

Resolution 2015-16: 84
Phase 2 Program Management Services Agreement By

Board Member B. 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 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, 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, along with invited representatives from the Superintendent’s office, the Mayor’s office, City Council, and the Rochester City School District (“the Board of Education”), met in several executive sessions to review proposals, participate in interviews, and to recommend a program management firm for Phase 2; and

WHEREAS, following this process, the RJSCB recommended that it conduct exclusive contract negotiations with the firm Savin Engineers, P.C. (Resolution 2105-16: 55), for Phase 2 program management services; and

WHEREAS, the Superintendent, the Mayor, City Council (City Council Resolution 2015-317, Int. No. 380), and the Board of Education (Board of Education Resolution 2015-16: 255) all approved and authorized the RJSCB to conduct exclusive contract negotiations with the firm Savin Engineers, P.C., for Phase 2 program management services, including the negotiation of proposed fees and an acceptable final agreement; and

WHEREAS, the RJSCB and Savin Engineers, P.C., have now satisfactorily concluded their negotiations for the agreement for Program Management services at a basic service fee not-to-exceed \$17,517,268, a basic service milestone limit not-to-exceed \$1,751,727, an additional service fee not-to-exceed \$8,155,415, and an additional service milestone limit not-to-exceed \$815,542 with the scope of such services defined in Exhibit A-1 and Exhibit A-2 of the agreement (the "Agreement"); and

WHEREAS, the RJSCB considered and discussed the details of the Program Management Agreement at its meeting on December 14, 2015;

THEREFORE, BE IT RESOLVED:

1. The RJSCB approves the retention of Savin Engineers, P.C., for a term of up to six years and for the fees as set forth in Section 5.1 of the Agreement; and
2. Upon approval of the Superintendent, the Mayor, City Council, and the Board of Education, the Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver the Program Management Agreement with the Savin Engineers, P.C., in substantially the form presented at the meeting on December 14, 2015, with such changes as the Chair may approve (his signature thereon being conclusive evidence of such approval) upon the advice of the RJSCB's general counsel and executive director.

Second by Board Member Schmidt
Approved 6-0