

Resolution 2023-24: 13

Phase 3 Independent Compliance Officer Contract Award

By Board Member Rich Perrin

WHEREAS, the Rochester School Facilities Modernization Program Act (“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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the New York State Legislature amended the Act by enacting Chapter 533 of the Laws of 2014 (“Amended Act”), thereby providing alternative financing mechanisms for the reconstruction of up to 26 projects for a total cost of \$435,000,000 for Phase II; and

WHEREAS, the New York State Legislature amended the Amended Act by enacting Chapter 614 of the Laws of 2021 (“Second Amended Act”) to authorize additional oversight, transparency, and accountability by the New York State Education Department to ensure projects are completed on time and within budget, and to provide alternative financing mechanisms for the reconstruction of up to 12 projects for a total cost of \$475,000,000 for Phase III; and

WHEREAS, the Second Amended Act for Phase 3 of the RSMP provides, in part, that “the contracts of the program manager and the independent compliance officer for phase three 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 RJSCB conducted a national search for an independent compliance officer to provide the independent compliance officer services required by the Second Amended Act for Phase 3 of the RSMP, using a process that included a detailed and comprehensive request for proposals (“RFP”), an assessment of the proposals that responded to the RFP and the interview of short-listed candidates by the Board’s RFP Special Committee; and

WHEREAS, the RFP Special Committee has recommended to the Board the selection of Anchin, Block & Anchin LLP as a responsive and highly qualified firm to provide independent compliance officer services for Phase 3 of the RSMP, subject to entering into an acceptable final agreement with the RJSCB; and

WHEREAS, the RJSCB and Anchin, Block & Anchin LLP have now satisfactorily concluded their negotiations for the agreement for Phase 3 independent compliance officer services at a not-to-exceed fee of \$3,375,405.00, with the scope of such services defined in Exhibit A of the ICO Consulting Services Agreement; and

WHEREAS, the RJSCB considered and discussed the details of the ICO Consulting Services Agreement at its December 11, 2023, and after due deliberation and further consideration of the ICO Consulting Services Agreement, the RJSCB now acts as follows.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby awards the Phase 3 Independent Compliance Officer Services contract to the firm of Anchin, Block & Anchin LLP, for a term running through December 31, 2031 in the not-to-exceed amount of \$\$3,375,405.00 as set forth in Section 2 of the ICO Consulting Services Agreement presented at the meeting on December 11, 2023, and subject to the terms and conditions of that Agreement; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver the ICO Consulting Services Agreement with Anchin, Block & Anchin LLP, in substantially the form presented at the meeting on December 11, 2023, with such changes as the Chair may approve (his signature thereon being conclusive evidence of such approval) upon the advice of the RJSCB's general counsel.

Second by: Kim Jones

Adopted: 7-0