

**Rochester Joint Schools Construction Board
Special Meeting Minutes
March 17, 2015
11:00 AM**

Present

Chair Tom Richards, Charles Benincasa, Joe Brown, and Aaron Hilger. Members Chris Thomas, Bob Brown, and José Coronas were away. ICO Brian Sanvidge participated via conference call. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Director Tom Rogér from Gilbane and Pepin Accilien from Savin Engineers.

Chair Richards convened the meeting at 11:04 am

Action Items

Resolution 2014-15: 202

Contract Award – School 12 Electrical Contractor

By Board Member Brown

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 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 Program Manager presented the School 12 design to the Board of Education (“BOE”) and BOE approval took place on December 13, 2012 (BOE Resolution 2012-13: 364); and

WHEREAS, the Program Manager received State Education Department approval of the designs for School 12 on November 4, 2013; and

WHEREAS, following RJSCB approval, the Program Manager advertised and released the bid documents for the School 12 project in January 2014; and

WHEREAS, the Program Manager subsequently canceled the School 12 bid on February 14, 2014; and

WHEREAS, the RJSCB's Program Manager worked with the Architect, SEI Design Group ("SEI"), and the Construction Manager, The Pike Company ("Pike"), to prepare a new request for bids ("Request for Bids") package for the School 12 project; and

WHEREAS, the new Request for Bids package included an "early start" scope of work for abatement and demolition as a single prime GC package; and

WHEREAS, the RJSCB authorized the release of the "early start" package at its regular monthly meeting on August 4, 2014 (Resolution 2014-15: 36); and

WHEREAS, in the intervening time, the Program Manager received updated governmental regulations related to testing of vermiculite materials, such as those found in the spray-on fireproofing at School 12; and

WHEREAS, all bids received by the RJSCB related to the "early start" package were subsequently rejected and on October 14, 2014, and then the revised School 12 Abatement and Demolition documents were issued for re-bid; and

WHEREAS, following the re-bid, the RJSCB awarded the "early start" package to Mark Cerrone Inc. (Resolution 2014-15: 107); and

WHEREAS, the RJSCB's Program Manager worked with the Architect, SEI Design Group, and the Construction Manager, The Pike Company, to prepare the remaining scopes of work and a request for bids ("Request for Bids") package for the four prime contracts (general contractor, mechanical contractor, plumbing contractor, and electrical contractor) for the School 12 project; and

WHEREAS, the Program Manager advertised and released the bid documents for the four prime contracts associated with the School 12 project in January 2015; and

WHEREAS, the RJSCB's Executive Director received bids on February 27, 2015 per the deadline stipulated in the Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, Architect, Construction Manager, and Independent Compliance Officer have reviewed the bids and conducted de-scoping meetings; and

WHEREAS, at its regular monthly meeting held on March 9, 2015 the RJSCB "tabled" the award for the Electrical Contractor scope of work pending the ICO's final review and recommendation (Resolution 2014-15: 200); and

WHEREAS, on March 12, 2015 the ICO provided its final recommendation regarding the Electrical Contractor to the full Board; and

WHEREAS, at a Special Meeting held on March 17, 2015, following the review and consideration of recommendations provided by the RJSCB's Program Manager and the ICO, the following contract award was approved:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
Electrical Contractor	Hewitt Young Electric	645 Maple Street Rochester, NY 14611	\$1,656,000

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and the ICO that a contract award shall be made to the above named firm and bid amount to provide all equipment, labor, materials, and plant necessary to execute the Electrical Contractor scope of work associated with the School 12 project in Phase 1 of the RSMP; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") to the firm named above in substantially the form included in the Request for Bids for the School 12 project, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Hilger

Approved 4-0 with Members Vice Chair Brown, Thomas, and Coronas away

Discussion

Tom Richards expressed the Board's concern and displeasure with the discrepancy between the pre-bid estimates and the actual bids and asked why so much work was added to the project through an addendum during the bid. Gilbane, along with the Architect and the Construction Manager presented their reasons why they felt that the estimate was so far off and they type of items added to the project via addendum. Pike missed a few big items in their estimate and the Architect stated that many items were added as a result of having the demo work completed. It revealed many issues that we captured in the bid (under a competitive environment) The Board discussed future project timelines and the need to cut off the "scope creep" much earlier in the process.

Brian Sanvidge (on the phone) provided an update to the Board regarding the status of Landry Mechanical at School 12. There is a concern about Landry meeting the MBE goals due to a supplier issue. Brian will provide an update on progress. Tom Richards reminded everyone that the contract was awarded contingent on Baker Tilly's recommendation.

Tom Renasuto reported that a FOIL request had been received for the School 12 DP-1's. The RJSCB also received a letter from the 2nd place electrical bidder requesting clarification on the award process. Tom Renauto has already provided a response to the electrical firm and is working on putting the FOIL'd paperwork together.

Peter Abdella provided a memo to the Board regarding Program Management Services allowed under the Phase 2 Legislation.

Tom Richards asked to go into Executive Session under Public Meetings Law Section 105 (1) (f)

Motion by Member Benincasa

Second by Member Brown

Approved 4-0 with Vice Chair Brown, Member Thomas and Coronas away

Adjournment