

Rochester Joint Schools Construction Board
Minutes
September 12, 2011
4:30 PM

Present

Board Chair Kenneth Bell, Members: Brian Roulin, Jerome Underwood, Richard Pifer, and ICO Windell Gray. Members Bob Brown and Alex Castro were away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Director Tom Rog r.

Chairman Bell convened the Board meeting at 4:41 pm and asked if anyone present wished to address the Board.

Tim Mains, Principal at School #50, stated that although the District typically does not like to air condition its facilities, that he would like the team to re-consider this for all schools. Ken Bell noted the concern raised by Mr. Mains.

Approval of Minutes: Monthly Board Meeting held on August 8, 2011

Motion by Member Pifer
Second by Member Underwood
Approved 4-0 with Members Brown and Castro away

Schematic Design Presentation – School #50

Brian Trott, of Clark Patterson Lee, presented the schematic designs for School #50 to the Board. Tom Wolanski, also from Clark Patterson Lee, and Mark Bollin from The Pike Company were also there to assist in the presentation.

The current enrollment at School #50 is 521. The projected enrollment is approximately 600.

Square footage costs for the new addition were discussed along with budget estimates for construction. The budget estimates prepared to date are in line with the MCA.

The “bump out” rooms associated with several of the classrooms on the main floor will be bid as alternates.

Tom Roger stated that the contingency is currently being carried in the soft costs.

FF&E is included in the soft costs.

It was noted that some interior cooling is included in the project. It is possible to add cooling later to those spaces served by Air Handling Units. A “module” could be purchased and inserted into the unit. However, the classrooms will not have the ability to add cooling later.

The main building addition takes up green space on site and limits the area available for recreation. There is a large adjacent property which could potentially be purchased and renovated to become new athletic fields. The cost of this has not been finalized. Gilbane is working with the City to discuss a possible partnership on this acquisition and renovation. Jerome Underwood is going to be meeting with Bret Garwood of the City to discuss some of the costs.

Action Items:

Chairman Bell stated that all of the action items have been reviewed and approved at the M/WBE Procurement sub-committee on 9/8/11 for submission to the full Board for review and approval.

Resolution 2011-12: 15
Schematic Design Approval – School #50

By Board Member Richard 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 Clark Patterson Lee (“CPL”), dated March 28, 2011, with respect to the renovations to occur at School #50 (Agreement between Board and Architect); and

WHEREAS, pursuant to the Agreement between Board and Architect, CPL 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 #50 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 #50 project; and

WHEREAS, CPL presented the Schematic Design Documents for School #50 to the RJSCB, at its regular monthly meeting on September 12, 2011, for review and approval;

THEREFORE, BE IT RESOLVED:

1. That the Schematic Design Documents for the School #50 project are approved.
2. The Program Manager is hereby authorized to direct the Architect for School #50 (Clark Patterson Lee) 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 Jerome Underwood
Approved 4-0 with Members Brown and Castro away

Resolution 2011-12: 16
PLA Consultant Services by Seeler Engineering P.C.

By Board Member Jerome Underwood

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 believes that a PLA study should be performed for the RSMP projects to assess the potential benefits of a PLA; and

WHEREAS, time is a critical factor in order to meet the project schedule; and
WHEREAS, a PLA Study is necessary and consistent with the goals of the RJSCB; and

WHEREAS, the RJSCB believes that a competitive bid for these professional services or a request for proposal for the small scale and scope of this work would not be cost effective nor produce a significant cost savings and the RJSCB believes that Seeler Engineering, P.C. is the most experienced consultant with PLA experience in the local area since it had prepared PLA studies recently for Monroe County and the Monroe County Water Authority, and has now been retained by the City of Rochester; and

WHEREAS, the Committee considered and discussed a proposal for a PLA Study from Seeler Engineering P.C. at its September 8, 2011 meeting, a copy of which is attached hereto, in an amount not to exceed \$15,800, and after due deliberation, it approved the proposal;

THEREFORE, BE IT RESOLVED:

1. The proposal for a PLA Study from Seeler Engineering P.C. as set forth above is hereby approved in an amount not to exceed \$15,800; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to 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 Richard Pifer
Approved 4-0 with Members Brown and Castro away

Resolution 2011-12: 17
Amendment #2 to Clark Patterson Lee Agreement

By Board Member Jerome Underwood

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 \$52,740 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 September 8, 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 Richard Pifer
Approved 4-0 with Members Brown and Castro away***

**Resolution 2011-12: 18
Amendment #1 to SWBR Architect's Agreement (Master Plan)**

By Board Member Richard 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 SWBR Architects, ("SWBR") as the Master Plan Architect for the Rochester Schools Modernization Program (Resolution 2010-11: 8);

WHEREAS, the RJSCB entered into an agreement with SWBR Architects (Resolution 2010-11: 8) dated August 16, 2010, entitled Agreement Between Board and Architect (the "Agreement");

WHEREAS, following the execution of the Agreement, SWBR Architects incurred the amount of \$10,470 for printing and binding costs for the draft and final report for the Master Plan and the firm should be reimbursed for these costs incurred on behalf of the RJSCB as a reimbursable expense; and

WHEREAS, under the Agreement, SWBR Architects is entitled to interest at the rate of .50% per month beginning forty-five (45) days after the receipt of the invoices and that the amount of interest that has accrued will be \$15,406.26 through September 15, 2011; 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 add the total amount of \$10,470 as a reimbursable expense and \$15,406.26 for interest under the Agreement (through September 15, 2011); and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 8, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That the proposed amendment to SWBR's Agreement Between Board and Architect dated August 16, 2010 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 Chairman Ken Bell
Approved 4-0 with Members Brown and Castro away***

Resolution 2011-12: 19
Amendment #3 to SWBR Architect's Agreement

By Board Member Jerome Underwood

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 \$80,655 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 September 8, 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 Richard Pifer
Approved 4-0 with Members Brown and Castro away

Resolution 2011-12: 20
Amendment #3 to JCJ Architecture's Agreement

By Board Member Richard 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 \$50,000 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 September 8, 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 Chairman Ken Bell
Approved 4-0 with Members Brown and Castro away**

**Resolution 2011-12: 21
Amendment #2 to Young & Wright Architectural Agreement**

By Board Member Jerome Underwood

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 Young & Wright Architectural as the Architect for the Franklin High School project in Phase I (Resolution 2010-11: 35);

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

WHEREAS, following the execution of the Agreement, Young & Wright Architectural, 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 Young & Wright Architectural's Agreement should be amended to add these additional scope items in the total amount of \$3,530 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 September 8, 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 Young & Wright Architectural's Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and

- 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 Richard Pifer
Approved 4-0 with Members Brown and Castro away**

Architectural Services RFP – Phase 1B Schools

Tom Roger described that the Architectural RFP for Phase 1B schools will be sent to those 15 Architectural Firms that have been previously pre-qualified through the RFQ process. Those Firms who are currently working on Phase 1A projects will be allowed to submit bids for Phase 1B projects. Gilbane has created a Matrix which will allow the Architects to bid on projects that have been pre-assigned to them. The process was discussed.

**Resolution 2011-12: 22
RFP for Architectural Services – Phase 1B Schools**

By Board Member Richard 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 identified qualified architectural firms for Phase I of the Rochester Schools Modernization Program using a Request for Qualifications process (Resolution 2010-2011: 28) in keeping with its timeline for construction that will commence Summer 2012; and

WHEREAS, the Request for Qualifications review process identified several firms highly qualified to meet the requirements of the timeline; and

WHEREAS, the RJSCB’s Program Manager has prepared a Request for Proposals for Architectural Services, Renovation and Addition Projects for Phase 1B (the “RFP”), which was reviewed by the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) at its September 8, 2011 meeting and approved for forwarding to the full RJSCB Board; and

WHEREAS, after due deliberation, the Committee approved that the RFP for Architectural Services for Phase 1B Schools should be distributed to the following Pre-qualified firms:

Ashley McGraw Architects
Cannon Design
Chaintreuil Jensen Stark Architects
Clark Patterson Lee
EI Team, Inc.
HHL Architects
Hunt EAS
JCJ Architecture
Kenneth Boroson Architects
LaBella Associates
Perkins Eastman Architects
SEI Design Group
SWBR Architects
Watts A&E
Young + Wright Architectural

THEREFORE, BE IT RESOLVED:

1. The Request for Proposals for Architectural Services for Phase 1B Schools is approved for issuance September 13, 2011 to the above named firms, and each firm will be advised on which (one or more) of the six Phase 1B schools it has been recommended by the Program Manager to submit a proposal on.
2. The MWBE and Services Procurement Committee is authorized on behalf of the RJSCB, with the advice and recommendations of the Program Manager, to review the Phase 1B RFP responses, select finalists, conduct interviews of the Architect finalists along with other RJSCB board members, and recommend to the RJSCB the most qualified candidates.

**Second by Board Member Jerome Underwood
Approved 4-0 with Members Brown and Castro away**

**Resolution 2011-12: 23
Pay Requisition Approval Procedures**

By Board Member Brian Roulin

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 payment of requisitions due by the RJSCB are effective and efficient; and

WHEREAS, consistent with these wishes, the RJSCB has drafted a proposed Pay Requisition Approval Procedures, a copy of which is attached to this resolution, and has discussed and approved these procedures at its MWBE and Services Procurement Committee meeting on September 8, 2011 (the “Payment Procedures”); and

WHEREAS, the Payment Procedures shall assist the RJSCB in preventing fraud, detecting errors, ensuring timely and accurate payment to its contractors, vendors, suppliers, and consultants, and instituting a segregation of duties and/or proper compensating internal controls;

THEREFORE, BE IT RESOLVED:

1. That the RJSCB hereby approves and adopts in all respects the Payment Procedures; and
2. That all actions taken by the RJSCB, the Chairman of the RJSCB and the Executive Director of the RJSCB pursuant to and in accordance with the Payment Procedures are hereby authorized and approved in all respects.

**Second by Board Member Richard Pifer
Approved 4-0 with Members Brown and Castro away**

Staff Updates

Tom Roger stated that there is a meeting scheduled with SED on 9/16/11 to review the schematic designs of each of the first six schools.

Tom Roger stated that he has had several conversations with Carl Thurnau at SED regarding the timing of the aid as it relates to the new law. Gilbane will prepare language for each project to apply for a waiver.

Tom Renauto discussed the new format for the monthly budget reporting. The left hand column will be updated each month to report that month’s activity. The right hand column will be used to update year to date costs and the balance remaining. Jerome stated that he liked the format. Tom stated that he will email the construction reimbursable report to the Board members.

The Committee Report from 9/8/11 was distributed.

Adjournment

**Motion by Member Roulin
Second by Member Pifer
Approved 4-0 at 6:28 pm**