

# **Rochester Joint Schools Construction Board**

## **Minutes**

### **November 7, 2011**

#### **4:30 PM**

#### **Present**

Board Chair Kenneth Bell, Members: Richard Pifer, Bob Brown, Lois Giess, Alex Castro, Jerome Underwood, Brian Roulin (arrived at 5:04pm), and ICO Windell Gray. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Director Tom Rogér.

Chairman Bell convened the Board meeting at 4:33 pm

Chairman Bell asked if anyone present wished to address the Board.

Mary Miskell, a resident on Amsterdam Road near School #28, addressed the Board. Ms. Miskell stated her belief that the proposed number of students who will attend School #28 when the project is completed is too many. She questioned the expansion of the school to the K-8 format. Ms. Miskell stated that she is in favor of the renovation but opposed to expansion.

Tala Hopkins, a resident on Amsterdam Road near School #28, addressed the Board. Ms. Hopkins is a member of the School #28 Building Advisory Committee (BAC) which has met throughout the schematic design process. Ms. Hopkins stated that she is in favor of the renovation but opposed to expansion.

Mary Gallagher, a parent liaison at School #28, addressed the Board stating that when she started working at School #28 there were over 740 students attending the school. It is her belief that the expansion will not be too many students. She stated that the library and the cafeteria will be renovated to meet the needs of the new student population. She is in favor of the K-8 model and believes that the project in its current plan is an excellent project.

In response to Ms. Gallagher's statements, Mary Miskell stated that there is too much student mobility within the District and it is her belief that smaller student populations make better learning environments.

#### **Approval of Minutes: Monthly Board Meeting held on October 3, 2011**

**Motion by Member Brown**

**Second by Member Castro**

**Approved 6-0 with Member Roulin not yet present.**

#### **Schematic Design Presentation – School #58 presented By Peter Bachman of JCJ Architecture and Bob DiPaola of Gilbane**

Peter stated that there have been 15 Building Advisory Committee (BAC) meetings and 4 Town Hall meetings to date. There are roughly 35 people on the BAC.

The project milestone schedule was reviewed.

The types of programs at School #58 were reviewed.

The school will be moving back after 2 years in swing space at Franklin H.S., as a K-12.

The school is on the National Register for Historic Preservation.

The project will add approximately 30,000 sqft to the existing building.

Ken Bell asked about the proposed parking area across the street from the school. Peter stated that the Scio Street site is still being reviewed as a possibility.

The proposed building floor plan was reviewed.

There are 2 property acquisitions proposed for the project. The first is an existing, but vacant, Kentucky Fried Chicken Restaurant which when acquired will add much needed green space to the site and will greatly improve the aesthetics of the corner at University Ave. The second is an area to the north currently owned by the DOT. This acquisition will allow for the Gym expansion and for necessary road access to the rear of the building.

The Budget was reviewed. The project is about \$1M over budget at this time, which Bob stated is well within expectations for the current status of the design. However, there is a self-imposed task of an additional \$2M which the project is looking to save. The design team is putting together a list of possible value engineering ideas which will be reviewed with the BAC. Approximately \$1.6M in potential savings ideas has already been identified and there are many more which have yet to be priced at this time.

Ken Bell stated that the Board will look for the Design team to recommend which value engineering ideas make the most sense to be accepted.

Lois Giess asked if conversations had started with SHPO. Peter stated "yes". Tom Roger added that SED no longer requires SHPO approval, they (SED) will look for recommendations from SHPO.

Lois Giess asked about the DOT property. This may take a long time to process. Bob stated that they plan to get interim permitting in order to go forward.

Lois Giess stated that if the KFC property is deleted by value engineering it will be a disappointment.

Jerome asked for budget clarification. Peter stated that he believes that the project could be delivered for the original budget, but the additional \$2M self-imposed task will be more difficult to achieve.

### **Schematic Design Presentation – Franklin High School presented By Rishawn Sonubi of Young and Wright Architectural**

The Franklin campus is large. Over 450,000 square feet.

The budget for the project is only \$3.7M.

The Young and Wright team has met with District facilities and the BAC to determine the best use of the limited funds for the project. The focus is on accessibility, necessity, and life safety.

The work areas were discussed:

- The existing parking lot will be renovated.
- A new parking lot and bus loop will be added to the west side.
- An accessible entrance and elevator will be added.
- A loading dock and receiving area will be added.
- The kitchen will be updated and renovated.
- There will be an elevator upgrade (near stair #5).
- There will be a lobby renovation.

The project is on budget.

The work activities will take place over consecutive summers 2012 and 2013. The new parking lot on the west side will take place in the first summer.

Brian Roulin asked for clarification of the elevator near stair #12. There are existing stairs at that location. The proposed work will create a much better entrance at this location.

## **Action Items**

Ken Bell stated that Resolutions 2011-12: 35 through 43 and 2011-12: 45 were reviewed by the MWBE Services Procurement Committee.

### **Resolution 2011-12: 33 Schematic Design Approval – School #58**

#### **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 RJSCB entered into an agreement with JCJ Architecture, dated March 28, 2011, with respect to the renovations to occur at School #58 (Agreement between Board and Architect); and

WHEREAS, pursuant to the Agreement between Board and Architect, JCJ Architecture has performed and completed the Program Verification Phase and has now submitted the Schematic Design Documents to the Program Manager and Building Advisory Committee members for review; and

WHEREAS, Building Advisory Committee (BAC) meetings have been held throughout the schematic design process for School #58 which include participants from the Program Manager, the Architect, representatives from the RCSD facilities department, the City of Rochester, the building principal, teachers, staff, parents, and community members; and

WHEREAS, subsequent community meetings, which were open to the public, have been held during and at the conclusion of the Schematic Design Phase; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the School #58 project; and

WHEREAS, JCJ Architecture presented the Schematic Design Documents for School #58 to the RJSCB, at its regular monthly meeting on November 7, 2011, for review and approval;

THEREFORE, BE IT RESOLVED:

1. That the Schematic Design Documents for the School #58 project are approved.
2. The Program Manager is hereby authorized to direct the Architect for School #58 (JCJ Architecture) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Architect.

**Second by Board Member Pifer  
Approved 7-0**

**Resolution 2011-12: 34**  
**Schematic Design Approval – Franklin High School**

**By Board Member Pifer**

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 entered into an agreement with Young & Wright Architectural, dated March 28, 2011, with respect to the renovations to occur at Franklin High School (Agreement between Board and Architect); and

WHEREAS, pursuant to the Agreement between Board and Architect, Young & Wright Architectural has performed and completed the Program Verification Phase and has now submitted the Schematic Design Documents to the Program Manager and Building Advisory Committee members for review; and

WHEREAS, Building Advisory Committee (BAC) meetings have been held throughout the schematic design process for Franklin High School which include participants from the Program Manager, the Architect, representatives from the RCSD facilities department, the City of Rochester, the building principal, teachers, staff, parents, and community members; and

WHEREAS, subsequent community meetings, which were open to the public, have been held during and at the conclusion of the Schematic Design Phase; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the Franklin High School project; and

WHEREAS, Young & Wright Architectural presented the Schematic Design Documents for Franklin High School to the RJSCB, at its regular monthly meeting on November 7, 2011, for review and approval;

THEREFORE, BE IT RESOLVED:

1. That the Schematic Design Documents for the Franklin High School project are approved.
2. The Program Manager is hereby authorized to direct the Architect for Franklin High School (Young & Wright Architectural) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Architect.

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

**Resolution 2011-12: 35**  
**Amendment #5 to SWBR Architect’s Agreement**

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

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");

WHEREAS, following the execution of the Agreement, SWBR Architects, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals and/or estimates were then obtained for these additional scope items and provided to the Program Manager for review;

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 add these additional scope items in the total amount of \$13,475 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 3, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That 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 Pifer  
Approved 7-0**

**Resolution 2011-12: 36  
Amendment #4 to JCJ Architecture's Agreement**

**By Board Member Pifer**

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 JCJ Architecture, P.C. ("JCJ Architecture") as the Architect for the School 58 World of Inquiry project in Phase I (Resolution 2010-11: 35);

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

WHEREAS, following the execution of the Agreement, JCJ Architecture, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that JCJ Architecture's Agreement should be amended to add these additional scope items in the total amount of \$21,469 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 3, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That the proposed amendment to the JCJ Architecture 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 Brown**  
**Approved 7-0**

**Resolution 2011-12: 37**  
**Amendment #3 to Clark Patterson Lee Agreement**

**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 RJSCB approved the selection of Clark Patterson Lee ("CPL") as the Architect for the School 50 project in Phase I (Resolution 2010-11: 35);

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

WHEREAS, following the execution of the Agreement, Clark Patterson Lee, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals and/or estimates were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Clark Patterson Lee's Agreement should be amended to add these additional scope items in the total amount of \$67,000 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 3, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That the proposed amendment to the Clark Patterson Lee 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 Giess**  
**Approved 7-0**

**Resolution 2011-12: 38  
Amendment to Harter Secret & Emery LLP Agreement**

**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 RJSCB issued a Request for Proposal (RFP) for a law firm to provide legal services to the RJSCB; and

WHEREAS, pursuant to the award criteria in the RFP, the RJSCB, on August 28, 2009, by Resolution 2009-2010: 2, selected Harter Secret & Emery LLP to provide legal services and authorized the Chair of the RJSCB (“Chair”) to enter into a Legal Services Agreement with Harter Secret & Emery LLP; and

WHEREAS, subsequent to the execution of the Agreement and specifically starting for the fiscal year July 1, 2011 – June 30, 2012, the funding structure for the RJSCB’s operating expenses and its budget was modified in such a way that the RJSCB’s operating budget is now funded by the Rochester City School District (“the District”) as a line item in the District’s annual budget, with the District providing the approved funding directly to the RJSCB and the RJSCB then administering the funds itself; and

WHEREAS, the RJSCB has developed its own budget for the administration of its operating funds for this fiscal year, including a specific amount allocated for legal fees, and the RJSCB will develop similar budgets for future fiscal years; and

WHEREAS, the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) has recommended that Harter Secret & Emery’s Agreement should be amended accordingly to reflect the changes to the funding structure related to the RJSCB’s operating expenses and its budget; and

WHEREAS, the Committee discussed this recommendation at its November 3, 2011 meeting and after due deliberation, it approved the proposed amendments to the Agreement, a copy of which is attached;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the Board and Harter Secret & Emery LLP in the form presented with this Resolution 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 a form acceptable to the Chair upon the advice of the Executive Director.

**Second by Board Member Pifer  
Approved 7-0**

**Resolution 2011-12: 39**  
**Architect Selection - Phase 1b Schools**

**By Board Member 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 identified qualified architectural firms for Phase I of the Rochester Schools Modernization Program (RSMP) using a Request for Qualifications process (Resolution 2010-11: 28 ) in keeping with its timeline for construction; and

WHEREAS, the RJSCB subsequently issued a Request for Proposals (RFP) for Architectural Services, Renovation and Addition Projects, Phase 1b Schools (Resolution 2011-12: 22); and

WHEREAS, the RJSCB's Procurement Policy stipulates that the MWBE and Services Procurement Committee shall select finalists and conduct interviews for professional service contracts (Article 2 Section 1(e)); and

WHEREAS, the Committee selected seven finalists following the review and consideration of recommendations provided by the RJSCB Program Manager; and

WHEREAS, these finalists were then interviewed by Committee members, Program Manager representatives, and District representatives; and

WHEREAS, after due deliberation by the Committee, the following firms were identified as being highly qualified and fiscally responsive to the RJSCB's Rochester Schools Modernization Program for the specific projects set forth below;

5 School	Young & Wright Architectural	740 Seneca Street Buffalo, NY 14210
12 School	SEI Design Group	224 Mill Street Rochester, NY 14614
East High School	Cannon Design	2170 Whitehaven Road Grand Island, NY 14072
Edison High School	LaBella Associates	300 State Street Rochester, NY 14614
Jefferson High School	SEI Design Group	224 Mill Street Rochester, NY 14614
Monroe High School	Chaintreuil Jensen Stark Architects	54 South Union Street Rochester, NY 14607

THEREFORE, BE IT RESOLVED:

1. That the Rochester Joint Schools Construction Board hereby approves the named firms to provide Architectural Services as indicated above for the second six schools in Phase 1b of the RSMP; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver individual Agreements (the "Agreement") with each firm named above in substantially the form previously approved by the RJSCB as an attachment to the RFP for Architectural Services, Renovation and Addition Projects, with such changes as the Chair may approve (his signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

**Second by Member Underwood**  
**Approved 7-0**



**Resolution 2011-12: 40**

**Pre-Apprenticeship Program by Career Compliance & Placement (CCP)**

**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 expressly states in Section 5 (f) that the RJSCB shall include as a part of its comprehensive school modernization plan (Master Plan), a preliminary diversity plan to develop diversity goals, and develop strategies that would create and coordinate any efforts to ensure a more diverse workforce for the projects (Rochester School Modernization Program or RSMP); and

WHEREAS, the RJSCB believes that a Pre-Apprenticeship Program should be instituted for the RSMP projects to help achieve the workforce diversity goals established for the projects as a part of the Master Plan; and

WHEREAS, a Pre-Apprenticeship Program is necessary and consistent with the goals of the RJSCB; and

WHEREAS, during the RFP process for the selection of the Program Manager, Career Compliance & Placement was identified by the RJSCB as a firm that was capable and experienced in workforce recruitment and training; and

WHEREAS, Career Compliance & Placement has significant experience in workforce recruitment and training consulting services and has produced the desired results in other cities on similar projects with similar goals (ie. Syracuse, New Haven); and

WHEREAS the Program Manager originally intended to retain Career Compliance & Placement as a part of the Program Manager’s scope of services, but the Program Manager subsequently determined that the RJSCB should hold the contract with the firm in order that the RJSCB could manage these services directly and Career Compliance & Placement would report to the RJSCB; and

WHEREAS, time is a critical factor with construction to begin in July, 2012, and therefore the Pre-Apprenticeship Program needs to commence as soon as possible; and

WHEREAS, based on the above factors, the RJSCB believes that a competitive bid for these services or a request for proposal for this specific scope of work will not produce significant cost savings or provide an overall benefit to the RSMP projects; and

WHEREAS, the Executive Director and the RJSCB’s Chair have discussed the proposed scope of services and estimated price with Career Compliance Placement, of which these negotiations are expected to be completed soon; and

WHEREAS, the Committee considered and discussed a scope of work proposal for the Pre-Apprenticeship Program from Career Compliance & Placement at its November 3, 2011 meeting, a copy of which is attached hereto (Scope of Work), and after due deliberation, it approved the Scope of Work;

THEREFORE, BE IT RESOLVED:

1. The Scope of Work proposal for the Pre-Apprenticeship Program from Career Compliance & Placement as set forth above is hereby approved; and
2. The RJSCB’s Chair are hereby authorized in the name and on behalf of the RJSCB, to negotiate, finalize, and execute an Agreement 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 Underwood**

**Approved 7-0**

**Resolution 2011-12: 41  
Communication Policy and FOIL Request Process**

**By Board Member Pifer**

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 wishes to establish policies and procedures by which the leadership and staff of the RJSCB will provide reasonable assurance that the internal controls for the response to Freedom of Information Law (FOIL) requests by the RJSCB are effective and efficient; and

WHEREAS, consistent with these wishes, the RJSCB has drafted proposed revisions to its Communication Policy, an application form to be used by the public and the RJSCB for FOIL requests, and an information sheet to be posted on the RJSCB web site regarding FOIL requests, copies of which are all attached to this resolution; and

WHEREAS, at the MWBE and Services Procurement Committee (the “Committee”) meeting on November 3, 2011, the Committee discussed and considered the revised Communication Policy, along with the RJSCB FOIL request application form and information sheet, and approved them for consideration by the full Board;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves and adopts in all respects the revised Communication Policy, along with the RJSCB FOIL request application form and information sheet.

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

**Resolution 2011-12: 42  
PLA Study and PLA Agreement**

**By Board Member Pifer**

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 expressly states in Section 9 that the RJSCB may require that the construction contracts for the Rochester Schools Modernization Program (“RSMP”) be subject to a project labor agreement (“PLA”); and

WHEREAS, the RJSCB hired Seeler Engineering, P.C. to perform a PLA Study (Resolution 2011-2012: 16) to evaluate potential costs/benefits of utilizing a PLA for the RSMP, the results of which will be the basis for the final decision of whether or not to commence negotiations with the Rochester Building and Construction Trades Council for a PLA; and

WHEREAS, the Committee, the Board’s general counsel, and the Program Manager have reviewed and discussed the PLA Study provided by Seeler Engineering, P.C. at the Committee’s November 3, 2011 meeting, a copy of which is attached hereto, and after due deliberation, it accepted the PLA Study;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts the PLA Study prepared by Seeler Engineering, P.C., including the findings and recommendations therein; and
2. The RJSCB hereby directs the Program Manager, with the assistance of Seeler Engineering, P.C. and the Board's General Counsel, to negotiate the terms of a PLA with the Rochester Building and Construction Trades Council acting on behalf of the twenty-three craft unions likely to participate in the RSMP project.

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

**Resolution 2011-12: 43**  
**COMIDA Application for Assistance**

**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 authorizes new and innovative ways to renovate school buildings, including various financing techniques; and

WHEREAS, the Act permits the issuance of debt by one or more of the City, the County of Monroe Industrial Development Agency ("COMIDA") and the Dormitory Authority of the State of New York ("DASNY"); and

WHEREAS, the City has issued \$29 million in Bond Anticipation Notes for the Project in order to finance the initial planning and design costs of the Phase I projects, which funding will allow the RJSCB to finalize the plans and specifications for submission to the State Education Department ("SED"); and

WHEREAS, the City lacks sufficient debt capacity to be the issuer of any additional debt for the Project; and

WHEREAS, in order to choose an issuer of up to \$325 million of long-term debt, the RJSCB, with the assistance of its counsel and its Financial Advisor, obtained cost estimates from COMIDA and DASNY; and

WHEREAS, based on the fee quotes provided by COMIDA and DASNY, any additional financing costs that accompany each respective issuer and a review of potential interest rates, the Executive Director, with the assistance of general counsel and the RJSCB's Financial Advisor, determined that COMIDA offers the most favorable financing terms; and

WHEREAS, the Executive Director, with the assistance of general counsel, prepared a draft Application for Assistance (the "Application") on COMIDA's standard form and presented it to the M/WBE and Services Procurement Committee (the "Committee"); and

WHEREAS, the Committee reviewed the Application at its November 3, 2011 meeting and, after due deliberation, it agreed to recommend to the full board that the Application be approved in the current form and submitted to COMIDA;

**NOW, THEREFORE, BE IT RESOLVED:**

1. The RJSCB hereby approves the selection of COMIDA as the issuer of long-term debt for Phase 1 of the Facilities Modernization Plan.
2. The Executive Director, with the assistance of general counsel, is hereby authorized and directed to submit the Application to COMIDA in the form presented to this Board.

3. The members and staff of the RJSCB are hereby authorized and directed for and on behalf of the RJSCB and in its name to do all acts and things required or as may be necessary, or in the opinion of the person so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the RJSCB with all of the provisions of the foregoing resolutions

**Second by Board Member Pifer**  
**Approved 7-0**

**Resolution 2011-12: 44**  
**Pay Requisition Summary Acceptance (October 2011)**

**By Board Member 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 a Pay Requisition Approval Procedure (Resolution 2011-12: 23); and

WHEREAS, in compliance with the Pay Requisition Approval Procedure, the RJSCB 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 a Pay Requisition Summary (attached to this Resolution) in the amount of \$1,182,523.28 to the Board Chair with copy to the full Board on October 18, 2011; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on October 18, 2011; and

WHEREAS, the BAN proceeds for the RSMP were deposited in the City's account on September 15, 2011;

THEREFORE, BE IT RESOLVED:

1. That the Rochester Joint Schools Construction Board hereby accepts the Pay Requisition Summary for the month of October 2011 in the amount stated above and as shown in the Summary attached to this Resolution.

**Second by Member Pifer**  
**Approved 7-0**

**Resolution 2011-12: 45**  
**Amendment #5 to JCJ Architecture's Agreement**

**By Board Member Pifer**

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 JCJ Architecture, P.C. ("JCJ Architecture") as the Architect for the School 58 World of Inquiry project in Phase I (Resolution 2010-11: 35);

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

WHEREAS, following the execution of the Agreement, JCJ Architecture, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that JCJ Architecture's Agreement should be amended to add these additional scope items in the total amount of \$26,500 to Exhibit I of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 3, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That the proposed amendment to the JCJ Architecture Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved subject to approval of changes to the swing space plan by the Board of Education; 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 Brown**  
**Approved 6-0-1 with Member Underwood abstaining**

#### **Staff Updates**

Monthly project reports from Gilbane are included in the Board member's packets.

The monthly budget reports for the Board's operating expenses and the Board's contract commitments are included in the Board member's packets. Jerome Underwood asked the Board if the financial reports provided by Tom Renauto are in an acceptable form to forward to the Board of Education (BOE). The Board agreed that the reports provided by Tom Renauto are acceptable. Jerome will forward the budget reports as a monthly "communication" to the BOE.

The Committee Report from 11/3/11 is included in the Board member's packets.

#### **Adjournment**

**Motion by Member Roulin**  
**Second by Member Brown**  
**Approved 7-0 at 6:29 pm**