

Resolution 2014-15: 216

Phase 2 Architects – Early Start Projects (Monroe High School, School 15, East High School)

By Board Member J. Brown

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 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 legislation for Phase 2 of the RSMP states that “the RJSCB may extend the contracts of the providers of professional services for Phase One upon the adoption of findings that doing so would be in the public interest; the contracts of the Program Manager and the independent Compliance Officer for Phase Two 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 Superintendent has identified and confirmed several projects for Phase 2 of the RSMP for which the District would like the RSJCB to begin design work immediately, in parallel to the work being done on the Master Plan for Phase 2, and in advance of formal Board of Education and New York State Comptroller approval; and

WHEREAS, in order to avoid a year delay in the start of Phase 2 construction at East High School, Monroe High School, and School 15 (the “Early Start Projects”), the District is prepared to advance funds to the RSMP; and

WHEREAS, it is understood by the District, the City, and the RJSCB that the funds advanced by the District would be reimbursed by the City as soon as possible through a Bond Anticipation Note (“BAN”) against the City’s debt limit; and

WHEREAS, the District’s counsel will prepare a Board of Education resolution to authorize the advance of the funds based on the full faith and credit of the City; and

WHEREAS, the future BAN provided by the City would reimburse the funds advanced by the District for the design work associated with Phase 2 projects at Monroe High School, School 15, and East High School (the Early Start Projects), as well as provide the interim financing necessary to begin other Phase 2 project designs and to engage other professional service firms to begin Phase 2 planning and coordination work; and

WHEREAS, the City will be reimbursed for its BAN from the Phase 2 bond proceeds (anticipated to occur in the summer of 2016) following approval of the Phase 2 Master Plan by the Board of Education and approval of the first group of projects in Phase 2 by the New York State Education Department; and

WHEREAS, the District, the City and the RJSCB will execute a memorandum that sets forth the understanding that the District will advance funds to the RSMP for the payment of the expenses for the Early Start Projects and that the City will reimburse the District for these amounts through the BAN proceeds; and

WHEREAS, the RJSCB recognizes that in order to maintain the proposed Phase 2 activity schedule it is necessary to engage the design services for these Early Start Projects immediately; and

WHEREAS, the RJSCB believes that the time necessary for a formal request for proposal and selection process for architectural design services will jeopardize the start of construction for these projects in 2016 and will not achieve any measurable cost savings where negotiations can achieve the same outcome in a more timely fashion; and

WHEREAS, as permitted by the Phase 2 legislation, the RJSCB wishes to extend the services of those professional service firms which are most familiar with the Early Start Project buildings, having performed the Phase 1 designs associated with those buildings; and

WHEREAS, the RJSCB approved the selection of Chaintreuil Jensen Stark Architects, LLP (“CJS”) as the Architect for the Monroe High School project in Phase I (Resolution 2011-12: 39); and

WHEREAS, the RJSCB entered into an agreement with CJS (Resolution 2011-12: 39) dated November 15, 2011, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, the RJSCB approved the selection of Cannon Design (“Cannon”) as the Architect for the East High School project in Phase I (Resolution 2011-12: 39); and

WHEREAS, the RJSCB entered into an agreement with Cannon (Resolution 2011-12: 39) dated November 15, 2011, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, the RJSCB has directed the Executive Director to engage the Phase 1 Architects from the Monroe High School and the East High School projects and to obtain and review proposals to provide design services for a Phase 2 program associated with those schools based on the available Maximum Cost Allowance (“MCA”) for those buildings; and

WHEREAS, the assumed available Phase 2 MCA is anticipated for East High School at \$34 million, for Monroe High School \$19 million, for School 15 \$8 million; and

WHEREAS, due to the close proximity of School 15 to Monroe High School (they are connected and are located on the same campus) and the District’s desire to provide a campus wide design solution for these two buildings, the Executive Director recommends that the Monroe High School Architect also provide design services for the School 15 project in Phase 2; and

WHEREAS, for these Early Start Projects, the RJSCB’s Executive Director and Program Manager will review the individual pay applications from each of the professional service firms for accuracy and completeness and will forward those invoices to the District for payment directly to each firm; and

WHEREAS, the District will maintain the official accounting records for Phase 2 of the RSMP; and

WHEREAS, CJS Architects and Cannon Design have submitted written proposals for the proposed design services which have been reviewed and analyzed by the Program Manager; and

WHEREAS, at the MWBE and Services Procurement Committee (“Committee”) meeting on April 2, 2015, the Program Manager recommended that the proposals be accepted and that the services of CJS Architects and Cannon Design be extended in Phase 2 for Monroe High School and School 15 (CJS Architects) and East High School (Cannon Design); and

WHEREAS, the Committee discussed the Program Manager’s recommendation and it was agreed that the recommendation would be forwarded to the full Board for further action, and after due deliberation, the matter was tabled at the Board meeting on April 6, 2015;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Program Manager’s recommendation that the services of CJS Architects and Cannon Design be extended in Phase 2 for Monroe High School and School 15 (CJS Architects) and East High School (Cannon Design) based upon the finding that the extensions are in the public interest for the reasons set forth above; and
2. The RJSCB hereby approves the issuance of an Agreement to Chaintreuil Jensen Stark Architects to provide design services for Monroe High School and School 15 as a part of Phase 2 of the RSMP; and
3. The RJSCB hereby approves the issuance of an Agreement to Cannon Design to provide design services for East High School as a part of Phase 2 of the RSMP; and
4. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver the Agreements to the firms named above, with such changes as the Chair may approve on the advice of the Program Manager and the RJSCB’s general counsel; and
5. The RJSCB’s approvals in resolved paragraphs 1 - 4 above are subject to the Board of Education approving a resolution to advance the funding as described above, City Council approving a Resolution to provide the District with BAN proceeds, and subject to the District, the City, and the RJSCB executing a memorandum concerning the District’s agreement to advance funds for the expenses for the Early Start Projects and the reimbursement of these funds by the City through the BAN proceeds as described above; and
6. Upon completion of the Program Verification Phase (estimated to take approximately 3 months for each project), each Architect will provide an update to the RJSCB and to the District, and the Program Manager will seek authorization from the RJSCB and the District to proceed to the next phase in the design process, the Schematic Design Phase.

Second by Board Member W. Williams

Approved 7-0