

Rochester Joint Schools Construction Board
Minutes
May 4, 2015
4:30 PM

Present

Chair Tom Richards, Charles Benincasa, Vice Chair Bob Brown, Joe Brown (arrived at 4:52 p.m.), José Coronas, Allen Williams, Wayne Williams and ICO Brian Sanvidge. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Manager Pepin Accilien from Savin.

Chair Richards convened the meeting at 4:35 pm

Approval of Minutes

Monthly Meeting held on April 6, 2015

Motion by Member B. Brown

Second by Member Benincasa

Approved 6-0 with Member J. Brown away

Special Meeting held on April 9, 2015

Motion by Member B. Brown

Second by Member Benincasa

Approved 6-0 with Member J. Brown away

Consent Agenda Items

Resolution 2014-15: 218

Amendment #11 to Chaintreuil Jensen Stark Architects, LLP Agreement (Charlotte HS)

By Board Member W. Williams

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

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

WHEREAS, the RJSCB approved the selection of Chaintreuil Jensen Stark Architects, LLP ("CJS") as the Architect for the Charlotte High School project in Phase I (Resolution 2010-11: 35); and

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

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that CJS's Agreement should be amended to deduct and return the unused allowance funds to the program in the total amount of \$15,581.64; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 30, 2015 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 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 Coronas
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 219
Change Order #3 to Mark Cerrone Inc. (School 12 Demo and Abatement)**

By Board Member W. Williams

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

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

WHEREAS, the RJSCB approved the award of the demo and abatement contractor contract to Mark Cerrone Inc., ("Cerrone") for the School 12 project in Phase I (Resolution 2014-15: 107); and

WHEREAS, the RJSCB entered into a contract with Cerrone (Resolution 2014-15: 107) dated November 3, 2014 (the "Contract"), to perform the scope of services defined in the contract documents as the demo and abatement contractor's scope of work; and

WHEREAS, following the execution of the Contract, Cerrone, along with the Pike Company (the Construction Manager), and the Program Manager, identified reductions in the scope of work, and cost proposals were then obtained for these reductions in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #3 includes the following item:

1. Delete the removal of nine roof drains for a credit in the amount of -\$1,479.84
The Total amount of Change Order #3 is a credit of -\$1,479.84; 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 Mark Cerrone Inc.'s Contract should be amended to delete this scope item for a total credit in the amount of -\$1,479.84; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 30, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Mark Cerrone Inc.'s Contract between the Board and Contractor dated November 3, 2014 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 Coronas
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 220
Change Order #5 to Hewitt Young Electric – District Wide Technology (1a)**

By Board Member W. Williams

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

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

WHEREAS, the 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 District Wide Technology Phase 1a contract to Hewitt Young Electric, LLC ("HYE") for the District Wide Technology Phase 1a projects in Phase I (Resolution 2011-12: 79); and

WHEREAS, the RJSCB subsequently entered into a contract with HYE (Resolution 2011-12: 79) dated March 12, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the District Wide Technology Phase 1a contractor's scope of work; and

WHEREAS, following the execution of the Contract, HYE, along with Millennium Strategies, the Technology Consultant, and the Program Manager, identified the need for changes to the scope of work, and cost proposals were then obtained for these scope items and provided to the Technology Consultant and the Program Manager for review; and

WHEREAS, Change Order #5 includes the following items:

1. Additional sleeves at School 28 for the amount of \$1,904.14
2. Innerduct for School 28 and School 58 for the amount of \$6,310.51
3. Five additional data drops at School 50 for the amount of \$2,115.87
4. Additional cameras at School 17 for the amount of \$6,541.88
5. Delete classroom amplification systems included in bid but not used for a credit of -\$68,935
6. Additional sleeves at School 28 and School 58 for the amount of \$1,058.24
7. Additional Smart Board installs at School 50 for the amount of \$1,608.05
8. Additional sleeves at School 58 for the amount of \$1,412.95
9. Additional cable, patching and labeling at School 58 for the amount of \$4,334.80
10. Blank cover plates at School 58 for the amount of \$1,268.22

11. Removal of Smart Board at School 58 due to office change for the amount of \$260.14
 12. Additional data drops at School 28 and School 58 for the amount of \$28,975
 13. Additional time required for delays at School 58 for the amount of \$30,912
 14. Relocation and coordination of final fixture locations for the amount of \$245.18
 15. Additional coordination of fixture in gymnasium for the amount of \$888.72
 16. Coordination of feeds for basketball equipment in gymnasium for the amount of \$912.13
 17. Wall bracket and installation of monitor and PC at School 58 for the amount of \$4,023.80
 18. Relocation of the amplification system for the amount of \$624.40
 19. Relocation of Smart Board for the amount of \$938.40
 20. Relocation of phone and data in G210 for the amount of \$468.30
 21. Add data drops in G405 for the amount of \$1,200.52
 22. Raise Smart Board to requested height for the amount of \$470.10
 23. Add two data drops and one phone to U126 for the amount of \$1,378.01
 24. Cable for data and voice to circulation desk for the amount of \$2,189.30
- The total amount of Change Order #5 is \$31,105.66; and

WHEREAS, the Technology Consultant 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 Hewitt Young Electric, LLC's Contract should be amended to add and delete these scope items in the total amount of \$31,105.66; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 30, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Hewitt Young Electric, LLC's Contract between the Board and Contractor dated March 12, 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 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 Coronas
Approved 6-0 with Member J. Brown away**

Action Items

**Resolution 2014-15: 221
Amendment #18 to Chaintreuil Jensen Stark Architects, LLP – Monroe High School**

By Board Member B. Brown

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

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

WHEREAS, the RJSCB approved the selection of 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 \$66,500 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 April 30, 2015 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 Board Member Benincasa
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 222
Amendment #3 to Millennium Strategies**

By Board Member W. Williams

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

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

WHEREAS, the RJSCB selected Millennium Strategies (“Technology Consultant”) to provide technology consulting and design services for the Phase 1 projects in March of 2011 as a part of the Rochester Schools Modernization Program (the “RSMP”) (Resolution 2010-11: 40) and the parties thereafter entered into an Agreement between the Board and the Technology Consultant dated March 28, 2011 (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the Technology Consultant, along with the Program Manager, identified the need for additional scopes of work as requested by the District, 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 the Technology Consultant's Agreement should be amended to add these additional scope items in the total amount of \$11,905.38; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 30, 2015 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Technology Consultant 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 B. Brown
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 223
Purchase Order – School 12 Building Controls**

By Board Member B. Brown

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

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

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

WHEREAS, the RJSCB's procurement policy allows for the issuance of purchase orders from centralized contracts let by the New York State Office of General Services ("OGS"); and

WHEREAS, the RJSCB is an authorized purchaser from OGS centralized contracts and was issued a customer identification number (Customer ID #8174) by OGS in 2012; and

WHEREAS, in 2001, the Board of Education ("BOE") for the Rochester City School District passed Resolution number 2001-2002: 176, which standardized the use of Anderson Controls products for energy management, video and access systems in District facilities; and

WHEREAS, the RJSCB's Program Manager recommends the purchase of building controls equipment off of a New York State Office of General Services contract ("State Contract") in conjunction with the School 12 project; and

WHEREAS, the OGS State Contract PT 64059 includes materials meeting the specifications for School 12 in accordance with the District's standardization policy and also accords with the RJSCB's procurement policy; and

WHEREAS, the RJSCB has been advised that the firm Schneider Electric acquired Andover Controls in 2014; and

WHEREAS, the RJSCB has been advised that the firm Day Automation is the sole distributor of Schneider/Anderson controls in the Rochester, NY area; and
WHEREAS, the Program Manager was able to further negotiate a discount of over \$10,000 from the prices specified in the OGS contract; and

WHEREAS, the Program Manager recommends that a purchase order be issued to Day Automation as the authorized distributor of Schneider/Andover products pursuant to State Contract PT 64059 in the amount of \$349,778.94; and

WHEREAS, at the MWBE and Services Procurement Committee (“Committee”) meeting held on April 30, 2015, following the review and consideration of the recommendations provided by the Program Manager and after due deliberation, the Committee approved the recommendation to issue a purchase order to the distributor Day Automation, listed on the competitively bid State Contract PT 64059, and identified as being the provider of the District mandated building controls;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager to utilize State Contract PT 64059 to procure the building controls equipment as indicated above and associated with the School 12 project in Phase 1 of the RSMP; and
2. The RJSCB hereby awards the purchase order to Day Automation for building controls, and the Chair, with the advice of the Program Manager and the RJSCB’s general counsel, will issue a purchase order to procure the commodities through the State Contract from this firm.

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

**Resolution 2014-15: 224
Change Order #2 to Hewitt Young Electric – District Wide Technology (1b)**

By Board Member W. Williams

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

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

WHEREAS, the 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 District Wide Technology Phase 1b contract to Hewitt Young Electric, LLC (“HYE”) for the District Wide Technology Phase 1b projects in Phase I (Resolution 2012-13: 119); and

WHEREAS, the RJSCB subsequently entered into a contract with HYE (Resolution 2012-13: 119) dated March 12, 2013 (the “Contract”), to perform the scope of services defined in the contract documents as the District Wide Technology Phase 1b contractor’s scope of work; and

WHEREAS, following the execution of the Contract, HYE, along with Millennium Strategies, the Technology Consultant, and the Program Manager, identified the need for changes to the scope of work, and cost proposals were then obtained for these scope items and provided to the Technology Consultant and the Program Manager for review; and

WHEREAS, Change Order #2 includes the following items:

1. Fiber optic cabling changes for a credit in the amount of -\$14,980.69
2. Add innerduct for 1b schools for the amount of \$5,246.91
3. Innerduct at open corridors at Edison for the amount of \$2,858.67
4. Delete 32 WAP and add 12 tele at Edison for a credit in the amount of -\$4,396.40
5. Install additional white boards for the amount of \$454.77
6. Install four additional Smart Boards for the amount of \$1,173.71
7. Additional work at the library computer lab for the amount of \$1,501.74
8. Corrections to 2nd floor pathway for the amount of \$966.67
9. Relocation of two cameras for the amount of \$913.20

The Total amount of Change Order #2 is a credit of -\$6,261.42; and

WHEREAS, the Technology Consultant 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 Hewitt Young Electric, LLC's Contract should be amended to add and delete these scope items for a total credit in the amount of -\$6,261.42; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its April 30, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Hewitt Young Electric, LLC's Contract between the Board and Contractor dated March 12, 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 B. Brown
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 225
Change Order #64, #65, and #66 to Manning Squires Hennig – School 58**

By Board Member B. Brown

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

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 58 project in Phase I (Resolution 2012-13: 35); and WHEREAS, the RJSCB subsequently entered into a contract with Manning Squires (Resolution 2012-13: 35) dated September 10, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

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

WHEREAS, Change Order #64 includes the following items:

1. Duct penetration infills for the amount of \$1,157
 2. Changes at gallery G120 for the amount of \$8,851
 3. Tube steel posts and beams for the amount of \$448
 4. Additional ramp at L403 for the amount of \$122
 5. Roof supports at E17 line for the amount of \$4,302
 6. Changes at dining crawl space for the amount of \$4,628
 7. Changes to joists for the amount of \$5,240
 8. Additional spray fire proofing for the amount of \$5,637
- The total amount of Change Order #64 is \$30,385; and

WHEREAS, Change Order #65 includes the following items:

1. Changes to rubber treads for the amount of \$7,724
 2. Add rescue ladders for the amount of \$25,715
 3. Change door L130 for the amount of \$9,072
 4. Additional door closures at fire doors for the amount of \$19,495
 5. Additional steel beams for the amount of \$13,100
 6. Casework changes for the amount of \$13,811
 7. Modifications to library circulation desk for the amount of \$1,844
 8. Changes to lock cylinders for the amount of \$1,835
 9. Replace door and hardware at G203 for the amount of \$2,209
 10. Additional fence at Scio Street for the amount of \$2,226
 11. Additional work for substantial completion for the amount of \$9,035
- The total amount of Change Order #65 is \$106,066; and

WHEREAS, Change Order #66 includes the following items:

1. Reset hand hole cover for the amount of \$6,474
 2. Changes at library entry for the amount of \$992
 3. Add ceiling and door closure for the amount of \$4,769
 4. Roof deck for the amount of \$29,964
 5. Add urinal screens for the amount of \$3,804
 6. Changes to duct shaft for the amount of \$26,861
 7. Gym floor remediation for the amount of \$18,079
 8. Repairs due to existing foundation leak for the amount of \$14,029
- The total amount of Change Order #66 is \$104,972; 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 \$241,423; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 30, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Manning Squires Hennig's Contract between the Board and Contractor dated September 10, 2012 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2014-15: 226
Change Order #20 to Eastcoast Electric – Electrical Contractor (School 58)**

By Board Member Coronas

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

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

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

WHEREAS, the RJSCB approved the award of the 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 #20 includes the following items:

1. Add heating units for the amount of \$5,440.44
2. Room L143 lights, emergency lighting, and smoke/strobe for the amount of \$6,981.20
3. Add heater above ceiling for the amount of \$957.41
4. Add circuit to copier room for the amount of \$2,389.18

The total amount of Change Order #20 is \$15,768.23; 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 scope change; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Eastcoast's Contract should be amended to add these scope items for a total of \$15,768.23; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 30, 2015 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 Board Member B. Brown
Approved 6-0 with Member J. Brown away**

**Resolution 2014-15: 227
Request for Bids – East High School Summer Project**

By Board Member W. Williams

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

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

WHEREAS, the 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 entered into an agreement with Cannon Design ("Cannon"), dated November 15, 2011, (Resolution 2011-12: 39) with respect to the renovations to occur at East High School (Agreement between Board and Architect); and

WHEREAS, in the fall of 2014, the District requested additional work at East High School related to their partnership with University of Rochester and directed and authorized the RJSCB to reallocate funds from the Monroe High School project budget for this purpose; and

WHEREAS, the RJSCB approved an amendment to the Agreement with Cannon in September 2014 (Resolution 2014-15: 65) for planning services related to the University of Rochester's program at East High School; and

WHEREAS, the RJSCB approved an additional amendment to the Agreement with Cannon in January 2015 (Resolution 2014-15: 153) for design and construction administration services related to the University of Rochester's program at East High School (the "Make Ready Project"); and

WHEREAS, the RJSCB received approval of the Make Ready Project from the Superintendent and his senior cabinet at a meeting on March 3, 2015; and

WHEREAS, the bid documents have been prepared, and the Program Manager has recommended that the project be bid and awarded as a single prime GC contract; and

WHEREAS, the Program Manager and Cannon have scheduled a document review meeting with the New York State Education Department ("SED") and anticipate approval of the SED of the project documents at the meeting;

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the East High School "Make Ready Project" upon approval by the State Education Department; and
2. Prior to issuance, the Program Manager will work with the RJSCB's general counsel to further develop and finalize the Request for Bid package, including the General Conditions of the Contract and the form of Contract; and
3. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidder.

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

**Resolution 2014-15: 228
Pay Requisition Summary Acceptance (April 2015)**

By Board Member B. Brown

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

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

WHEREAS, the RJSCB developed a pay requisition approval procedure with input from its Counsel, the MWBE and Services Procurement Committee, members of the accounting department of Rochester City School District, and the RJSCB's independent auditing firm; and

WHEREAS, the RJSCB, at its regular monthly meeting on September 12, 2011, adopted the pay requisition approval procedure (Resolution 2011-12: 23) ("Pay Requisition Approval Procedure"); and

WHEREAS, the RJSCB, at its regular monthly meeting on September 10, 2012, revised the Pay Requisition Approval Procedure (Resolution 2012-13: 37) to include the Trustee as paying agent for construction related payments; and

WHEREAS, the RJSCB, at its regular monthly meeting on April 7, 2014, revised the Pay Requisition Approval Procedure (Resolution 2013-14: 257) to include discussion of the Pay Requisition Summary by the Finance Committee and certain verification activities by the Program Manager following each monthly Board meeting; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program ("RSMP") Phase 1a projects were deposited in the Trustee's account on June 20, 2012; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program Phase 1b projects were deposited in the Trustee's account on June 6, 2013; and

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

WHEREAS, Excel Aid funding associated with the Rochester Schools Modernization Program is currently in the final stages of review and certification by the Dormitory Authority of the State of New York ("DASNY"); and

WHEREAS, the intended purpose of the Excel Aid funding is to partially pay for costs associated with the design and/or construction of certain Phase 1a projects; and

WHEREAS, due to the late timing of the DASNY certification process for the Excel Aid, if necessary, the District has decided to establish and fund a special account for the RSMP ahead of the completion of the DASNY certification process to pay for certain invoices associated with the Phase 1a projects; and

WHEREAS, the District will be reimbursed for any payments made after the DASNY certification process has been completed and the Excel Aid funds are released; and

WHEREAS, in compliance with the Pay Requisition Approval Procedure, the RJSCB's Executive Director has reviewed the individual pay applications from each of the consultants and suppliers for accuracy and completeness; and

WHEREAS, the Executive Director forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$1,554,312.98 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 April 24, 2015; and

WHEREAS, the RJSCB Board Chair approved the Pay Requisition Summary on April 27, 2015; and

WHEREAS, the RJSCB's Executive Director reviewed the regular monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on April 30, 2015;

THEREFORE, BE IT RESOLVED:

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

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

Resolution 2014-15: 229
Recognizing Services of Aaron Hilger

By Board Member W. Williams

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

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

WHEREAS, Mr. Hilger was appointed as a member of the RJSCB in January 2014 and re-appointed in January 2015 following the Governor’s approval of the Phase 2 Legislation; and

WHEREAS, Mr. Hilger has provided leadership, commitment and expertise to the RJSCB during his tenure on the Board; and

WHEREAS, Mr. Hilger has shown an unparalleled level of dedication to the students of the Rochester City School District through his service as a member of the RJSCB;

Therefore, be it RESOLVED,

1. The Rochester Joint Schools Construction Board hereby recognizes Mr. Aaron Hilger’s service to the Board and gratefully acknowledges his contributions as a Board Member beginning in January 2014 through April 2015.

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

Resolution 2014-15: 230
Recognizing Services of Christopher Thomas

By Board Member Coronas

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

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

WHEREAS, Mr. Thomas was appointed as a member of the RJSCB in February 2014 and re-appointed in January 2015 following the Governor’s approval of the Phase 2 Legislation; and

WHEREAS, Mr. Thomas has provided leadership, commitment and expertise to the RJSCB during his tenure on the Board; and

WHEREAS, Mr. Thomas has shown an unparalleled level of dedication to the students of the Rochester City School District through his service as a member of the RJSCB;

Therefore, be it RESOLVED,

1. The Rochester Joint Schools Construction Board hereby recognizes Mr. Christopher Thomas' service to the Board and gratefully acknowledges his contributions as a Board Member beginning in February 2014 through April 2015.

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

Resolution 2014-15: 231
Municipal Cooperation Agreement

By Board Member Coronas

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

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

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the legislation for Phase 2 of the RSMP states that "the RJSCB may enter into cooperative agreements with the City and the School District to "effect the purposes of this Act"; and

WHEREAS, in order to avoid a significant delay in the start of phase 2 construction at East High School, Monroe High School and School 15 (the "Early Start Projects"), the RJSCB has requested that the District advance certain funds for the RSMP (the "Interim Funding"); and

WHEREAS, the District, the City, and the RJSCB intend to enter into a certain Municipal Cooperation Agreement limited to Phase 2 of the RSMP (the "Agreement") to provide that (i) the District will advance approximately \$2.7 million in Interim Funding, (ii) as soon as reasonably possible, the City will issue its general obligation Bond Anticipation Notes ("BAN's") in order to reimburse the District for the Interim Funding, (iii) the BAN's will fund approximately \$13.3 million of additional phase 2 project expenses, and (iv) in 2016, the RJSCB will arrange for the issuance of permanent financing by either the County of Monroe Industrial Development Agency or the Dormitory Authority of the State of New York (subject to required governmental approvals) and use such funding, in part, to repay the City the entire cost of the BAN's; and

WHEREAS, a draft of the Agreement was presented and discussed at the RJSCB Board meeting on May 4, 2015;

THEREFORE, BE IT RESOLVED

1. The RJSCB hereby approves the execution of the Agreement and authorizes the Chair, in the name and on behalf of the RJSCB, to execute and deliver the MCA, with such changes as the

Chair may approve on the advice of the Executive Director and the RJSCB's general counsel;
and

2. The RJSCB hereby formally requests that the District provide the Interim Funding and that the City issue the BAN's, all as described herein and in the Agreement.

Second by Board Member B. Brown
Approved 7-0

Resolution 2014-15: 216
Phase 2 Architects – Early Start Projects (Monroe High School, School 15, East High School)

By Board Member J. Brown

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

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

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the legislation for Phase 2 of the RSMP states that “the RJSCB may extend the contracts of the providers of professional services for Phase One upon the adoption of findings that doing so would be in the public interest; the contracts of the Program Manager and the independent Compliance Officer for Phase Two will be rebid, and provided further that the Program Manager and the Independent Compliance Officer and any new or different providers of professional services shall be engaged in compliance with the provisions of Section Eight of this Act”; and

WHEREAS, the Superintendent has identified and confirmed several projects for Phase 2 of the RSMP for which the District would like the RSJCB to begin design work immediately, in parallel to the work being done on the Master Plan for Phase 2, and in advance of formal Board of Education and New York State Comptroller approval; and

WHEREAS, in order to avoid a year delay in the start of Phase 2 construction at East High School, Monroe High School, and School 15 (the “Early Start Projects”), the District is prepared to advance funds to the RSMP; and

WHEREAS, it is understood by the District, the City, and the RJSCB that the funds advanced by the District would be reimbursed by the City as soon as possible through a Bond Anticipation Note (“BAN”) against the City's debt limit; and

WHEREAS, the District's counsel will prepare a Board of Education resolution to authorize the advance of the funds based on the full faith and credit of the City; and

WHEREAS, the future BAN provided by the City would reimburse the funds advanced by the District for the design work associated with Phase 2 projects at Monroe High School, School 15, and East High School (the Early Start Projects), as well as provide the interim financing necessary to begin other Phase

2 project designs and to engage other professional service firms to begin Phase 2 planning and coordination work; and

WHEREAS, the City will be reimbursed for its BAN from the Phase 2 bond proceeds (anticipated to occur in the summer of 2016) following approval of the Phase 2 Master Plan by the Board of Education and approval of the first group of projects in Phase 2 by the New York State Education Department; and

WHEREAS, the District, the City and the RJSCB will execute a memorandum that sets forth the understanding that the District will advance funds to the RSMP for the payment of the expenses for the Early Start Projects and that the City will reimburse the District for these amounts through the BAN proceeds; and

WHEREAS, the RJSCB recognizes that in order to maintain the proposed Phase 2 activity schedule it is necessary to engage the design services for these Early Start Projects immediately; and

WHEREAS, the RJSCB believes that the time necessary for a formal request for proposal and selection process for architectural design services will jeopardize the start of construction for these projects in 2016 and will not achieve any measurable cost savings where negotiations can achieve the same outcome in a more timely fashion; and

WHEREAS, as permitted by the Phase 2 legislation, the RJSCB wishes to extend the services of those professional service firms which are most familiar with the Early Start Project buildings, having performed the Phase 1 designs associated with those buildings; 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, the RJSCB approved the selection of Cannon Design (“Cannon”) as the Architect for the East High School project in Phase I (Resolution 2011-12: 39); and

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

WHEREAS, the RJSCB has directed the Executive Director to engage the Phase 1 Architects from the Monroe High School and the East High School projects and to obtain and review proposals to provide design services for a Phase 2 program associated with those schools based on the available Maximum Cost Allowance (“MCA”) for those buildings; and

WHEREAS, the assumed available Phase 2 MCA is anticipated for East High School at \$34 million, for Monroe High School \$19 million, for School 15 \$8 million; and

WHEREAS, due to the close proximity of School 15 to Monroe High School (they are connected and are located on the same campus) and the District’s desire to provide a campus wide design solution for these two buildings, the Executive Director recommends that the Monroe High School Architect also provide design services for the School 15 project in Phase 2; and

WHEREAS, for these Early Start Projects, the RJSCB’s Executive Director and Program Manager will review the individual pay applications from each of the professional service firms for accuracy and completeness and will forward those invoices to the District for payment directly to each firm; and

WHEREAS, the District will maintain the official accounting records for Phase 2 of the RSMP; and

WHEREAS, CJS Architects and Cannon Design have submitted written proposals for the proposed design services which have been reviewed and analyzed by the Program Manager; and

WHEREAS, at the MWBE and Services Procurement Committee (“Committee”) meeting on April 2, 2015, the Program Manager recommended that the proposals be accepted and that the services of CJS Architects and Cannon Design be extended in Phase 2 for Monroe High School and School 15 (CJS Architects) and East High School (Cannon Design); and

WHEREAS, the Committee discussed the Program Manager’s recommendation and it was agreed that the recommendation would be forwarded to the full Board for further action, and after due deliberation, the matter was tabled at the Board meeting on April 6, 2015;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Program Manager’s recommendation that the services of CJS Architects and Cannon Design be extended in Phase 2 for Monroe High School and School 15 (CJS Architects) and East High School (Cannon Design) based upon the finding that the extensions are in the public interest for the reasons set forth above; and
2. The RJSCB hereby approves the issuance of an Agreement to Chaintreuil Jensen Stark Architects to provide design services for Monroe High School and School 15 as a part of Phase 2 of the RSMP; and
3. The RJSCB hereby approves the issuance of an Agreement to Cannon Design to provide design services for East High School as a part of Phase 2 of the RSMP; and
4. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver the Agreements to the firms named above, with such changes as the Chair may approve on the advice of the Program Manager and the RJSCB’s general counsel; and
5. The RJSCB’s approvals in resolved paragraphs 1 - 4 above are subject to the Board of Education approving a resolution to advance the funding as described above, City Council approving a Resolution to provide the District with BAN proceeds, and subject to the District, the City, and the RJSCB executing a memorandum concerning the District’s agreement to advance funds for the expenses for the Early Start Projects and the reimbursement of these funds by the City through the BAN proceeds as described above; and
6. Upon completion of the Program Verification Phase (estimated to take approximately 3 months for each project), each Architect will provide an update to the RJSCB and to the District, and the Program Manager will seek authorization from the RJSCB and the District to proceed to the next phase in the design process, the Schematic Design Phase.

Second by Board Member W. Williams

Approved 7-0

Communication

The Monthly Report is included in the Member’s packets and was reviewed by Program Manager Pepin Accilien. Overall: Final Cost Reports are in process for submission to the District then SED.

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

- 88.98% submissions for the March reporting period (as of April 27, 2015).

- 99.43% of all data has been received and approved (January 2014 through March 2015).

- Still short on the overall SBE (goal 5%) achieving 3.57%. Baker Tilly is working with a few firms to get them certified. Firms may have grown as a result of the Program and no longer qualify as an SBE (\$2M cap) – Baker Tilly is working on tracking this as well as how many of the WBE or MBE firms are also SBE. School 12 and Monroe should increase this number.

The Budget reports are included in the Member's packets. An additional report provided by Program Manager Pepin Accilien was reviewed and discussed which indicates the original project budgets, the changes to the program, and the current budgets. Chair Richards noted that he would like to have the original budget (at the time of bidding) vs. final costs (including change orders, amendments, etc). Report to be modified and presented at the June's Meeting.

The MWBE and Services Procurement Committee Report for April 30, 2015 is included in the Members packets

The Finance Committee Report for April 30, 2015 is included in the Members packets.

Adjournment

Approved at 5:43 pm