

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

SECOND AMENDMENT TO CONTRACT NO. C000044816

This contractual Agreement entered into by and between the Commonwealth of Pennsylvania (the "Commonwealth"), acting through the Department of Community and Economic Development (the "Grantor"), and

BYERSCHOOL FOUNDATION
210 W Rittenhouse Sq Ste 400
Philadelphia PA 19103-5771

(the "Grantee")

WITNESSETH:

WHEREAS, the Grantor is responsible for the administration of the LOCAL GOVERNMENT MUNICIPAL RESOURCE AND DEVELOPMENT Program, and has a Contract with the Grantee to carry out the purpose of this program, and

WHEREAS, the Grantor wishes to change the terms of the Contract to allow the Grantee to carry out the scope of services, and

NOW, THEREFORE, the parties hereto intending to be legally bound do hereby agree to the following:

1. Those programmatic changes and modifications detailed in Appendix A.
2. The total amount of this Contract, shall remain SEVENTY FIVE THOUSAND DOLLARS (\$75,000) AND NO CENTS-----.
3. All terms and conditions of this Contract not changed or modified by this Amendment shall remain in full force and effect.

Operations Office

IN WITNESS WHEREOF the parties hereunto have set their hands and seals on:

WITNESS:

BYERSCHOOL FOUNDATION

SAP Vendor Number
Federal Identification Number

For Commonwealth signatures only

Commonwealth of Pennsylvania
Acting through the
Department of Community and
Economic Development

GRANTEE: Please sign & complete at "X's" only

X By [Signature] (Seal)
Lavrada Byers
X Title President & CEO
X Date 10.03.2011

X By [Signature] (Seal)
Jerusa Contee
X Title Development coordinator
X Date 10/3/2011

[Signature]
Secretary/Deputy Secretary
Date 10/11/11

Approved:

I hereby certify that funds in the amount of -0- are available under Appropriations Symbol:

-0-

Contract # C000044816
100% Commonwealth funds

Comptroller approved as to fiscal responsibility, budgetary appropriateness and availability of funds

For Commonwealth signatures only

Approved as to Legality and Form

[Signature] 10/16/11
Office of Chief Counsel Date

Preapproved Form # 4-K-2101
Deputy General Counsel

Preapproved Form # 4-K-2101
Deputy Attorney General

Mary Lou Jones OCT 20 2011
Department of Community & Economic Development Comptroller Date

BYERSCHOOL FOUNDATION

We have been approved for a grant in the amount of \$75,000, contract #C000044816

The generous grant of \$75,000 has helped RBCS make critical and emergency repairs to the RBCS HV/AC system. Unfortunately, given the current economy, we were not able to reach our fundraising goal to completely replace the system. Consequently, the RBCS leadership and contractors have made selective repairs and implemented better energy management strategies to expand the lifespan of our current system for the next 8 years.

Due to the narrowed scope of the HV/AC project, we would like to dedicate the outstanding funds of this contract to a new and important project. We would now like to use the remaining \$50,000 of grant money for the purpose making critical renovations to our indoor and outdoor recreation space.

Project Description:

Our existing indoor and outdoor play spaces, which we have used for the past 7 years, are inadequate for the needs of our students.

- ◆ **Outdoor Play Space-** This space is currently a concrete playground surface with an 8-foot high chain link fence enclosure, adjacent to the indoor play space.
 - **Concrete Floor-** The existing concrete floor has proven to be an unacceptable play material. When students play on the hard surface, they can injure themselves and sometimes tear their uniforms- a cost that low-income parents cannot afford to incur. Rubber playground safety tiles need to be installed on top of the existing concrete so that the students have a safe and durable play surface.
 - **Fencing-** The current chain link fence is too low, allowing balls to routinely clear the fence, disrupting student's playtime and damaging neighboring cars. The 8-foot high fence needs to be replaced by an 11-foot high fence with a 45-degree inner fencing extension angled inward to prevent students' balls from entering the neighboring building's parking area.
 - **Drainage-** the uneven concrete flooring and insufficient drainage system cause flooding in our outside play space every time it rains. This is extremely detrimental to the building's foundation and the infrastructure of the adjacent indoor play space and prevents our students' regular access to an outside play area. French drain trenches need to be immediately carved into the existing concrete surface to prevent the continued damage caused by flooding.
 - **Wall Sealant-** the existing weatherproof wall sealant applied to the outer walls of the indoor play area is no longer effective in keeping the rain out. A new weatherproof sealant must be applied to the walls to prevent water from seeping into the interior of the building.
- ◆ **Indoor Play Space-** This space is currently a multipurpose, linoleum-tiled room used for indoor recess and is adjacent to the outdoor play space.
 - **Tile Floor-** the linoleum tiles in the indoor play space are at the end of their expected service life and have begun to crack and peel causing the students to trip and fall over the lifted uneven tiles. The old tile floor needs to be replaced with new indoor flooring to create a safe play surface for the students during recess and gym class.
 - **Gym Walls-** the padded gym walls in the indoor play space are meant to provide heavy-duty protection for students engaging in physical activity within this space. Due to their age and regular wear-and-tear, these pads have split open and are no longer effective because they have lost their inner cushioning. The gym walls need to be replaced with new pads so students have appropriate safety materials for gym class.
 - **Ceiling Tiles-** the aging ceiling tiles in the indoor play space are crumbling and have chunks missing. They need to be replaced so that teachers and students do not have to worry about continued falling pieces.

The recommended infrastructure upgrades will support the implementation of the Healthy Leaders program and the Playworks study, which will provide essential exercise for our students to help them become leaders in their communities.

Project Budget:

Renovations:		
Trench	\$	12,000.00
Door Replacement	\$	6,700.00
Demolition:		
	\$	-
Infrastructure/Site Prep:		
	\$	-
Water/Sewer:		
Drains and Trenches	\$	7,000.00
Upgrade existing:		
Clean / Repair Ramp	\$	4,500.00
Professional Services:		
Project Management	\$	4,000.00
Engineering:		
Engineering	\$	1,000.00
Fees:		
Zoning	\$	4,000.00
Contingencies	\$	1,500.00
Other:		
Admin	\$	500.00
Dumpster	\$	500.00
Supervision	\$	4,000.00
Fence Design/Variance	\$	4,300.00
Total:	\$	50,000.00

Indoor/Outdoor recreation space	\$50,000
HVAC	\$25,000
Total	\$75,000

The **Russell Byers Charter School** is a public school with no religious affiliation. The **Byerschool Foundation** is a nonprofit organization with no religious affiliation. DCED funding will not be used for any religious purposes.

SPECIAL CONDITIONS

The Pennsylvania Prevailing Wage Act (43 P.S. § 165-1 et seq.; 34 Pa. Code § 9.101 et seq.) may be applicable to this Project. If applicable, the Grant Recipient is responsible for including prevailing wage rates in all bid documents, specifications, and construction contracts pertaining to the Project. The Department of Labor and Industry (L&I) has final authority to make all prevailing wage applicability determinations. Information is being forwarded to L&I for a formal determination of applicability of prevailing wage requirements.

Please Note: Prevailing Wage requirements are generally applicable to grants for construction, demolition, reconstruction, alteration, repair work, renovations, build-out and installation of machinery and equipment in excess of \$25,000.00. Any questions as to final prevailing wage obligations should be directed to the Bureau of Law Compliance at 1-800-932-0665.