

**Rochester Joint Schools Construction Board  
Minutes  
June 8, 2015  
4:30 PM**

**Present**

Chair Tom Richards, Charles Benincasa, Vice Chair Bob Brown, Joe Brown (arrived at 4:53 p.m.), José Coronas, Allen Williams (left at 5:15 p.m.), Wayne Williams (left at 5:15 p.m.) and ICO Brian Sanvidge. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Managers Tom Rogér from Gilbane and Pepin Accilien from Savin.

**Chair Richards convened the meeting at 4:30 pm**

**Approval of Minutes**

Monthly Meeting held on May 4, 2015

Motion by Member B. Brown

Second by Member W. Williams

Approved 6-0 with Member J. Brown away

Special Meeting held on May 20, 2015

Motion by Member B. Brown

Second by Member W. Williams

Approved 6-0 with Member J. Brown away

**Consent Agenda Items**

**Resolution 2014-15: 232**

**Amendment #17 to SWBR Architect's Agreement - School 17**

**By Board Member B. 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 RJSCB approved the selection of SWBR Architects, ("SWBR") as the Architect for the School 17 project in Phase I (Resolution 2010-11: 35); and

WHEREAS, the RJSCB entered into an agreement with SWBR Architects (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the "Agreement"); and

WHEREAS, following the execution of the Agreement, SWBR, along with the Program Manager, identified unused portions of funds under previously added not-to-exceed allowances to the Agreement; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that SWBR's Agreement should be amended to deduct and return the unused allowance funds to the program in the total amount of \$29,943.51; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 4, 2015 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SWBR's Agreement Between Board and Architect dated March 28, 2011 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 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 Benincasa  
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 233  
Amendment #10 to LaBella Associates Agreement - School 28**

**By Board Member B. 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 RJSCB approved the selection of LaBella Associates ("LaBella") as the Architect for the Henry Hudson School #28 project in Phase I (Resolution 2010-11: 35); and

WHEREAS, the RJSCB entered into an agreement with LaBella Associates (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the "Agreement"); and

WHEREAS, following the execution of the Agreement, LaBella, along with the Program Manager, identified unused portions of funds under previously added not-to-exceed allowances to the Agreement; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that LaBella's Agreement should be amended to deduct and return the unused allowance funds to the program in the total amount of \$46,423.15; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 4, 2015 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the LaBella Associates Agreement Between Board and Architect dated March 28, 2011 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 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 Benincasa  
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 234  
Amendment #11 to LaBella Associates Agreement – Edison Technology Campus**

**By Board Member B. 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 RJSCB approved the selection of LaBella Associates, P.C. ("LaBella") as the Architect for the Edison Technology Campus project in Phase I (Resolution 2011-12: 39); and

WHEREAS, the RJSCB entered into an agreement with LaBella (Resolution 2011-12: 39) dated November 15, 2011, entitled Agreement Between Board and Architect (the "Agreement"); and

WHEREAS, following the execution of the Agreement, LaBella, along with the Program Manager, identified unused portions of funds under previously added not-to-exceed allowances to the Agreement; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that LaBella's Agreement should be amended to deduct and return the unused allowance funds to the program in the total amount of \$70,028.79; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 4, 2015 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the LaBella Associates P.C. Agreement Between Board and Architect dated November 15, 2011 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 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 Benincasa  
Approved 6-0 with Member J. Brown away**

## **Action Items**

### **Resolution 2014-15: 235**

#### **Contract Award – School 58 Bleachers**

##### **By Board Member Coronas**

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 RJSCB’s Program Manager and Architect for the School 58 Project (JCJ Architecture) prepared plans and specifications, and a request for pricing for materials and installation of bleachers (“Request for Pricing”), in conjunction with the School 58 project; and

WHEREAS, the RJSCB’s Procurement Policy provides for the procurement of public work contracts involving an expenditure *equal to or less than \$35,000* be awarded based upon the Board receiving, to the extent they are reasonably available, at least three formal or informal price quotations (which may include, but is not limited to, obtaining prices advertised to the general public and price quotes from a provider’s website, and receiving verbal or written estimates from suppliers and contractors); and

WHEREAS, the Program Manager directly contacted four individual suppliers who regularly provide and install gym bleachers to public schools to obtain price quotes for the School 58 bleachers; and

WHEREAS, those firms included: Nickerson Corporation, Facilities Equipment and Services, Professional Facilities and Equipment, and Young Equipment Sales Company; and

WHEREAS, three price quotes were received on May 7, 2015; and

WHEREAS, an on-site de-scoping meeting was held on May 11, 2015 with Facilities Equipment and Services, the firm that provided the lowest price (\$28,800); and

WHEREAS, the Program Manager has concluded that Facilities Equipment and Services is qualified, a responsible supplier, and can also meet the schedule demands of the project; and

WHEREAS, during the on-site de-scoping meeting, the Program Manager and Facilities Equipment and Services reviewed the existing conditions and found that an additional trim closure piece would be necessary to close a gap at the back side of the bleachers; and

WHEREAS, the Program Manager subsequently requested and received a price quote from Facilities Equipment and Services for the additional closure piece discussed at the on-site de-scoping meeting for the amount of \$1,475; and

WHEREAS, in order to meet the scheduled completion prior to the start of school in September 2015, the Executive Director, after advising the Board on May 11, 2015, requested that Facilities Equipment and Services proceed with the preparation of shop drawings and material orders due to the 12 week lead time for manufacturing and delivery; and

WHEREAS, at the MWBE and Services Procurement Committee (“Committee”) meeting held on June 4, 2015, following the review provided by the Program Manager, the Committee approved the recommendation to award the bleachers procurement (both supply and install) to Facilities Equipment and Services;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby awards the bleacher procurement associated with the School 58 project to Facilities Equipment and Services in the total amount of \$30,275; and
2. The RJSCB Chair is hereby authorized, to execute and deliver a purchase order to the firm named above, on the advice of the Program Manager and the RJSCB’s general counsel.

**Second by Board Member W. Williams**  
**Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 236**  
**Amendment #2 to Campus Construction Management Group (CM – Monroe High School)**

**By Board Member W. Williams**

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 RJSCB selected Campus Construction Management Group (“Construction Manager”) to provide Construction Management services for the Monroe High School project in September of 2012 as a part of Phase 1 of the Rochester Schools Modernization Program (the “RSMP”) (Resolution 2012-13: 36) and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated September 10, 2012 (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the Program Manager identified the need for additional estimating services beyond the multiple full estimates already performed and requested the Construction Manager provide a cost proposal for these services; and

WHEREAS, the Program Manager has reviewed the proposed costs for estimating services and finds them to be within the industry standard rates for these services and comparable to those being paid to other Construction Managers on other Phase 1 projects; and

WHEREAS, the start of the Monroe High School project was postponed by the District from summer 2014 to summer 2015 due to the high student population at Monroe High School and the lack of suitable swing space to move the entire program during construction; and

WHEREAS, as a result of the one year delay in the start of the Monroe High School project from the assumed start date in the Agreement, the Construction Manager has submitted to the Program Manager its annual hourly rate increases for its staff; and

WHEREAS, the Program Manager has reviewed the hourly rate increases and analyzed the work hours for the individual employees to be provided by the Construction Manager during the project and finds them to be within the industry standard for these services; and

WHEREAS, the RJSCB's Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the Construction Manager's Agreement should be amended to add the Not to Exceed amount of \$63,005.40 for additional estimating services and increased hourly rates associated with the Monroe High School project; and

WHEREAS, based on the advice and recommendation of the Program Manager, the Committee considered and discussed the proposal at its June 4, 2015 meeting 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 the Construction Manager dated September 10, 2012 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 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 B. Brown  
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 237  
Additional Moving Services**

**By Board Member B. 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 RJSCB approved the selection of FM Office Express ("FM"), Corrigan Moving Systems ("Corrigan"), and Clark Moving and Storage ("Clark") as the moving companies associated with the Phase 1 - Summer 2014 moves (Resolution 2013-14: 234); and

WHEREAS, Clark Moving and Storage was specifically awarded the portion of work associated with the School 12 project; and

WHEREAS, Clark has submitted a proposal to the Move Manager for additional work as requested by the Program Manager and the Construction Manager associated with the School 12 project; and

WHEREAS, the School 12 project includes scopes of work within the City library which is attached to the school building, and the additional move services being requested are related to changes in the plan for work taking place within the City library space; and

WHEREAS, this plan is different from the scope of work that was bid by Clark which originally only required books and shelves to be moved around within the existing library space, as opposed to temporary storage space; and

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

WHEREAS, at its June 4, 2015 meeting, the MWBE and Services Procurement Committee considered the Program Manager's and Move Manager's recommendation to accept the proposal from Clark to perform the additional work in the amount of \$8,904 and after due deliberation, it approved the proposals for the additional services;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant to accept the proposal for additional moving services as set forth above; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver a purchase order to the above named firm and in the amount listed above in substantially the form included in the Request for Bids 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.

**Second by Board Member W. Williams**

**Approved 5-0 with Members Coronas (stepped away from the meeting) and J. Brown away**

**Resolution 2014-15: 238**

**Move Manager Additional Services – Amendment #22**

**By Board Member Benincasa**

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 RJSCB issued a request for proposals dated August 9, 2011 for move management services ("Move Manager") (Resolution 2011-12: 8); and

WHEREAS, at the monthly meeting held on October 3, 2011, the RJSCB selected Vargas Associates as the finalist for Move Manager (Resolution 2011-12: 31) and subsequently entered into an agreement with Vargas Associates dated February 2, 2012, entitled "Agreement Between Owner and Consultant" (the "Agreement"); and

WHEREAS, the Agreement includes scope of work for the first five projects in Phase 1a of the Rochester Schools Modernization Program ("RSMP") (School 17, School 28, School 50, School 58, and Charlotte High School); and

WHEREAS, the RJSCB thereafter added certain additional services to the Move Manager's scope of work (Resolution 2012-13: 9, Resolution 2012-13: 49, Resolution 2012-13:118, Resolution 2012-13: 145, Resolution 2012-13: 172, Resolution 2012-13: 192, Resolution 2013-14: 8, Resolution 2013-14: 34,

Resolution 2013-14: 100, Resolution 2013-14: 101, Resolution 2013-14: 160, Resolution 2013-14: 203, Resolution 2013-14: 204, Resolution 2013-14: 261, Resolution 2013-14: 287, Resolution 2013-14: 288, Resolution 2014-15: 51, Resolution 2014-15: 84, Resolution 2014-15: 150, Resolution 2014-15: 166, and Resolution 2014-15: 190); and

WHEREAS, the RJSCB now wishes to add additional services to the Move Manager's scope of work and the Program Manager has received and reviewed proposals for this additional work provided by the Move Manager; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Procurement Committee considered and discussed the proposal for additional services from the Move Manager at its June 4, 2015 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the proposal from the Move Manager for additional services to the Agreement in an amount not to exceed \$12,800; 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 with Vargas Associates that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

**Second by Board Member B. Brown  
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 239  
Change Order #67 and #68 to Manning Squires Hennig – School 58**

**By Board Member B. 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 RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 58 project in Phase I (Resolution 2012-13: 35); and

WHEREAS, the RJSCB subsequently entered into a contract with Manning Squires (Resolution 2012-13: 35) dated September 10, 2012 (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, Manning Squires, along with LeChase Construction, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and



WHEREAS, Change Order #67 includes the following items:

1. Additional locker bases for the amount of \$6,277
  2. Changes to door SG201 for the amount of \$9,791
  3. Additional concrete infill for the amount of \$14,992
  4. Changes to spandrel glass for the amount of \$2,225
  5. Changes at room L143 for the amount of \$7,416
  6. Temporary pads at gym for the amount of \$1,412
  7. Credit for deleted slope at floors in the amount of -\$500
  8. Credit for change to floor at stage in the amount of -\$300
  9. Additional lintel for window opening for the amount of \$6,373
- The total amount of Change Order #67 is \$47,687; and

WHEREAS, Change Order #68 includes the following items:

1. Add angles and pour stops for the amount of \$6,744
  2. Infill voids for the amount of \$7,480
  3. Subfloor at room G105 for the amount of \$5,823
  4. Changes at music room G111 for the amount of \$2,569
  5. Changes to greenhouse skylight for the amount of \$4,819
  6. Add ADA push pads at entry door for the amount of \$6,733
  7. Changes to millwork for the amount of \$1,696
  8. Replace door L100D and frame for the amount of \$6,301
  9. Add gas shut off valve access panels for the amount of \$1,783
  10. Changes to elevator vestibule wall tile for the amount of \$1,245
- The total amount of Change Order #68 is \$45,193; 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 MWBE and Services Procurement Committee (the "Committee") that Manning Squires's Contract should be amended to add and delete these additional scope items in the total amount of \$92,880; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 4, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Manning Squires Hennig's Contract between the Board and Contractor dated September 10, 2012 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 Change Orders 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.

**Second by Board Member Benincasa  
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 240  
Change Order #10 and #12 to Leo J. Roth – (Mechanical - School 58)**

**By Board Member Coronas**

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 RJSCB approved the award of the mechanical contractor contract to Leo J. Roth Corporation (“Leo J. Roth”) for the School 58 project in Phase I (Resolution 2012-13: 120); and

WHEREAS, the RJSCB subsequently entered into a contract with Leo J. Roth (Resolution 2012-13: 120) dated March 4, 2013 (the “Contract”), to perform the scope of services defined in the contract documents as the mechanical contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Leo J. Roth, along with LeChase Construction, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #10 includes the following items:

1. Additional duct work for the amount of \$4,788
  2. Additional work to add new heater unit for the amount of \$13,863
- The total amount of Change Order #10 is \$18,651; and

WHEREAS, Change Order #12 includes the following items:

1. Add washer and dryer for the amount of \$2,500
  2. Additional work at washer and dryer for the amount of \$1,032
  3. Changes to wall at L121 for the amount of \$2,056
  4. Media center floor grille changes for the amount of \$3,889
  5. Add dampers at U130 for the amount of \$5,082
  6. Ductwork revisions for the amount of \$15,288
  7. Premium time for the amount of \$7,223
  8. Changes at media center entry for the amount of \$379
  9. Fin tube covers for the amount of \$1,408
- The total amount of Change Order #12 is \$38,857; 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 MWBE and Services Procurement Committee (the “Committee”) that Leo J. Roth’s Contract should be amended to add these additional scope items in the total amount of \$57,508; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its June 4, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Leo J. Roth's Contract between the Board and Contractor dated March 4, 2013 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 Change Orders 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.

**Second by Board Member B. Brown**  
**Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 241**  
**Change Order #7 to Landry Mechanical Contractors – Mechanical Contractor (Edison Technology Campus)**

**By Board Member B. 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 RJSCB approved the award of the mechanical contractor contract to Landry Mechanical Contractors ("Landry") for the Edison Technology Campus project in Phase I (Resolution 2012-13: 194); and

WHEREAS, the RJSCB entered into a contract with Landry (Resolution 2012-13: 194) dated June 10, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the mechanical contractor's scope of work; and

WHEREAS, following the execution of the Contract, Landry, along with LPCiminelli, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #7 includes the following items:

1. Additional concrete and MEP removals for the amount of \$7,123
2. Additional fitting for the amount of \$2,725
3. Revisions at the plaza for the amount of \$2,165
4. Replace deteriorated hot water supply lines for the amount of \$24,860
5. HVAC revisions at main lobby for the amount of \$29,838
6. Provide new controls and sensors at water tanks for the amount of \$6,503
7. Provide sensors at fume hood for the amount of \$8,362

The total amount for Change Order #7 is \$81,576; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was 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 MWBE and Services Procurement Committee (the "Committee") that Landry's Contract should be amended to add these scope items in the amount of \$81,576; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 4, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Landry Mechanical Contractors' Contract between the Board and Contractor dated June 10, 2013 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 a 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.

**Second by Board Member W. Williams  
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 242  
Contract Awards – Monroe High School**

**By Board Member J. 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 Monroe High School design to the Board of Education ("BOE") and BOE approval took place on January 24, 2013 (BOE Resolution 2012-13: 424); and

WHEREAS, the Program Manager received State Education Department approval of the designs for Monroe High School on December 3, 2013; and

WHEREAS, the Architect presented the revised plans to the Superintendent and senior cabinet on March 3, 2015; and

WHEREAS, following RJSCB approval at its monthly meeting on March 9, 2015 (Resolution 2014-15: 201), the Program Manager advertised and released the bid documents ("Request for Bids") for the Monroe High School project; and

WHEREAS, the RJSCB's Executive Director received bids on May 26, 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, conducted de-scoping meetings, and concluded that the apparent low bidders for each scope of work package are also qualified and responsible bidders; and

WHEREAS, at the MWBE and Services Procurement Committee (the "Committee") meeting held on June 4, 2015, following the review and consideration of recommendations provided by the RJSCB's Program Manager and after due deliberation by the Committee, the following contract awards were approved:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
General Contractor	Manning Squires Hennig Co., Inc.	PO Box 685 Batavia, NY 14021	\$8,421,000
Mechanical Contractor	Ferrauilo Plumbing & Heating Inc.	1600 Jay Street Rochester, NY 14611	\$8,833,000
Plumbing Contractor	Thurston Dudek, LLC	291 David Parkway Ontario, NY 14519	\$1,076,600
Electrical Contractor	East Coast Electric, LLC	546 Lyell Avenue Rochester, NY 14606	\$2,227,905

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendations of the Program Manager and Independent Compliance Officer that contract awards shall be made to Ferrauilo Plumbing & Heating, Inc. and Thurston Dudek, LLC for the bid amounts shown above to provide all equipment, labor, materials, and plant necessary to execute the scopes of work associated with the Monroe High School project in Phase 1 of the RSMP; and
2. The RJSCB hereby approves the recommendations of the Program Manager that contract awards shall be made to Manning Squires Hennig Co., Inc. and East Coast Electric, LLC for the bid amounts shown above to provide all equipment, labor, materials, and plant necessary to execute the scopes of work associated with the Monroe High School project in Phase I of the RSMP, subject to the Independent Compliance Officer providing its final approval of the Eligible Business Entity (EBE) Utilization Plan for each contractor; and
3. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") to the firms named above in substantially the form included in the Request for Bids for the Monroe High School 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 B. Brown**  
**Approved 7-0**

**Resolution 2014-15: 243**  
**RJSCB Annual Report FY2014-15**

**By Board Member B. 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 RJSCB, under Section 21 of the Act, is required to submit an annual report to various State agencies noting the progress and status of the projects undertaken by the RJSCB;

THEREFORE, BE IT RESOLVED:

1. The FY2014-15 Annual Report of the RJSCB is hereby accepted pending final edits and corrections to be made by the Executive Director, with a final version to be circulated to the full Board prior to distribution on or before June 30, 2015.

**Second by Board Member J. Brown**  
**Approved 7-0**

**Resolution 2014-15: 244**  
**RJSCB Monthly Meeting Schedule 2015-2016**

**By Board Member Coronas**

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 RJSCB has identified dates for the 2015-16 Meeting Schedule (listed below) at their monthly meeting held on June 8, 2015; and

WHEREAS, the meeting schedule is as follows:

<b>MWBE and Services Procurement and Finance Committee</b> Meetings take place at 1776 N Clinton Ave <b>7:30am, 9:00am</b>	<b>Monthly Board Meeting</b> Meetings take place at 1776 N Clinton Ave <b>4:30pm</b>
July 9, 2015	July 13, 2015
July 30, 2015 (August)	August 3, 2015
September 10, 2015	September 14, 2015
October 1, 2015	October 5, 2015
October 29, 2015 (November)	November 2, 2015
December 10, 2015	December 14, 2015
January 7, 2016	January 11, 2016
February 4, 2016	February 8, 2016
March 3, 2016	March 7, 2016
March 31, 2016 (April)	April 4, 2016
April 28, 2016 (May)	May 2, 2016
June 2, 2016	June 6, 2016

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby approves the meeting schedule above for the Fiscal Year 2015-16.

**Second by Board Member J. Brown**  
**Approved 7-0**

**Resolution 2014-15: 245**  
**Pay Requisition Summary Acceptance (May 2015)**

**By Board Member B. Brown**

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 RJSCB developed a pay requisition approval procedure with input from its Counsel, the MWBE 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 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 Rochester Schools Modernization Program Phase 1b projects were deposited in the Trustee's account on June 6, 2013; and

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

WHEREAS, Excel Aid funding associated with the Rochester Schools Modernization Program 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 compliance with the Pay Requisition Approval Procedure, the RJSCB's Executive Director has reviewed the individual pay applications from each of the consultants and suppliers for accuracy and completeness; and

WHEREAS, the Executive Director forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$1,176,715.15 including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using Excel Aid funding, to the RJSCB Board Chair with copy to the full Board on May 22, 2015; and

WHEREAS, the RJSCB Board Chair approved the Pay Requisition Summary on May 22, 2015; and

WHEREAS, the RJSCB's Executive Director reviewed the regular monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on June 4, 2015;

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of May 2015 in the amounts stated above and as shown in the Summary sheets attached to this Resolution.

**Second by Board Member J. Brown  
Approved 7-0**

### **Communications**

The Monthly Report is included in the Member's packets and was reviewed by Program Manager Tom Rogér.

- Phase 1c: School 12 is underway and Monroe High School will begin shortly.
- Phase 1a and 1b: Job costs are being reconciled with the District (they submit the Final Cost Reports to SED). Anticipate this being complete next month.

The Compliance Report from Baker Tilly is included in the Member's packets and was reviewed by ICO Brian Sanvidge.

- 73.87% submissions for the April reporting period (as of May 21, 2015).
- 99.16% of all data has been received and approved (January 2014 through April 2015).
- Still short on the SBE (goal 5%) achieving 3.56%. Baker Tilly is working with few firms to get them certified. Other firms have grown as a result of the Program and no longer qualify as an SBE (\$2M cap). Member Coronas asked for this analysis. Member Coronas also requested the total Rochester Resident participation. Vice Chair Brown asked for the total dollars into the community (labor and business).

The Budget reports are included in the Member's packets and were reviewed by Program Managers Tom Rogér and Pepin Accilien.



- Tom Rog r reviewed the overall budget – over \$7M total contingency remaining (\$6.2M in the various projects and \$1.3M in Owners uncommitted).
- Tom Roger noted that the local share cost is tracking well below the authorized max amount.
- An additional report (requested by Chair Richards at the May meeting) was provided and reviewed by Program Manager Pepin Accilien. This report showed the original budget (costs from the SA139 forms) compared to the actual (final or current) costs (including change orders, amendments, capital interest, etc.).

The MWBE and Services Procurement Committee Report for June 4, 2015 is included in the Members packets.

The Finance Committee Report for June 4, 2015 is included in the Members packets.

**Executive Session**  
**Approved at 5:42 pm**

Chair Tom Richards called for an Executive Session per Section 105 1. (f) of the Open Meetings Law.

Motion by Member B. Brown  
Second by Member J. Brown  
Approved 5-0 with Members A. Williams and W. Williams away

**Adjournment**  
**Approved at 6:40 pm**