

**Rochester Joint Schools Construction Board
Minutes
November 3, 2014
4:30 PM**

Present

Chair Tom Richards, Charles Benincasa, Vice Chair Bob Brown, Joe Brown, José Coronas, Chris Thomas, and ICO Brian Sanvidge. Member Aaron Hilger was away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, Program Director Tom Rog r from Gilbane and Pepin Accilien from Savin.

Chair Richards convened the meeting at 4:33 pm

Approval of Minutes

Monthly Meeting held on October 6, 2014

Motion by Member Thomas

Second by Member Brown

Approved 6-0 with Member Hilger away

Consent Agenda Items

Resolution 2014-15: 100

Amendment #14 to Chaintreuil Jensen Stark Architects, LLP Agreement – Monroe High School

By Board Member Benincasa

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 Chaintreuil Jensen Stark Architects, LLP (“CJS”) as the Architect for the Monroe High School project in Phase I (Resolution 2011-12: 39); and

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

WHEREAS, following the execution of the Agreement, CJS, 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; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that CJS’s Agreement should be amended to add these additional scope items in the total amount of \$6,885 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 October 30, 2014 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Chaintreuil Jensen Stark Architects 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 Vice Chair Brown
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 101
Amendment #4 to The Pike Company (CM – Schools 5 and 12)**

By Board Member Benincasa

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 The Pike Company ("Construction Manager") to provide Construction Management services for the School 5 and School 12 projects in September of 2012 as a part of Phase 1b 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, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services and the Program Manager has received and reviewed proposals for this additional work provided by the Construction Manager; and

WHEREAS, the Agreement includes allowances for printing costs which have not been fully exhausted, of which \$444.40 shall be reallocated to pay for other reimbursable costs; and

WHEREAS, the remaining balance of the printing allowance, \$9,357.84, shall be credited back to the RSMP; 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 credit the amount of \$9,357.84 back to the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 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, including the reallocation of

\$444.40 of unused printing allowance for other reimbursable items, and a credit of \$9,357.84, the remaining printing allowance, back to the RSMP; 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 Vice Chair Brown
Approved 6-0 with Member Hilger away

Resolution 2014-15: 102
Purchase Order Revisions to Main-Ford General Supply

By Board Member Benincasa

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's Program Manager worked with Kaizen Foodservice Planning and Design Inc., the RJSCB's Food Service Consultant, to prepare a request for Kitchen Equipment bids in conjunction with the first five projects in Phase 1a of the Rochester Schools Modernization Program ("RSMP") (School 17, School 50, School 58, Charlotte High School, and Franklin High School); and

WHEREAS, the RJSCB issued a Request for Bids for Kitchen Equipment on July 3, 2012 (Resolution 2012-13: 11) associated with the first five projects in Phase 1a of the RSMP; and

WHEREAS, the RJSCB, at its monthly meeting on August 13, 2012 (Resolution 2012-13: 22), approved the selection of Main-Ford General Supply to provide kitchen equipment for the first five projects in Phase 1a of the RSMP; and

WHEREAS, subsequent to the issuance of the purchase order for kitchen equipment, the Food Service Consultant identified the need for changes to the kitchen equipment included in the original request for bids; and

WHEREAS, a cost proposal for these changes in scope was then obtained from Main-Ford General Supply by the Program Manager and the Food Service Consultant for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Main-Ford General Supply's purchase order should be amended to include these changes in scope for a credit in the amount of -\$1,169; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend Main-Ford General Supply's purchase order;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to Main-Ford General Supply's purchase order dated August 14, 2012 for Kitchen Equipment associated with the first five projects in Phase 1a of the RSMP 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 issue a revised purchase order for the Kitchen Equipment 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 Vice Chair Brown
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 103
Change Order #65 to Manning Squires Hennig Co., Inc. – General Contractor (School 50)**

By Board Member Benincasa

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 general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2011-12: 101) dated June 4, 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 The Pike Company, 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 #65 includes the following items:

1. Replacement furniture offset credit in the amount of -\$1,210.56
 2. Additional attic stock terrazzo tile for the amount of \$4,085
- The total amount of Change Order #65 is \$2,874.44; 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 Manning Squires' Contract should be amended to delete and add these additional scope items in the total amount of \$2,874.44; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig Co., Inc.'s Contract between the Board and Contractor dated June 4, 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 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 Vice Chair Brown
Approved 6-0 with Member Hilger away

Resolution 2014-15: 104
Change Order #4 to Steve General Contractor Inc. – General Contractor (Franklin High School - Auditorium)

By Board Member Benincasa

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 General Contractor contract to Steve General Contractor Inc., ("Steve General") for the Franklin High School Auditorium Project in Phase I (Resolution 2013-14: 128); and

WHEREAS, the RJSCB entered into a contract with Steve General (Resolution 2013-14: 128) dated November 4, 2013 (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, Steve General, along with Campus Construction Group (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 #4 includes the following items:

1. Abate door opening at lift area for the amount of \$3,929
2. Change door hardware closure for a credit of -\$80
3. Adjust 2hr fire rated ceiling in room 34c for the amount of \$1,675

The Total amount of Change Order #4 is \$5,524; 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 Steve General's Contract should be amended to delete and add these additional scope items in the total amount of \$5,524; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Steve General Contractor Inc.'s Contract between the Board and Contractor dated November 4, 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 Vice Chair Brown
Approved 6-0 with Member Hilger away

Resolution 2014-15: 105
Change Order #4 to M.A. Ferrauilo – Mechanical Contractor (Franklin High School - Auditorium)

By Board Member Benincasa

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 Michael A. Ferrauilo Plumbing and Heating Inc., ("M.A. Ferrauilo") for the Franklin High School Auditorium Project in Phase I (Resolution 2013-14: 128); and

WHEREAS, the RJSCB entered into a contract with M.A. Ferrauilo (Resolution 2013-14: 128) dated November 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, M.A. Ferrauilo, along with Campus Construction Group (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 #4 includes the following item:

1. Insulate piping for the amount of \$665
2. Credit for piping material in the amount of -\$56
3. Seal return duct space for the amount of \$1,120
4. Fire caulking in the amount of \$1,495
5. Remove non-operable dampers for the amount of \$1,905
6. Remove and replace ductwork for the amount of \$1,294
7. Repair roof seams for the amount of \$1,970
8. Install new gate valves for the amount of \$687
9. Credit for lintel in the amount of -\$214
10. Insulate condensate line for the amount of \$683
11. Remove and relocate pressure gauges for the amount of \$1,687

The Total amount of Change Order #4 is \$11,236; 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 M.A. Ferrauilo's Contract should be amended to delete and add these additional scope items in the total amount of \$11,236; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to M.A. Ferrauilo's Contract between the Board and Contractor dated November 4, 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 Vice Chair Brown
Approved 6-0 with Member Hilger away

Resolution 2014-15: 106
Change Order #4 to Kaplan Schmidt – Electrical Contractor (Franklin High School - Auditorium)

By Board Member Benincasa

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 Electrical Contractor contract to Kaplan Schmidt Electric ("Kaplan Schmidt") for the Franklin High School Auditorium Project in Phase I (Resolution 2013-14: 128); and

WHEREAS, the RJSCB entered into a contract with Kaplan Schmidt (Resolution 2013-14: 128) dated November 4, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the Electrical Contractor's scope of work; and

WHEREAS, following the execution of the Contract, Kaplan Schmidt, along with Campus Construction Group (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 #4 includes the following items:

1. Remove and relocate existing power, fire alarm devices for the amount of \$3,098
 2. Power to balcony exit lights for the amount of \$583
- The Total amount of Change Order #4 is \$3,681; 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 Kaplan Schmidt's Contract should be amended to add these additional scope items in the total amount of \$3,681; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Kaplan Schmidt's Contract between the Board and Contractor dated November 4, 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 Vice Chair Brown
Approved 6-0 with Member Hilger away

Action Items

Resolution 2014-15: 90
Master Plan Update – School 16 Evaluation and Recommendation

By Vice Chair 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 SWBR Architects ("SWBR") (Resolution 2010-11: 8) dated August 16, 2010 entitled Agreement Between the Board and the Architect (the "SWBR Agreement") to create a comprehensive Facilities Modernization Plan ("FMP" or "Master Plan"); and

WHEREAS, the RJSCB subsequently approved the Master Plan prepared by SWBR in January of 2011 (Resolution 2010-11: 29) and directed Gilbane Building Company (the "Program Manager") to forward it to the State Education Department ("SED") and to the State Comptroller for review and approval; and

WHEREAS, the Master Plan was subsequently approved by SED and the State Comptroller in May 2011; and

WHEREAS, in January/February 2012, the RJSCB thereafter approved proceeding with an update of the original Master Plan and retaining SWBR to perform these Master Plan update services as an amendment to the SWBR Agreement (Resolution 2011-12: 61 and Resolution 2011-12: 64); and

WHEREAS, SWBR's update of the Master Plan was completed in September of 2012 and turned over to the District for review, public comment, and approval by the Board of Education; and

WHEREAS, following a series of public forums in late 2012/early 2013 and additional comments received from the District, the Master Plan update was revised by SWBR; and

WHEREAS, the Board of Education of the District (the "Board of Education") approved the Master Plan update in March of 2013; and

WHEREAS, in August 2014, the District requested that the RJSCB proceed with another update of the Master Plan to serve as the basis for the Phase 2 Rochester Schools Modernization Program ("RSMP") and the RJSCB subsequently extended the services of SWBR Architect to provide these services upon the issuance of a notice to proceed (Resolution 2014-15: 37); and

WHEREAS, on August 21, 2014, the Board of Education approved Board of Education Resolution 2014-2015: 154 which included, in part, the following:

"Resolved, the services of a qualified engineering/architecture firm will be immediately engaged to provide the Board and the Superintendent with an itemized cost estimate and feasibility opinion regarding the repairs necessary for the School 16 building on Post Avenue to be returned to use, with students, in fall 2015;

and be it further Resolved, the analysis will include the following assumptions: 1. the building will eventually be fully renovated as a K-6 School with FMP II resources; 2. Fall 2015 occupancy may be a proportion of the full capacity (for example, one or two grade levels, not K-6, in 2015-16); and 3. the analysis should include flexibility and contingent estimates where relevant, aiming to identify only the fundamental requirements for the building to house children safely and adequately in this valued neighborhood school pending the highly anticipated, more complete rehabilitation."

WHEREAS, the District's Superintendent has requested that the RJSCB assist the District in the evaluation and recommendation for School #16 as it relates to the Board of Education Resolution 2014-2015: 154 (the "School #16 Evaluation"); and

WHEREAS, the work related to the School #16 Evaluation will become an integral part of the Phase 2 Master Plan Update, for which the RJSCB has already retained the services of SWBR Architects; and

WHEREAS, SWBR has provided a proposed scope of work to complete the School #16 Evaluation, whereby the services for the School #16 Evaluation would be an additional service under the SWBR Agreement; and

WHEREAS, the District has advised the RJSCB that it approves the retaining of SWBR to proceed with the School #16 Evaluation, and has agreed to advance to the RJSCB the funds required to be paid to SWBR for the School #16 Evaluation; and

WHEREAS, the Program Manager has recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that the SWBR Agreement should be amended to add the School #16 Evaluation, for compensation in an amount not to exceed the sum of \$16,000; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 2, 2014 meeting and, after due deliberation, it tabled the request to amend the SWBR Agreement and requested additional information;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SWBR Agreement to provide for the School #16 Evaluation, as set forth above, is hereby approved, provided that either the District shall advance to the RJSCB the funds required to pay for the School # 16 Evaluation or will pay SWBR directly for the

services, with the RJSCB repaying such funds to the District upon approval and funding of Phase 2 of the RSMP provided also that School 16 is part of the Phase 2 list of schools approved by the City and School District; and

2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the SWBR 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 with Member Hilger away**

**Resolution 2014-15: 107
Contract Award – School 12 Abatement and Demolition**

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB”), a seven voting member board consisting of equal representation by the City of Rochester (“City”) and the Rochester City School District (“District”), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program (“RSMP”) including a District Wide Technology program which involves technology upgrades and infrastructure work at each of the 12 school projects identified in Phase 1; and

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

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

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

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

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

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

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

WHEREAS, at the monthly meeting on September 8, 2014, the Program Manager recommended and the RJSCB approved the award of the “early start” package to Mark Cerrone Inc. (Resolution 2014-15:67) and;

WHEREAS, the award was approved by the RJSCB contingent on reaching mutual agreement on contract language and the contractor fulfilling certain requirements; and

WHEREAS, no contract has been executed between the RJSCB and Mark Cerrone Inc. and;

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

WHEREAS, instead of assuming that the vermiculite materials contain asbestos, the updated regulations state that the Department of Health will allow the RJSCB to use new methods to test for the actual presence of asbestos; and

WHEREAS, the Program Manager directed the Architect to send samples of the existing spray-on fireproofing materials at School 12 to a laboratory for testing; and

WHEREAS, the test results are conclusive that the spray-on fireproofing found at School 12 does not contain asbestos; and

WHEREAS, the test results significantly reduce the overall scope of work needed on the project at School 12; and

WHEREAS, the reduction in scope of work will benefit the project by reducing the cost and shortening the scheduled duration for the work; and

WHEREAS, due to the substantial change in the scope of work and the fact that the RJSCB and Mark Cerrone Inc. have not signed a contract, the Program Manager has recommended that the RJSCB reject all bids and abandon the original procurement, have the Architect formulate a new set of project specifications and scope, and then re-bid the project as soon as possible; and

WHEREAS, at the monthly RJSCB meeting held on October 6, 2014, following the review and consideration of the above recommendation from the RJSCB's Program Manager and after due deliberation, the RJSCB agreed with the full recommendation (Resolution 2014-15: 100); and

WHEREAS, on October 14, 2014, the revised School 12 Abatement and Demolition documents were issued for re-bid; and

WHEREAS, the RJSCB's Executive Director received bids on October 28, 2014, per the deadline stipulated in the Request for Bids; and

WHEREAS, the Program Manager, Architect, Construction Manager, and Independent Compliance Officer ("ICO") participated in a de-scoping meeting with the apparent low bidder on October 29, 2014; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on October 30, 2014, following the review and consideration of recommendations provided by the RJSCB's Program Manager and after due deliberation by the Committee, the following contract award was approved:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
Abatement and Demolition	Mark Cerrone, Inc.	2368 Maryland Ave Niagara Falls, NY 14304	\$1,428,790

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that a contract award shall be made to the above named firm and bid amount to provide all equipment, labor, materials, and plant necessary to execute the abatement and demolition scope of work associated with the School 12 project in Phase 1 of the RSMP; and
2. This award is subject to the ICO's final approval of those subcontractors listed on the Form DP-1; and
3. The Contractor has agreed to provide fully executed subcontracts to the ICO within 30 days of the date of the executed agreement referenced in No. 4 below; and
4. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") to the firm named above in substantially the form included in the Request for Bids for the School 12 project, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Vice Chair Brown
Approved 6-0 with Member Hilger away

Resolution 2014-15: 108
Security Services – School 12

By Vice Chair 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, in September 2012, as a result of repeated vandalism at the School 17 project site, the Program Manager recommended and the RJSCB approved that the Construction Manager ("CM") for School 17, The Pike Company ("Pike"), hire security guard services for after hours and weekend/holiday coverage (Resolution 2012-2013: 31); and

WHEREAS, thereafter, the District requested that all RSMP projects include security guard services for after hours, weekends, and holiday coverage for those projects where the school buildings have been vacated for construction or are located in areas that either have a history or are considered more vulnerable to vandalism; and

WHEREAS, the costs for security guard services for the overall project were later identified by the Program Manager as a "program wide expense" and the method of paying for these services through the Construction Manager's contract did not lend itself easily to separation and tracking of these program costs; and

WHEREAS, in March 2013, the RJSCB approved Resolution 2012-2013: 122 to directly hire the security services firms for projects that were under construction at the time including School 17, School 50, and School 58, with the CMs responsible for the day-to-day coordination and reporting associated with these security services; and

WHEREAS, the RJSCB issued a Request For Proposals (“RFP”) for security services on September 9, 2014 (Resolution 2014-15: 66), which included work at the James P.B. Duffy School #12 project in Phase 1; and

WHEREAS, the RFP was posted on the District’s web site, the RJSCB’s web page, the City’s web site, Bidclerk, and Bidnet, and was also issued directly to firms who had indicated prior interest in receiving the RFP; and

WHEREAS, on or before the date stipulated in the RFP, September 23, 2014, the Executive Director received eleven proposals in response to the RFP; and

WHEREAS, based on the qualifications presented in the RFP responses, the Executive Director and the Program Manager subsequently conducted interviews with three candidates; and

WHEREAS, following the interviews, the Executive Director and Program Manager identified AP Safety and Security as the best candidate based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, the Committee reviewed and discussed the recommendation from the Program Manager to award the contract for security services to AP Safety and Security at its meeting on October 30, 2014, and after due deliberation, it approved the recommendation;

THEREFORE, BE IT RESOLVED:

1. The contract for security services for James P.B. Duffy School #12 in Phase 1 of the Rochester Schools Modernization Program is hereby awarded to AP Safety and Security for a total amount not-to-exceed \$252,270; 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 Benincasa
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 109
Change Order #66 through #73 to LeChase Construction – General Contractor (School 5)**

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 award of the general contractor contract to LeChase Construction Services LLC (“LeChase”) for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with LeChase (Resolution 2012-13: 177) dated June 4, 2013 (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, LeChase, along with The Pike Company, 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 #66 includes the following items:

1. Cleaning following FF&E, materials and box moves for the amount of \$16,140

The Total amount of Change Order #66 is \$16,140; and

WHEREAS, Change Order #67 includes the following items:

1. Credit for tree relocation in the amount of -\$1,600

2. Field review changes for the amount of \$673.66

The Total amount of Change Order #67 is a credit of -\$926.34; and

WHEREAS, Change Order #68 includes the following items:

1. Additional ceiling tile attic stock for turnover for the amount of \$1,767.15

The Total amount of Change Order #68 is \$1,767.15; and

WHEREAS, Change Order #69 includes the following items:

1. Changes at freight elevator for the amount of \$1,595

2. Remove existing concrete for the amount of \$2,499

3. Changes to site plan for the amount of \$230

The Total amount of Change Order #69 is \$4,324; and

WHEREAS, Change Order #70 includes the following items:

1. Field review changes for the amount of \$572.99

2. Additional field review changes for the amount of \$22,951.93

The Total amount of Change Order #70 is \$23,524.92; and

WHEREAS, Change Order #71 includes the following items:

1. Changes to walls and ceilings for the amount of \$28,809.46

The Total amount of Change Order #71 is \$28,809.46; and

WHEREAS, Change Order #72 includes the following items:

1. Cabinet and ductwork changes for the amount of \$683.35

2. Field review changes for the amount of \$2,867.38

3. Plaster patching for the amount of \$2,774.60

4. Existing conditions repairs for the amount of \$1,749.12

5. Concrete cove at carpet for the amount of \$1,081.56

The Total amount of Change Order #72 is \$9,156.01; and

WHEREAS, Change Order #73 includes the following items:

1. Field changes for the amount of \$22,950.74

The Total amount of Change Order #73 is \$22,950.74; 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 LeChase's Contract should be amended to delete and add these additional scope items in the total amount of \$105,745.94; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to LeChase Construction Services LLC's Contract between the Board and Contractor dated June 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 to the Contract 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 Vice Chair Brown
Approved 6-0 with Member Hilger away

Resolution 2014-15: 110
Change Order #12 to Thurston Dudek – Plumbing Contractor (School 5)

By Board Member Benincasa

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 plumbing contractor contract to Thurston Dudek for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with Thurston Dudek (Resolution 2012-13: 177) dated June 4, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

WHEREAS, following the execution of the Contract, Thurston Dudek, along with The Pike Company, 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 #12 includes the following item:

1. Gym storm piping for the amount of \$3,669.25
- The total amount of Change Order #12 is \$3,669.25; 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 Thurston Dudek's Contract should be amended to add these additional scope items in the total amount of \$3,669.25; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Thurston Dudek's Contract between the Board and Contractor dated June 4, 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 Vice Chair Brown
Approved 6-0 with Member Hilger away

Resolution 2014-15: 111
Change Order #14 and #15 to Bell Mechanical Contractors Inc. – Mechanical Contractor (School 5)

By Vice Chair 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 Bell Mechanical Contractors Inc. ("Bell") for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with Bell (Resolution 2012-13: 177) dated June 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, Bell, along with The Pike Company, 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 #14 includes the following items:

1. Smoke seal corridor ceilings for the amount of \$4,417.45
- The total amount of Change Order #14 is \$4,417.45; and

WHEREAS, Change Order #15 includes the following items:

1. Additional smoke seal in corridors for the amount of \$6,250.68
 2. Changes to kiln room for the amount of \$3,123.68
 3. Relocate whiteboards for the amount of \$570.20
 4. Additional changes at kiln room \$570.20
 5. Changes due to existing conditions on floors 2 and 3 for the amount of \$1,140.40
 6. Field condition changes for the amount of \$2,307.77
 7. Raise kindergarten cabinets for the amount of \$2,601.54
- The total amount of Change Order #15 is \$16,564.47; 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 Bell's Contract should be amended to add these additional scope items in the total amount of \$20,981.92; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Bell Mechanical Contractors' Contract between the Board and Contractor dated June 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 to the Contract 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 Hilger away**

**Resolution 2014-15: 112
Change Order #10 to Kaplan Schmidt – Electrical Contractor (School 5)**

By Board Member Thomas

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 electrical contractor contract to Kaplan Schmidt for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with Kaplan Schmidt (Resolution 2012-13: 177) dated June 4, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

WHEREAS, following the execution of the Contract, Kaplan Schmidt, along with The Pike Company, 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 item:

1. Credit the remaining balance of RG&E allowance in the amount of -\$30,876.69
The total amount of Change Order #10 is a credit of -\$30,876.69; 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 Kaplan Schmidt's Contract should be amended to credit these scope items in the total credit amount of -\$30,876.69; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Kaplan Schmidt's Contract between the Board and Contractor dated June 4, 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 Brown
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 113
Change Order #3, #4, and #5 to Steve General Contractor – Roofing General Contractor (School 5)**

By Board Member Benincasa

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, in July 2014, the RJSCB approved the award of the roofing general contractor contract to Steve General Contractor Inc, for the School 5 project in Phase I (Resolution 2014-15: 8); and

WHEREAS, the RJSCB entered into a contract with Steve General Contractor Inc., (Resolution 2014-15: 8) dated July 7, 2014 (the "Contract"), to perform the scope of services defined in the contract documents as the roofing general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Steve General Contractor, Inc., along with The Pike Company, 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 #3 includes the following item:

1. Repair to roof split for the amount of \$6,389.59
- The total amount of Change Order #3 is \$6,389.59; and

WHEREAS, Change Order #4 includes the following item:

1. Outdoor storage ramp repairs for the amount of \$1,621.09
- The total amount of Change Order #4 is \$1,621.09; and

WHEREAS, Change Order #5 includes the following item:

1. Door at stair 11 replacement for the amount of \$13,291.78

The total amount of Change Order #5 is \$13,291.78; 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 Steve General Contractors' Contract should be amended to add these additional scope items in the total amount of \$21,302.46; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Steve General Contractors' Contract between the Board and Contractor dated July 7, 2014 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 to the Contract 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 Brown
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 114
Change Order #49R3 and #50 to Manning Squires Hennig Co., Inc. – General Contractor (School 17)**

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 award of the general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2012-13: 14) dated July 2, 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 The Pike Company, 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 #49R3 includes the following item:

1. Additional asbestos abatement for the amount of \$421,130.36
The Total amount of Change Order #49R3 is \$421,130.36; and

WHEREAS, Change Order #50 includes the following items:

1. Repairs to basketball backboard for the amount of \$2,648.97
2. Gym Floor re-stripping for the amount of \$9,887.06

The Total amount of Change Order #50 is \$12,536.03; 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 Manning Squires' Contract should be amended to add these scope items for the total amount of \$433,666.39; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 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 Co., Inc.'s Contract between the Board and Contractor dated July 2, 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 to the Contract 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 Hilger away**

**Resolution 2014-15: 115
Change Order #7 to Leo J. Roth – (Mechanical - School 58)**

By Board Member Benincasa

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 #7 includes the following items:

1. Media center ductwork changes for the amount of \$3,940
 2. Gyp board soffits for the amount of \$310
 3. Steel conflict at lower level for the amount of \$5,251
 4. Chase conflict for the amount of \$1,161
 5. Duct chase relocation for the amount of \$4,434
 6. Duct supply changes for the amount of \$2,918
 7. Duct transition for the amount of \$3,005
 8. Wall revisions for the amount of \$2,605
 9. Steel revisions for the amount of \$8,617
- The total amount of Change Order #7 is \$32,241; 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 \$32,241; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Leo J. Roth's Contract between the Board and Contractor dated March 4, 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 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 with Member Hilger away**

**Resolution 2014-15: 116
Change Order #12 to EastCoast Electric – Electrical Contractor (School 58)**

By Board Member Benincasa

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 electrical contractor contract to EastCoast Electric LLC ("EastCoast") for the School 58 project in Phase I (Resolution 2012-13: 120); and

WHEREAS, the RJSCB subsequently entered into a contract with EastCoast (Resolution 2012-13: 120) dated March 4, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

WHEREAS, following the execution of the Contract, LeChase Construction, the Construction Manager, and the Program Manager, identified the need for changes to the scope of work; and

WHEREAS, Change Order #12 includes the following items:

1. Circuit for motorized shades for the amount of \$15,059.30
2. Casework changes for the amount of \$1,270.81
3. Cable tray and sleeves for the amount of \$6,048.93
4. AHU-4 recovery motor for the amount of \$2,781
5. Wire size change for the amount of \$6,570
6. Duct transmission for the amount of \$577
7. Gym floor conduit removal for the amount of \$12,007

The total amount of Change Order #12 is \$44,314.04; and

WHEREAS, the Construction Manager and the Program Manager believe that the pricing is appropriate and the contract time will not be increased by this scope change; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that East Coast's Contract should be amended to add these scope items for a total of \$44,314.04; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to EastCoast Electric's Contract between the Board and Contractor dated March 4, 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 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 Vice Chair Brown
Approved 6-0 with Member Hilger away

Resolution 2014-15: 117
Change Order #46 and #50 to Manning Squires Hennig – 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 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 #46 includes the following items:

1. Schedule extension costs for the amount of \$381,982
- The total amount of Change Order #46 is \$381,982; and

WHEREAS, Change Order #50 includes the following items:

1. Modify footings at gym for the amount of \$10,429
 2. Area C precast for the amount of \$4,106
 3. Gallery ceiling for the amount of \$7,970
 4. Scio street tree removal for the amount of \$1,284
 5. Removal of temp electric and water to CM trailer for the amount of \$1,758
- The total amount of Change Order #50 is \$25,547; 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 these additional scope items in the total amount of \$407,529; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 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 Hilger away**

Resolution 2014-15: 118

Change Order #27 to The Pike Company – General Contractor (Charlotte High School)

By Vice Chair 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 general contractor contract to The Pike Company (“Pike”) for the Charlotte High School Project in Phase I (Resolution 2011-12: 105); and

WHEREAS, the RJSCB entered into a contract with The Pike Company (Resolution 2011-12: 105) dated June 4, 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, The Pike Company, along with Campus Construction Group, 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 #27 includes the following items:

1. Additional patching for the amount of \$20,298
2. Fans and dehumidification for the amount of \$2,049
3. Credit for paint materials in the amount of -\$3,330
4. Credit for tile in the amount of -\$514
5. Remediation of condensation in rooms 9 and 13 for the amount of \$28,903
6. Install flammable storage cabinets for the amount of \$2,362
7. Remove and repair flag pole base for the amount of \$1,518
8. Install base cabinet in room 305 for the amount of \$1,424
9. Correction of labor rates, credit in the amount of -\$2,271
10. Change to floor wax products for the amount of \$2,244
11. Install spray insulation for the amount of \$705

The Total amount for Change Order #27 is \$53,388; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary and 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 The Pike Company’s Contract should be amended to delete and add these scope items for a total of \$53,388; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to The Pike Company’s Contract between the Board and Contractor dated June 4, 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 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 Benincasa
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 119
Change Order #14 to M.A. Ferraiulo Plumbing and Heating Inc. – Mechanical Contractor (Charlotte High School)**

By Board Member Benincasa

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 contract to M.A. Ferraiulo Plumbing and Heating Inc. ("Ferraiulo") for the Charlotte High School Project in Phase I (Resolution 2011-12: 105); and

WHEREAS, the RJSCB entered into a contract with Ferraiulo (Resolution 2011-12: 105) dated June 4, 2012 (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, Ferraiulo, along with Campus Construction Group, 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 #14 includes the following items:

1. Relocate UV in room 305 for the amount of \$5,792
 2. Remediate condensation in rooms 9 and 13 for the amount of \$27,896
- The Total amount of Change Order #14 is \$33,688; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary and 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 M.A. Ferraiulo Plumbing and Heating Inc.'s Contract should be amended to add these scope items for the total amount of \$33,688; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to M.A. Ferraiulo Plumbing and Heating Inc.'s Contract between the Board and Contractor dated June 4, 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 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 Vice Chair Brown
Approved 6-0 with Member Hilger away

Resolution 2014-15: 120
Change Order #10 to Concord Electric Corporation – Electrical Contractor (Charlotte High School)

By Vice Chair 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 electrical contractor contract to Concord Electric Corporation (“Concord”) for the Charlotte High School Project in Phase I (Resolution 2011-12: 105); and WHEREAS, the RJSCB entered into a contract with Concord (Resolution 2011-12: 105) dated June 4, 2012 (the “Contract”), to perform the scope of services defined in the contract documents as the electrical contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Concord, along with Campus Construction Group, 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 item:

1. Remediate condensation in rooms 9 and 13 for the amount of \$2,949
- The Total amount of Change Order #10 is \$2,949; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary and 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 Concord Electric Corporation’s Contract should be amended to add these additional scope items in the total amount of \$2,949; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its October 30, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Concord Electric Corporation’s Contract between the Board and Contractor dated June 4, 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 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 Benincasa
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 121
Special Committee**

By Vice Chair 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 requires the Board to engage an Independent Compliance Officer (“ICO”) to report directly to the Board; and

WHEREAS, in November of 2013, the RJSCB issued a request for proposals (an “RFP”) regarding ICO services for the remainder of Phase 1 of the RSMP entitled “Independent Compliance Officer Services” (Resolution 2013-2014: 103); and

WHEREAS, in January 2014, the RJSCB awarded the remainder of Phase 1 Independent Compliance Officer Services contract to the firm Baker Tilly Virchow Krause LLP (“Baker Tilly”) (Resolution 2013-14: 162) and entered into an agreement with Baker Tilly dated January 13, 2014 (“Agreement”); and

WHEREAS, in June 2014, the RJSCB approved an amendment to Baker Tilly’s Agreement to add additional services pursuant to a proposal provided by Baker Tilly (Resolution 2013-14: 313); and

WHEREAS, the Board is aware of government investigation relating to the prior ICO and the implementation of the preliminary diversity plan by the prior ICO; and

WHEREAS, in order to facilitate communications with Baker Tilly relating to its additional services and with the government relating to government investigation, in a manner that allows the dissemination of information to be limited should that be necessary in the future, the Board has determined that it will designate a special committee to be responsible for these communications; and

WHEREAS, the Board has also determined that it will designate the following members for the special committee: Tom Richards, Chair; Charles Benincasa; and Jose Coronas.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby designates a special committee that will be authorized to:
 - a. monitor the additional services provided by Baker Tilly, the Board’s current ICO, and communicate with Baker Tilly regarding such services; and
 - b. manage the Board’s communication with any government agency investigating issues relating to the prior ICO and the implementation of the preliminary diversity plan under the prior ICO; and

2. The special committee shall consist of the following members: Tom Richards, Chair; Charles Benincasa; and Jose Coronas; and
3. In its discretion, the special committee will advise the full Board of its communications and other updates when appropriate and necessary.

**Second by Board Member Thomas
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 122
Pay Requisition Summary Acceptance (October 2014)**

By Vice Chair 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, 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 \$5,175,037.13 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 October 27, 2014; and

WHEREAS, the RJSCB Board Chair approved the Pay Requisition Summary on October 28, 2014; and

WHEREAS, the RJSCB's Executive Director reviewed the regular monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on October 30, 2014;

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of October 2014 in the amounts stated above and as shown in the Summary sheets attached to this Resolution.

**Second by Board Member Brown
Approved 6-0 with Member Hilger away**

Presentation: School 12 Project

Wayne Hermanson from Gilbane and Ted Mountain with SEI Design described the upcoming project including an overview of the plans and specs including existing conditions, budget estimates and project goals.

Presentation: School 58 Project Update

Bob DiPaola from Gilbane presented a slideshow showing the project's progress. Slides included the sitework, interior renovations and interior new construction / additions. Completion date is slated for the end of November 2014.

Communication

The Monthly Report is included in the Member's packets.

- Projects are being closed out.
- Monroe High School is slated to go out-to-bid in January 2015.
- Early Aid approval forms are being prepared for SED submission for Schools 5, 28, Edison Technology Campus, and East High School.

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

- All reporting is now electronic with no hard copy forms being turned in.

- September 2014 numbers are short for minority and women labor, but the Program's overall numbers are still exceeding their goals by 2% and 2% respectively.

The Budget reports are included in the Member's packets. The RSMP Budget was reviewed by Tom Rogér and noted that it does not include School 58 claims.

The MWBE and Services Procurement Committee Report for September 4, 2014 is included in the Members packets

The Finance Committee Report for September 4, 2014 is included in the Members packets.

- Discussion held regarding the Phase 2 Activities spreadsheet provided to the Board. Any missing activities? Executive Director Tom Renauto to review with Program Manager Tom Rogér. A Special Board Meeting to follow to discuss the items in more detail.

Executive Session

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

Motion by Chair Richards
Second by Board Member Brown
Approved 6-0 with Member Hilger away

Adjournment

Approved at 6:10 pm