

Resolution 2015-16: 55

Phase 2 Program Manager - Rescind Prior Resolution and Select New Firm

By Board Member J. Brown

WHEREAS, the Rochester School Facilities Modernization Program Act (“School Modernization 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 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 legislation for Phase 2 of the RSMP states that “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 legislation for Phase 2 of the RSMP also states “prior to issuance of the contract [by the RJSCB], the program manager selected shall be approved by the Superintendent, the Mayor, City Council and the Rochester City School District”; and

WHEREAS, the RJSCB conducted a national search for a program manager to perform the program management services for Phase 2, using a process that included a request for proposals and interviews; and

WHEREAS, at a special meeting on September 2, 2015, the RJSCB recommended the firm DeWolff Epic LLC to be the Phase 2 Program Manager, but this was subject to the Superintendent, the Mayor, City Council, and the Rochester City School District (the “Board of Education”) issuing their approval for the RJSCB to enter into contract negotiations and it was subject to the RJSCB entering into an acceptable final agreement with DeWolff Epic LLC, (Resolution 2015-16: 26); and

WHEREAS, as of September 2, 2015, the Superintendent, the Mayor and the Board of Education had approved the commencement of exclusive contract negotiations with DeWolff Epic LLC, but City Council had not yet issued its approval; and

WHEREAS, pending action by City Council, the RJSCB did not commence any negotiations with DeWolff Epic LLC; and

WHEREAS, City Council tabled its proposed resolution concerning DeWolff Epic LLC and, to date, has taken no further action; and

WHEREAS, the RJSCB, along with invited representatives from the Superintendent's office, the Mayor's office, City Council and the Board of Education, then held additional executive sessions to deliberate further on the program manager selection and conduct additional interviews; and

WHEREAS, after due deliberation and further consultation with the invited representatives, the RJSCB now proposes to take the actions set forth in the resolutions below;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby rescinds Resolution 2015-16: 26; and
2. The RJSCB hereby recommends that it commence exclusive contract negotiations with the firm Savin Engineers, P.C., to provide program management services for Phase 2 of the RSMP; and
3. The RJSCB's recommendation is subject to the Superintendent, the Mayor, City Council and the Board of Education issuing their approval for the RJSCB to enter into exclusive contract negotiations with Savin Engineers, P.C.; and
4. Following the approval of the Superintendent, the Mayor, City Council, and the Board of Education, the RJSCB Chair, with the advice of the RJSCB's general counsel, is hereby authorized to conduct exclusive contract negotiations with the firm Savin Engineers, P.C., on behalf of the RJSCB for Phase 2 program management services, including the negotiation of proposed fees and an acceptable final agreement.

Second by Board Member Benincasa
Approved 6-0 with Member B. Brown away