

Resolution 2018-19: 167

Consent to Assignment of Baker Tilly Virchow Krause LLP Consulting Services Agreements (Phase 1 and Phase 2) to Anchin, Block & Anchin LLP

By Board Member Schmidt

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

WHEREAS, the authorizing legislation for Phase 2 of the 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 DWT program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB intends to undertake 14 projects for the design, reconstruction, or rehabilitation of existing school buildings for their continued use by the District, plus a DWT project at each of the Phase 2 school buildings; and

WHEREAS, the School Modernization Act requires the Board to engage an Independent Compliance Officer (“ICO”) to report directly to the Board for Phases 1 and 2 of the RSMP; and

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

WHEREAS, in August 2016, the RJSCB awarded the Phase 2 ICO Services contract to Baker Tilly (Resolution 2016-17: 28), and entered into a consulting services agreement with Baker Tilly dated August 9, 2016 for such services (“Phase 2 Agreement”); and

WHEREAS, Baker Tilly has requested that the RJSCB consent to the assignment of the Phase 1 and Phase 2 Agreements to Anchin, Block & Anchin, LLP (“Anchin”), a full service accounting and advisory firm which now employs the Baker Tilly project team that provided the independent compliance officer services pursuant to the Phase 1 and Phase 2 Agreements; and

WHEREAS, Anchin desires to accept the assignment of the Phase 1 and Phase 2 Agreements from Baker Tilly, upon the consent of the RJSCB; and

WHEREAS, pursuant to the Phase 1 and Phase 2 Agreements, the consent of the Board is required to effectuate an assignment of said Agreements from Baker Tilly to Anchin; and

WHEREAS, a representative of Anchin met with the RJSCB at the M/WBE and Services Procurement Committee (the "Committee") meeting on May 2, 2019 concerning the request for the Board's consent and Anchin's plan to provide all contract deliverables and comply with all the duties, obligations and requirements set forth in the Phase 1 and Phase 2 Agreements, and the Committee considered and discussed the assignment request and approved forwarding the request to the full Board for its review and consideration at its monthly meeting on May 6, 2019; and

WHEREAS, the RJSCB has determined that Anchin is a responsible vendor that has the capacity and capability to perform the Phase 1 and Phase 2 Agreements; and

WHEREAS, the RJSCB considered and discussed Baker Tilly's request to assign the Phase 1 and Phase 2 Agreements to Anchin at its May 6, 2019 meeting, and after due deliberation, it approved the request to consent to the assignment conditioned on Anchin assuming and agreeing to perform all of the obligations of Baker Tilly to be performed under and pursuant to the Phase 1 and Phase 2 Agreements subsequent to the effective date of said assignment.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby consents to the assignment of the Phase 1 and Phase 2 Agreements from Baker Tilly to Anchin conditioned on Anchin assuming and agreeing to perform all of the obligations of Baker Tilly to be performed under and pursuant to the Phase 1 and Phase 2 Agreements subsequent to the effective date of said assignment.; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a written consent to the assignment of the Phase 1 and Phase 2 Agreements 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 Cruz

Approved 5-0 with Member Brooks-Harris away