

Resolution 2021-22: 85 Independent Compliance Officer Fourth Amendment and Extension to Phase 2 Agreement

By Board Member Michael 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 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 amended Act requires the Board is to engage an Independent Compliance Officer (“ICO”) to report directly to the Board; and

WHEREAS, in April of 2016, the RJSCB issued a request for proposals regarding ICO services for Phase 2 of the RSMP (Resolution 2015-16: 145); and

WHEREAS, in August 2016, the RJSCB awarded the Phase 2 Independent Compliance Officer Services contract to the firm Baker Tilly Virchow Krause LLP (“Baker Tilly”) (Resolution 2016-17: 28) and entered into an agreement with Baker Tilly dated August 9, 2016 (“Agreement”); and

WHEREAS, Baker Tilly and Anchin Block & Anchin LLP (“Anchin”) requested that the RJSCB consent to the assignment of the Agreement to Anchin for ICO services for Phase 2 of the RSMP; and

WHEREAS, the RJSCB, Baker Tilly, and Anchin on May 6, 2019, consented to the assignment (the “Assignment”) of the Agreement to Anchin upon the satisfaction of certain conditions (Resolution 2018-19:167); and

WHEREAS, the Agreement was scheduled to terminate on August 9, 2021 and the RJSCB requires continuing ICO services through and including December 31, 2021 to closeout Phase 2 of the RSMP; and

WHEREAS, a cost proposal, dated September 7, 2021, for extending the Agreement through and including December 31, 2021 for the sum of \$81,589.89 was provided by Anchin and reviewed by the Chair and the Program Manager; and

WHEREAS, the Chair and Program Manager thereafter recommended that the ICO’s Agreement should be amended to extend the Agreement and increase the total amount of the Agreement by the sum of \$81,589.89; and

WHEREAS, the RJSCB Board considered, discussed and deliberated the Chair and Program Manager's recommendations to amend the Agreement at its November 8, 2021 regular meeting.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the extension of the Agreement between the Board and Anchin dated August 9, 2016 through and including December 31, 2021 in an amount not to exceed \$81,589.89; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an Amendment 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 I. Geena Cruz

Adopted 6-0