

Resolution 2014-15: 121
Phase 2 CM – Monroe High School

By Board Member 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 has prepared a Board of Education resolution (BOE Resolution 2014-2015: 627) 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 have executed 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 believes a formal request for proposal and selection process for Construction Management (“CM”) associated with the Monroe High School project will not achieve any measurable cost savings where negotiations can achieve the same outcome in a more timely fashion; and

WHEREAS, the continuity of the current CM team is critical to the overall coordination between the Phase 1 and Phase 2 scopes of work which will have significant overlap; and

WHEREAS, as permitted by the Phase 2 legislation, the RJSCB wishes to extend the services of the current CM firm which is most familiar with the Monroe High School building, having performed the CM services associated with the building for Phase 1; and

WHEREAS, the RJSCB approved the selection of Campus Construction (“Campus”) as the CM for the Monroe High School project in Phase I (Resolution 2012-13: 36); and

WHEREAS, the RJSCB entered into an agreement with Campus (Resolution 2012-13: 36) dated September 10, 2012, entitled Construction Management Agreement (the “Agreement”); and

WHEREAS, the RJSCB has directed the Executive Director to engage the CM for the Monroe High School project and to obtain and review a proposal to provide CM services for a Phase 2 program associated with Monroe High School based on the available Maximum Cost Allowance (“MCA”); and

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

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

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

WHEREAS, Campus has submitted a written proposal for the proposed CM services which has been reviewed and analyzed by the Program Manager, and the Program Manager has subsequently entered into negotiations with the CM; and

WHEREAS, at the MWBE and Services Procurement Committee (“Committee”) meeting on March 3, 2016, the Program Manager recommended that upon the completion of negotiations the professional services of Campus Construction Management be extended in Phase 2 for Monroe High School; and

WHEREAS, the Committee discussed the Program Manager’s recommendation, and after due deliberation, the Committee voted to approve the requested extension of CM services;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Program Manager's recommendation that the services of Campus Construction Management be extended in Phase 2 for Monroe High School based upon the finding that the extension is in the public interest for the reasons set forth above; and
2. The RJSCB hereby approves the issuance of an Agreement to Campus Construction Management, pending final negotiations and subject to final approval by the Board, to provide CM services for Monroe 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 firm named above, with such changes as the Chair may approve on the advice of the Program Manager and the RJSCB's general counsel; and

Second by Board Member W. Williams

Approved 4-0 with Members Schmidt and A. Williams away