

Resolution 2016-17: 131

**Lease of RSMP Office Space at 70 Carlson Road, Rochester, NY
and Amendment to the Phase 2 Program Manager Agreement**

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act (“School Modernization Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), 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, pursuant to a Program Management Agreement dated December 15, 2015 (the “Phase 2 PM Agreement”), by and between the RJSCB and Savin Engineers, P.C. (“Savin” or the “Program Manager”), Savin is acting as program manager for Phase 2 of the RSMP; and

WHEREAS, the office and warehouse located at 1776 North Clinton Avenue, 1790 North Clinton Avenue and 21 Rau Street, Rochester, NY (the “1776 N. Clinton Building”) is currently being used for program functions associated with the RSMP; and

WHEREAS, a building condition survey prepared by LaBella Associates, D.P.C. of the 1776 N. Clinton Building has concluded that the building is in “poor condition” and the City Fire Marshall has identified certain deficiencies that must be rectified; and

WHEREAS, the Program Manager has analyzed the cost of the necessary repairs to the 1776 N. Clinton Building and advised the RJSCB that the best option is for the RJSCB to relocate the RSMP offices in lieu of repairing the 1776 N. Clinton Building, which has previously been identified for demolition as part of the School 50 project; and

WHEREAS, the Program Manager has identified certain office space within a building located at 70 Carlson Road, Rochester, NY, consisting of 16,000 square feet, for purposes related to the RSMP (the “Premises”); and

WHEREAS, the RJSCB desires to use the Premises for purposes related to the RSMP, including but not limited to, office space for the staff of Savin and Gilbane Building Company; office space for RJSCB staff and program functions; office and training space for the RSMP Business Opportunity Program; and office space for the Independent Compliance Officer and other RSMP consultants; and

WHEREAS, at the direction of the RJSCB, the Program Manager has negotiated a 5-year lease agreement for the Premises (the “Lease Agreement”) and is prepared to enter into the Lease Agreement for use in connection with the RSMP; and

WHEREAS, in the event that the Phase 2 PM Agreement is terminated prior to December 31, 2021, the Lease Agreement shall, at the election of the RJSCB, be assigned by the Program Manager to the RJSCB or to the designated successor Phase 2 program manager; and

WHEREAS, the Rent for the Premises is \$9,333.99 per month and Additional Rent for 2017 (Common Area Maintenance, Tax and Insurance) is estimated to be \$1,013.00 per month; and

WHEREAS, the RJSCB desires to amend the Phase 2 PM Agreement to provide that the Rent and Additional Rent for the Premises are reimbursable expenses to the Program Manager; and

WHEREAS, the RJSCB will obtain aid from New York State to offset the Rent and Additional Rent for the Premises, since the Premises will be used for RSMP administration and said program expenses are included in the current Phase 2 budget as incidental expenses; and

WHEREAS, the RJSCB Chair has recommended to the RJSCB's MWBE and Procurement Committee (the "Committee") that the RJSCB approve the proposed Lease Agreement, subject to review by the RJSCB's general counsel, and amend the Phase 2 PM Agreement accordingly; and

WHEREAS, the Committee at its February 2, 2017 meeting considered and discussed the recommendation from the Chair that the RJSCB approve the Lease Agreement and amend the Phase 2 PM Agreement and, after due deliberation, the Committee approved the proposed Lease Agreement and an amendment to the Phase 2 PM Agreement as set forth above, subject to the recommended legal review.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Lease Agreement for the Premises and an amendment to the Phase 2 PM Agreement as set forth above, subject to the recommended legal review.
2. The RJSCB hereby authorizes the Chair, in the name and on behalf of the RJSCB, to execute the Lease Agreement and an amendment to the Phase 2 PM Agreement in such form as is acceptable to the Chair with the advice of the RJSCB's general counsel.

Second by Board Member Cruz

Approved 6-0 with Member Schmidt away