

Resolution 2018-19: 55

Authorization to Engage in Settlement Discussions – The Pike Company

By Board Member Jones

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 approved and entered into agreements (the “Agreements”) with The Pike Company (“Construction Manager”) to provide construction management services for several of its Phase 2 construction projects.

WHEREAS, Construction Manager has alleged that is owed additional compensation for services provided to the RJSCB; and

WHEREAS, the RJSCB disagrees and has denied that it owes the Construction Manager any additional compensation; and

WHEREAS, the RJSCB Chair, Program Manager and RJSCB General Counsel have had preliminary discussions with Pike concerning its claim for additional compensation and have briefed the Board on those discussions; and

WHEREAS, the RJSCB after due deliberation, it determined that it is in the best interest of the RJSCB that it attempt to resolve the dispute through settlement discussions and authorize the Chair, with the advice of the Program Manager and the RJSCB’s general counsel, to engage in such discussions with the Construction Manager.

THEREFORE, BE IT RESOLVED:

1. It is in the best interests of the RJSCB that it attempts to resolve the dispute by way of settlement discussions; and
2. The Chair is hereby authorized, with the advice of the Program Manager and the RJSCB’s general counsel, in the name and on behalf of the RJSCB to enter into settlement discussions with the Construction Manager and report back the board on the status of those discussions; and
3. The execution and delivery of any such settlement agreements, or other documents, instruments or agreements deemed necessary or advisable in connection therewith, shall require the approval of the RJSCB.

Second by Board Member Cruz

Approved 7-0