

**ROCHESTER CITY SCHOOL DISTRICT
EDUCATIONAL FACILITIES**

Resolution No. 2019-20: 410

By Member of the Board Commissioner LeBron

Whereas, by Resolution No. 2017-18: 797, adopted on April 26, 2018, the Board authorized the Superintendent to enter into an Agreement with **Massa Construction, Inc.** (“Massa”), 630 Pre-Emption Road, Geneva, NY, General Construction Work for Renovations to Wilson Foundation Academy, as the lowest qualified bidder, for the total contract price of \$374,000; and

Participation Statistics		
	\$	%
TOTAL CONTRACT	397,797	100
M/WBE AWARD	13,000	3.3
LOCAL AWARD		
RMSA	397,797	100
NYS		

Whereas, four Change Orders totaling \$23,797 have been processed by the Department of Educational Facilities, bringing the Contract total to \$397,797, and a remaining unpaid contract balance of \$48,553.25; and

Whereas, all General Construction Work on the Project is complete and Massa will submit its application for final payment in accordance with the certificates issued by the Department of Educational Facilities; and

Whereas, on September 27, 2019, a Notice of Claim against the District was brought by Massa, claiming breach of contract, on the basis that Massa did not comply with contractual Minority and Women-owned Business Enterprise (M/WBE) utilization requirements; and

Whereas, Massa failed to notify the District until after the Project was completed, that they had failed to fulfill the M/WBE requirements; and

Whereas, the contract documents have a penalty clause allowing the District to withhold a penalty in the event that Massa fails to comply with the M/WBE requirements; and

Whereas, the District’s Office of General Counsel and Massa’s legal counsel have negotiated and reached a proposed settlement of this dispute for the amount of \$38,553.25, withholding a \$10,000 penalty, and said proposed settlement is subject to authorization by the Board; and

Whereas, it is the recommendation of the Superintendent and General Counsel that this claim be settled as proposed; therefore be it

Resolved, that the Board hereby approves the proposed settlement of the aforementioned claim in the total amount of Thirty Eight Thousand Five Hundred Fifty Three

Dollars Twenty Five Cents (\$38,553.25), and that the Board hereby authorizes and directs the Superintendent, through the Office of General Counsel, to implement said settlement.

Funding: Bond Ordinances

Budget Code: 5293 K 26422 7011 3918 RCSD2 1000007011 RN_GENCONST

Certified Budget Line Balance: \$48,553.25

Originator(s): Michael Schmidt

Strategic Goal: 4; Objective: F

Justification: Supports in the development of process, procedures, and protocols to enhance safety systems and practices.

Seconded by Member of the Board Commissioner Hallmark. Adopted 6-1 with Commissioner Sheppard dissenting.

GOALS & OBJECTIVES: <http://intranet/sites/controls/RP/default.aspx>

Goal 1: Student Achievement and Growth: We will ensure that each of our students is academically prepared to succeed in college, life and the global economy.	
Objective A	Implement the Common Core curriculum.
Objective B	Implement Teacher Leader Evaluation/APPR.
Objective C	Meet New York State requirements as a “Focus District.”
Objective D	Increase our focus on college and/or career readiness.
Objective E	Increase time on task for students through attendance maximization, extended learning programs and expanded school calendar.
Objective F	Align professional learning opportunities for staff with student achievement goals, with an emphasis on multi-cultural responsiveness.
Goal 2: Parental, Family and Community Involvement: We will engage and collaborate with all our stakeholders, to hold ourselves collectively accountable for our students’ success.	
Objective A	Provide parents/guardians with diverse opportunities for active family participation in their student’s education.
Objective B	Design and implement multiple models for businesses, faith communities, the City, colleges and community-based organizations to help us improve the quality and quantity of instructional delivery.
Objective C	Work collaboratively with our partners to increase the time devoted to literacy.
Goal 3: Communication and Customer Service: We will continually inform and seek input from parents, students, staff and members of the Rochester community, to continuously improve the quality of our instructional programs and operations	
Objective A	Adopt operational standards, practices and business processes to improve our levels of customer service and transparency.
Objective B	Improve the timeliness and customer-focus of our responses to complaints and service requests.
Objective C	Provide safer, more positive and nurturing learning environments that maximize student achievement and staff success.
Goal 4: Effective and Efficient Allocation of Resources: We will stabilize our finances, fund our priorities, and focus resources on significantly improving student achievement.	
Objective A	Eliminate the projected budget gap and prepare a 5-year plan to address the structural gap.
Objective B	Improve the efficiency of Central Office staff and administrative / support functions throughout the District.
Objective C	Reduce administrative and consultant expense.
Objective D	Negotiate collective bargaining agreements to moderate the increase in cost of employee salaries, wages, overtime, additional pay, health care, other benefits, time off and substitute pay.
Objective E	More effectively use space to control facilities’ capital and leased costs.
Objective F	Oversee the renovation/replacement/reuse/parental choice of facilities to better meet student needs.
Objective G	Allocate and align staffing with school building needs, curriculum needs and state mandates.
Objective H	Align financial resources to implement instructional strategies that improve student outcomes based on a consideration of value.
Goal 5: Management Systems: We will improve the efficiency and effectiveness of management systems that impact operations of Central Office and our schools, to facilitate the accomplishment of all goals and objectives.	
Objective A	Design and implement information systems that shift our focus from intervention to prevention of student achievement challenges.
Objective B	Support school efforts to meet Common Core standards of excellence for curriculum, extra-curricular and physical environments.
Objective C	Design and implement standards of excellence for the recruitment, development and retention of a highly effective and diverse staff.
Objective D	Evaluate current IT system and software to ensure optimal use of capacity and ease of customer interface.