019 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to HKC's Contract between the Board and Contractor dated September 10, 2018 as set forth above are hereby approved; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute the Change Orders to the Contract that are 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.

Resolution 2019-20: 32

Change Orders #19-21 to Hewitt Young Construction Contract (East Campus)

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 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 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, the East Campus Modernization Project ("East") is one of the projects included in Phase 2 of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the electrical contract to Hewitt Young Electric, LLC ("Hewitt") for the East project in Phase 2 (Resolution 2018-19: 51); and

WHEREAS, the RJSCB entered into a contract with Hewitt (Resolution 2018-19: 51) dated September 10, 2018 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

WHEREAS, following the execution of the Contract, Hewitt, along with The Pike Company, Inc. (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #19 includes the following item:

1. Clock Re-design \$66,810.48

The total amount of Change Order #19 is \$66,810.48; and

WHEREAS, Change Order #20 includes the following item:

1. Sensors in Classrooms \$33,101.31

The total amount of Change Order #20 is \$33,101.31; and

WHEREAS, Change Order #21 includes the following item:

1. Collaboratorium Changes \$14,083.45

The total amount of Change Order #21 is \$14,083.45; and

WHEREAS, the Construction Manager and the Program Manager believe that the change orders work is necessary, the pricing is appropriate and the Contract Time will not be increased by the foregoing changes; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Hewitt's Contract should be amended to add these scope items for an increase in the Contract Sum of \$113,995.24; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 5, 2019 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Hewitt's Contract between the Board and Contractor dated September 10, 2018 as set forth above are hereby approved; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute the Change Orders to the Contract that are 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.

Resolution 2019-20: 33

Change Order #10 to Steve General Contractor Inc. Contract (Lincoln School 22)

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 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 RJSCB approved the award of the general contractor contract to Steve General Contractor Inc. ("SGC") for the Lincoln School No. 22 project (f/k/a as the Dag Hammarskjold School 6) in Phase 2c (Resolution 2017-18: 182); and

WHEREAS, the RJSCB entered into a contract with SGC (Resolution 2017-18:182) dated May 7, 2018 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, SGC, along with Buffalo Construction Consultants, Inc. (the "Construction Manager"), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #10 includes the following items:

1. RFI 227 & 231 Brick Revision \$7,238.51
2. CCD 114 - RFI 274 Exterior Insulated Panels \$3,003.52
3. CCD 118 - Janitor Mop Basin Tile Repair \$1,420.15
4. CCD 122 - Vandal Screen Removal \$6,981.91
5. CCD 146 - Revised Main Entrance Sidewalk \$57,785.81

The total amount of Change Order #10 is **\$76,429.90**; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is necessary, the pricing is appropriate and the Contract Time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that SGC's Contract should be amended to add these scope items for a total increase in the Contract Sum of \$76,429.90; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 5, 2019 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to SGC's Contract between the Board and Contractor dated May 7, 2018 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 the Change Order to the Contract 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.

Resolution 2019-20: 34
Pay Requisition Summary Acceptance (August 2019)

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization 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 School Modernization Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB developed a pay requisition approval procedure with input from its Counsel, the M/WBE and Services Procurement Committee, members of the accounting department of Rochester City School District, and the RJSCB's independent auditing firm; and

WHEREAS, the RJSCB, at its regular monthly meeting on September 12, 2011, adopted the pay requisition approval procedure (Resolution 2011-12: 23) ("Pay Requisition Approval Procedure"); and

WHEREAS, the RJSCB, at its regular monthly meeting on September 10, 2012, revised the Pay Requisition Approval Procedure (Resolution 2012-13: 37) to include the Trustee as paying agent for construction related payments; and

WHEREAS, the RJSCB, at its regular monthly meeting on April 7, 2014, revised the Pay Requisition Approval Procedure (Resolution 2013-14: 257) to include discussion of the Pay Requisition Summary by the Finance Committee and certain verification activities by the Program Manager following each monthly Board meeting; and

WHEREAS, the RJSCB, at its regularly monthly meeting on January 17, 2017, revised the Pay Requisition Approval Procedure (Resolution 2016-17: 118) to add certain additional internal controls to assist the RJSCB by clarifying duties in absence of an Executive Director and by providing additional internal controls; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program ("RSMP") Phase 1a projects were deposited in the Trustee's account on June 20, 2012; and

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 1b projects were deposited in the Trustee's account on June 6, 2013; and

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 1c projects were deposited in the Trustee's account on February 4, 2015; and

WHEREAS, Excel Aid funding associated with the RSMP is currently in the final stages of review and certification by the Dormitory Authority of the State of New York ("DASNY"); and

WHEREAS, the intended purpose of the Excel Aid funding is to partially pay for costs associated with the design and/or construction of certain Phase 1a projects; and

WHEREAS, due to the late timing of the DASNY certification process for the Excel Aid, if necessary, the District has decided to establish and fund a special account for the RSMP ahead of the completion of the DASNY certification process to pay for certain invoices associated with the Phase 1a projects; and

WHEREAS, the District will be reimbursed for any payments made after the DASNY certification process has been completed and the Excel Aid funds are released; and

WHEREAS, in order to avoid a year delay in the start of Phase 2 construction at East High School, Monroe High School, and School 15 (the "Early Start Projects"), the District has advanced funds to the RSMP for Phase 2; and

WHEREAS, it is understood by the District, the City, and the RJSCB that the funds advanced by the District would be reimbursed by the City as soon as possible through a Bond Anticipation Note ("BAN") against the City's debt limit; and

WHEREAS, the District's counsel prepared a Board of Education ("BOE") resolution to authorize the advance of the funds based on the full faith and credit of the City (BOE Resolution 2014-15: 627); and

WHEREAS, a future BAN provided by the City would reimburse the funds advanced by the District for the design work associated with the Early Start Projects, as well as provide the interim financing necessary to begin other Phase 2 project designs and to engage other professional service firms to begin Phase 2 planning and coordination work; and

WHEREAS, the closing for the City BAN took place on August 9, 2016 for the amount of \$32,000,000; and

WHEREAS, the District, the City and the RJSCB have executed a memorandum that sets forth the understanding that the District will advance funds to the RSMP for the payment of the expenses for the Early Start Projects and that the City will reimburse the District for these amounts through the BAN proceeds; and

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 2a projects were deposited in the Trustee's account on August 2, 2017; and

WHEREAS, the City was reimbursed for its BAN from the Phase 2 bond proceeds on or about August 2, 2017; and

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 2 projects were deposited in the Trustee's account on August 1, 2018; and

WHEREAS, the Program Manager, Independent Compliance Officer and RJSCB Chair have reviewed the individual pay applications from each of the consultants, contractors and suppliers for accuracy and completeness; and

WHEREAS, the Program Manager forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$70,349.56, including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using other funding, to the RJSCB Chair with copy to the full Board on August 30, 2019; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$11,147,082.01, including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using other funding, to the RJSCB Chair with copy to the full Board on August 30, 2019; and

WHEREAS, the RJSCB Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on or about August 10, 2019; and

WHEREAS, the RJSCB's Phase 1 and Phase 2 Program Managers reviewed the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on September 5, 2019.

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of August 2019 in the amount stated above and the Phase 2 monthly Pay Requisition Summary for the month of August 2019 in the amount stated above and as shown in the Summary sheets attached to this Resolution.

Resolution 2019-20: 35
RSMP Program Coordinator

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 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 program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the Chair has determined a need for a Program Coordinator to assist the RJSCB and Chair in the management and operations of the RSMP; and

WHEREAS, the Chair believes that it is in best interest of the public, the Board and the RSMP to hire a Program Coordinator to provide Program Coordinator Services; and

WHEREAS, the Chair, RJSCB’s general counsel and the Independent Compliance Officer (“ICO”) have prepared a position description for Program Coordinator, a copy of which has been provided to the full Board; and

WHEREAS, the ICO has reviewed compensation packages for positions that are comparable to the Program Coordinator position and has prepared a suggested compensation range for the Program Coordinator position, a copy of which has been provided to the full Board; and

WHEREAS, the RJSCB conducted a search for a Program Coordinator to perform the Program Coordinator Services, using a process that included posting the position on job boards and portals, creating a selection committee (“Selection Committee”) to review submissions and conduct interviews of candidates; and

WHEREAS, the Selection Committee has reviewed the submissions received by August 19, 2019 per the deadline stipulated in the solicitation for applicants for the Program Coordinator position and has identified 5 potential candidates for the position, a copy of which has been provided to the full Board; and

WHEREAS, the Chair, in conjunction with the Selection Committee, desires to conduct interviews and select from the identified candidates a finalist for the Program Coordinator position; and

WHEREAS, the RJSCB, at its meeting on September 9, 2019, considered and discussed the recommendations from the Chair to hire a Program Coordinator, interview applicants for the position, select a finalist for the position, and negotiate, execute and deliver a contract consistent with the terms approved by the RJSCB.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby determines that it is in the best interest of the public, the Board and the RSMP to hire a Program Coordinator; and
2. The RJSCB hereby approves the position description for Program Coordinator, Rochester Joint Schools Construction Board prepared by the Chair, RJSCB's general counsel and the ICO; and
3. The RJSCB hereby approves the compensation package range for the Program Coordinator position prepared by the ICO; and
4. The RJSCB Chair, in conjunction with the Selection Committee, is hereby authorized to conduct interviews and select a finalist for the Program Coordinator position from the group of potential candidates that have been identified to the Board by the Selection Committee; and
5. The RJSCB Chair is hereby authorized to formally offer the position of Program Coordinator to the selected finalist, negotiate a contract with the finalist to provide Program Coordinator Services consistent with the terms approved by the RJSCB; and
6. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to approve, execute and deliver (his signature thereon being conclusive evidence of such approval) an Agreement with the finalist for the Program Coordinator position to provide Program Coordinator Services that are consistent with this approval and in an acceptable form to the RJSCB Chair, upon the advice of the ICO, and the RJSCB's general counsel.

COMMUNICATIONS

The Compliance Report from Anchin was included in the Members packets and was reviewed by ICO Brian Sanvidge.

Phase 1:

- 100.00% submissions for the November 2018 reporting period.
- 97.91% of all data requested has been received and approved (April 2011 through August 2018).
- Overall Workforce (EEO) Participation: Minority @ 22.88% (goal is 20%) and Women @ 7.22% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.74% (goal is 15%), Women @ 7.42% (goal is 5%), Small @ 3.77% (goal is 5%) and Disadvantaged @ 2.33% (goal is 2%).
- Rochester Residents: 0 of the 8 workers for the August 2018 reporting period (or 0%). The average Rochester Resident workforce (construction) from inception (April 2011 through August 2018) is 27.22%.

Phase 2:

- 90.86% submissions for the July 2019 reporting period.
- 92.99% of all data requested has been received and approved (January 2016 through July 2019).
- Overall Workforce (EEO) Participation: Minority @ 26.28% (goal is 22%) and Women @ 6.66% (goal is 8%).
- Overall Business Participation: Minority @ 22.98% (goal is 17%), Women @ 11.41% (goal is 10%), Small @ 3.21% (goal is 3%) and Disadvantaged @ 2.32% (goal is 3%).
- Rochester Residents: 145 of the 551 workers for the July 2019 reporting period (or 26.32%).

The Phase 2 Monthly Report was included in the Members packets and was reviewed by Deputy Program Director Roland A. Coleman II.

RCSD Bi-Weekly Update 23 AUGUST 19

RSMP PHASE III STATUS

STRATEGIC PLANNING PROGRESS:

- Started implementation of the 30/60/90-Day plan to re-introduce Phase III Special Legislation to the Education Committee when the legislative session reconvenes in January 2020. The plan seeks passage of the Bill in February 2020.
- New York State Education Department (SED) continues its review of the Phase III Strategic Plan. SED is raising concerns over the current enrollment and projections by building (including leased instructional facilities), by grade, and by year for the traditional approach and success model. RSMP staff is scheduling conference call with SED within the next 2 weeks to resolve these issues.
- Letter sent to SED's Facilities Planning Leadership from the RCSD Chief of Operations regarding optimization of building aid units that will be calculated for each Phase III school project.
- Phase III Swing Space Plan adjustments to be revisited pending status and availability of the Jefferson Campus.
- The Phase III Financial Plan is suspended until passage of the Phase III Legislation. Capital Markets Advisors and Citi Global Services will start work on the Phase 3 Financial Plan upon passage of the Legislation (averts risk/minimizes Professional Fees).
- Draft Project Labor Agreement (PLA) prepared for Phase III and submitted to RJSCB, City and State Stakeholders for review (previously distributed December 2018).
- The Monroe High School Natatorium, property acquisition and the enhanced campus development at School 54 and the outdoor classroom and Heritage Park site development work at School 22, have all also been delayed until passage of the Phase 3 Legislation.

RSMP PHASE II UPDATE

GENERAL:

- Received all appraisals from the City's Real Estate Department for properties of interest neighboring Schools 4 and 54. Need confirmation that the City's Real Estate Department has started negotiations with property owners.
- Property acquisitions will be on the Agenda for potential action by City Council only after completion the negotiations. The legal process for the acquisition could take 4 to 6 months.

JAMES MONROE HIGH SCHOOL 2a/2b:

- RJSCB Counsel is responding to Subpoena (Index # 814385/2018) from an Attorney representing Joseph Marino for the alleged “trip and fall” that still cannot be verified. The RSMP staff provided 2018 progress photos for Monroe to BSK (RJSCB Counsel) to prepare response along with an executed certification establishing that the photos are business records of the RJSCB.
- Brise Soleil remedial work is complete (per the contractors request for inspection). Architect of Record (AoR) has not yet accepted the result due to color blending issues. RSMP/ AoR will re-inspect the work in one month as weathering will improve blending. A contractor provided maintenance bond may be utilized to guarantee the repair work to allow processing of final payment and contract closeout documentation.
- Contractor claims (EC/PC Phase 2a, and PC Phase 2b) may impact timely closeout of both projects. The RJSCB General Counsel is reviewing the claims and assisting accordingly.
- Warranty work on lighting fixtures and floors to complete during summer recess.

VIRGIL I. GRISSOM SCHOOL NO. 7:

- Chiller acoustical screening steel delivery anticipated is still scheduled for end of August. Installation of structural and roof flashing planned to begin before the start of school. Painting of the steel will be scheduled around school activities since that work will happen after the start of school. The exterior acoustical panel shipping is scheduled for mid-October 2019 with installation completing within a week, depending on the coordination of work times and weekends after the start of school.
- The Gym window operator work is now complete.
- The 11-month warranty inspection occurred and the resulting list distributed to contractors requesting completion by the end of August 2019.

EAST UPPER AND LOWER SCHOOLS:

- D-Wing West, Collaboratorium, Boys Locker Room/Physical Ed. and Coaches offices are scheduled to open Fall 2019. Construction continues in E-Wing CTE, Dental Suite, and Natatorium Seating Area
- Current Construction activities are the following:
 - D-Wing West 3rd, 2nd and 1st Floors are complete, FF&E in place, and Architect walkthrough for punch-list also complete. Punch list has been forwarded to Contractors to start corrections.
 - E-Wing CTE - Classes will temporarily begin on 9/4/19 in F-Wing 2nd Floor until work is completed in E-Wing by Mid-September 2019. The School Principals expressed the desire to occupy the entire E-Wing and not a portion at the start of school. They also requested 1 to 1-1/2 weeks to set up the classrooms in E-Wing before they start classes with students.
 - Dental Suite – Construction activities have been delayed by the EPO coordination effort required based on the different chairs that were provided by Eastman Dental. The work is now scheduled to complete late September 2019. The Construction Team has provided a revised schedule to the EPO and Eastman Dental with new completion dates.

- Collaboratorium – VCT flooring installation and programming of technology including configuration of equipment in the data closet continues. Installation of flat-panel walls and ceiling clouds is complete.
- Natatorium Seating Area - Existing demo contractor is currently scheduled to mobilize to perform work mid/late August 2019.
- Painted Writable surfaces have been installed as mock-up on Level-5 and Level-4 finished dry-wall in RM D310 at D312 respectively. EPO reviewed each mock up and determined the Level-5 finish is acceptable however the Level -4 finish drywall was not constructed properly and therefore not reviewed. A second Level-4 finish drywall paintable writable surface mock-up was installed in RM D212 EPO to review for acceptance. The paintable writeable surface will be used in E-Wing CTE classrooms as a temporary solution and remain if approved as an acceptable by EPO.

JOHN WALTON SPENCER SCHOOL NO. 16:

- QBE (East Coast Electric's Surety) lien waivers still not submitted. BSK (RJSCB General Counsel) is working with QBE's counsel and RSMP staff for closing out ECE's contract as expeditiously as possible.
- Additional site drainage and seeding work is complete.
- Gymnasium/Cafeteria AC will be part of a new bid package for work next summer which will include crawl space water mitigation and Post Ave crosswalk work.
- General project closeout is ongoing.

THE CHILDREN'S SCHOOL OF ROCHESTER SCHOOL NO. 15:

- All construction activity is complete.
- PM finalizing project closeout process and submitting Conformed Drawing and O&M Manuals to RCSD Facilities by 30 August 19.

SCHOOL WITHOUT WALLS COMMENCEMENT ACADEMY:

- EIFS corrective work at curved wall is delayed until September 2019.

DR. FREDDIE THOMAS LEARNING CENTER:

- RSMP working with RCSD Accounts Payable to reconcile discrepancies in Final Cost Report.
- Review of Final Commissioning Report in progress.

EDISON TECHNOLOGY CAMPUS:

- Security Entrance/Office – continues but the door deliver has slipped a week, so the area will complete by the end of next week (8/30/19) instead of this week (8/23/19).
- Exterior door #3 replacement materials delivery has slipped and will not be delivered until the end of September 2019. This door and frame replacement will be coordinated with the school's schedule to avoid any disruption to school activities.
- DWT work is substantially complete and the Electric Contractor is working on the PA System replacement now.
- Phase 2B.1 Package 2d Roofing and sitework has started.

CLARA BARTON SCHOOL NO. 2:

- The project remains on schedule despite depletion of all available float time.
- New primary electrical service Construction Change Directive (CCD) approved 2 August 2019. Installation has begun in coordination with RG&E. Completion is anticipated in mid-September 2019.
- Mold spore sampling occurred 8/2/19; sampling results indicate an elevated mold spore presence in the crawlspace. Report forwarded to RCSD (Stacie Darby) for direction.
- New boiler material procurement is on track for a mid-October 2019 system commissioning. An existing boiler will be utilized to heat the unoccupied building until the new boiler is activated.
- Significant site work revisions, due to design error or omission, will require a large magnitude cost change.

GEORGE MATHER FORBES SCHOOL NO. 4:

- Revised cafeteria mural design is due for review 8/27/19.
- Staging area will be cleared out mid-September for completion of sitework by end October 2019.
- Kitchen equipment installation will be complete early October 2019.
- Gym wood flooring will begin mid-October for completion mid-November 2019.
- The rescue window enhanced balances have been installed and are under review.
- Project is generally on schedule.
- Mid-year move will not occur according the School District.

ABRAHAM LINCOLN SCHOOL NO. 22:

- Certificate of Occupancy granted by SED on 8/14/19 following substantial completion of the project.
- Pre-occupancy walkthrough scheduled with the Board Chair and Vice-Chair on Tuesday 27AUG2019.
- Move Management Company (Vargas Associates) has completed delivery of furniture and classroom contents. Teachers have begun setting up classrooms.
- Library move is complete. The RCSD textbook team has also completed sorting through the mass volume of boxes in the library.
- Current activities include:
 - Area C (Classrooms and new Addition at SW Corner of Upper Falls and Hudson) – Rejected brick finish at corner of Hudson and Upper Falls has commenced in coordination with the receipt of all special color and size brick. Window installation at the storefront curtain wall is 99% complete.
 - The main office will be installed per plan for the start of school. Main office counter relocation including associated counter walls and access gates will be installed following procurement of materials after start of school. Notice of the revised schedule was provided and accepted by the principal and admin. staff.
- Artist continues production of Main Entrance Lincoln/Douglas artwork scheduled for installation before start of school Fall 2019.
- Change orders to complete site improvements at the main entrance, courtyard and student entrance, a unisex adult bathroom accessible from the main hallway, and relocation of the Makerspace to a more central location in the building will be submitted for approval at the

September RJSCB finance committee meeting. This work continues and will complete 30 August 2019.

- The building has been secured with activation of intrusion detection system each evening along with security guard presence on site evenings and weekends until the first day of school.

DR. WALTER COOPER ACADEMY SCHOOL NO. 10:

- The Project is generally on schedule.
- Exterior CMU is ongoing and scheduled to be complete end September 2019.
- Brick veneer will begin mid-September 2019.
- Roofing will begin mid-September 2019 on the new addition.
- Building enclosure target date (temp enclosure at windows) is end October 2019.
- New electric service will be installed end of September 2019

THE FLOWER CITY SCHOOL NO. 54:

- Abatement and demolition work continue.
- Site preparation work at the new parking lot and bus loop uncovered the shallow buried rubble of the former School 30. RSMP/ CM/ AoR and NYS DEC met at the site on 21 August 2019 to review the site conditions. While formal direction from DEC was not provided at the meeting, the DEC official attending indicated that a “cap in place” solution was likely acceptable. Following DEC’s formal comment, the RCSD will need to either concur with DEC’s determination or provide direction if its policy exceeds DEC removal requirements.
- Additional “Not-In-Contract” abatement work will be required to allow for the boiler room roofing system removal as scheduled.

DISTRICT WIDE TECHNOLOGY:

- Completed installation of all 91 All-in-One Computer arms at Monroe HS.
- East School Collaboratorium DWT equipment installed, and will be ready for September 2019.
- All-in-One Arm tracks at Edison installed at higher elevation than planned. These will be reworked following school opening without impact, and coordinated between Millennium and RCSD’s Chief Information Officer Glen VanDerwater.
- School 22 handsets are placed on teachers’ desks and active in all classrooms. Connection with PA system on 22 August 2019. All DWT equipment installed and tested at School 22.

DISTRICT STANDARDS UPDATE:

- Revision to District Design Standards and Specification Templates in progress. Development of an updated, more easily accessed website for Design Services providers is the goal. In addition, RSMP is planning to incorporate measures to enhance the design review process by providing better consistency in Phase III.

BUSINESS OPPORTUNITIES PROGRAM (BOP):

- BOP attended the RCSD Community Schools Forum held at Monroe High School on August 19. Over 150 District administrators and faculty attended and all received a copy of the 2019 Vol. 1 RSMP Newsletter. The attendees were very impressed with the Modernization that had occurred on the campus as most had never visited the School since the re-opening last Autumn.
- Fifteen (15) companies are participating in Cycle 7 of the Instructional Series which began 12 Aug 2019.
- Initial Planning for the Lincoln School #22 Ribbon Cutting Ceremony scheduled for September 27 will commence with the RCSD/RSMP Communications meeting being held on August 22.

RSMP PHASE I – Update provided by Gilbane

HELEN BARRETT MONTGOMERY SCHOOL NO. 50 (OLD MAYNARD'S ELECTRIC SITE)

- Site work – Cerrone continues with fabric installation and spreading topsoil which will likely complete by the end of August 2019. Fence posts along the West should be complete by 8/23/19. Cerrone is continuing with mow strip, Walkway layout and stone base installation. There are areas ready for mow strip concrete and Cerrone is working on mobilizing their subcontractor to start this work. The updated schedule submitted by Cerrone shows completion by 9/30/19.
- RG&E submitted the design and invoice to re-feed the houses across Rau Street followed by removal of the last 2 poles. RG&E representatives are in the middle of designing the work needed to refeed those houses and remove the 2 poles. Payment for that invoice is being processed.

The M/WBE and Services Procurement Committee Report for September 5, 2019 is included in the Members Packets.

Report: Amendments Authorized by Chair

Pépin Accilien stated that the amount authorized by the Chair this month for two amendments is **\$22,868.71**. Supporting information is included in the Committee Packet, and outlined below for this month:

Amendments Authorized by Chair			
Project	Firm	Amendment No.	Amount
Phase 2c Projects	AP Safety & Security	19-APSECURITY-02	\$14,250.00
Lincoln School	Moody Nolan	17-MN6-004	\$8,618.71
TOTAL:		2	\$22,868.71

Committee Meeting: Thursday, September 5, 2019

Report: Change Orders Authorized by Chair

Pépin Accilien stated that the amount authorized by the Chair this month is for 29 Change Orders totaling \$212,048.87, included in the Committee Packet, and outlined below for this month:

Change Orders Authorized by Chair for September 2019 Mtg			
PROJECT	CONTRACTOR	C/O #	AMOUNT
BARTON 2	GC - DiPASQUALE	31	\$ 4,088.00
	GC - DiPASQUALE	32	\$ 14,474.00
	GC - DiPASQUALE	33	\$ 13,475.00
	MC - JW DANFORTH	9	\$ 8,377.00
	EC - CONCORD ELECTRIC	30	(\$307.00)
	EC - CONCORD ELECTRIC	31	\$ 6,501.00
	EC - CONCORD ELECTRIC	33	\$ 20,463.00
SCHOOL 50	SC - MARK CERRONE, INC.	4	\$ 28,690.20
EAST	GC - HOLDSWORTH KLIMOWSKI	21	\$ 2,391.00
	GC - HOLDSWORTH KLIMOWSKI	22	\$ 4,681.00
	GC - HOLDSWORTH KLIMOWSKI	23	\$ 2,014.00
	GC - HOLDSWORTH KLIMOWSKI	24	\$ 6,816.00
	GC - HOLDSWORTH KLIMOWSKI	27	(\$5,631.00)
	GC - HOLDSWORTH KLIMOWSKI	28	\$ 4,043.00
	GC - HOLDSWORTH KLIMOWSKI	29	\$ 629.00
	GC - HOLDSWORTH KLIMOWSKI	30	\$ 3,130.00
	GC - HOLDSWORTH KLIMOWSKI	31	\$ 6,729.00
	EC - HEWITT YOUNG	13	\$ 7,226.49
	EC - HEWITT YOUNG	14	\$ 751.38
	EC - HEWITT YOUNG	15	\$ 5,036.80
	EC - HEWITT YOUNG	16	\$ 5,466.73
	EC - HEWITT YOUNG	17	\$ 3,608.20
	EC - HEWITT YOUNG	18	\$ 10,900.47
	PC - THURSTON DUDEK	6	\$ 24,974.20
EDISON	EC - HEWITT YOUNG	1	(\$7,278.56)
LINCOLN 22	EC - CONCORD ELECTRIC	7	\$ 13,771.15
	PC - DV BROWN	4	\$ 3,291.81
SCHOOL 16	GC - MANNING SQUIRES HENNIG	38	\$ 23,737.00
MONROE 2B	DC - MARK CERRONE	1	\$ -
	TOTAL	29	\$ 212,048.87
<i>Committee Meeting: Thursday, September 5, 2019</i>			

Adjournment

Adjourned at 5:32 pm.

Motion by Vice Chair Schmidt
 Second by Board Member Brooks-Harris
 Approved 7-0