

**Resolution 2006-17: 24**  
**Phase 2 Legal Services**

**By Member Benincasa**

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 (the “Amended Act”); 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 RJSCB’s Program Manager prepared a request for proposals for general legal services for the RJSCB and its representatives for the duration of Phase 2 (the “RFP”) and the RJSCB authorized issuance of the RFP at its monthly meeting on February 8, 2016 (Resolution 2015-16: 103); and

WHEREAS, on February 22, 2016, the RJSCB’s Executive Director received one proposal per the deadline stipulated in the RFP; and

WHEREAS, at its monthly meeting on April 4, 2016, the RJSCB discussed the RFP and subsequently concluded that although the RFP had been posted and advertised in multiple print and online outlets, there was not ample exposure of the RFP to gain sufficient awareness from local law firms; and

WHEREAS, the RJSCB rejected all proposals received for the original Phase 2 legal services RFP under the RJSCB’s contractual right to do so and authorized the Program Manager to re-issue the RFP as it is in the best interest of the public, the project, and the RJSCB (Resolution 2015-16: 146); and

WHEREAS, on April 20, 2016, the RJSCB’s Executive Director received four proposals per the deadline stipulated in the RFP; and

WHEREAS, a selection committee made up of RJSCB Members and City of Rochester representatives reviewed and discussed the four proposals and subsequently conducted interviews of two candidates; and

WHEREAS, following the interviews, the selection committee requested additional information from both firms; and

WHEREAS, the Executive Director received responses from both firms and provided those responses to the selection committee and the full Board for review on June 8, 2016; and

WHEREAS, at the monthly RJSCB meeting on July 18, 2016, Member Benincasa made a motion to select the firm Bond Schoeneck and King to provide legal services for Phase 2 and following discussion the motion was seconded by Member A. Williams; and

THEREFORE, BE IT RESOLVED:

1. The Chair of the RJSCB is hereby authorized to negotiate and enter into an Agreement with Bond Schoeneck and King, 350 Linden Oaks, Suite 310, Rochester, New York, for general legal services related to Phase 2 of the RSMP.

**Second by Member A. Williams**

**Approved 4-1 (T. Richards) with Member Brown away and Member Schmidt not yet present**