

Resolution 2017-18: 28

Consent to Assignment of LPCiminelli, Inc. Construction Management Agreements (School 16, Edison and School 6) to Buffalo Construction Consultants, Inc.

By Board Member Richards

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” or the “Program”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended School Modernization 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, John Walton Spencer School 16 (“School 16”) is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, Edison Technology Campus (“Edison”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, Dag Hammarskjold School 6 (“School 6”) is one of the projects included in Phase 2c of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB selected LPCiminelli, Inc. (“LPCiminelli”) to provide construction management services for the School 16 project in August 2016 as part of Phase 2a of the of the RSMP (Resolution 2016-17: 29), and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated August 9, 2016 (the “School 16 CM Agreement”); and

WHEREAS, the RJSCB selected LPCiminelli to provide construction management services for the Edison project in January 2017 as part of Phase 2b of the of the RSMP (Resolution 2016-17: 111), and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated January 17, 2017 (the “Edison CM Agreement”); and

WHEREAS, the RJSCB selected LPCiminelli to provide construction management services for the School 6 project in May 2017 as part of Phase 2c of the of the RSMP (Resolution 2016-17: 202), and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated May 8, 2017 (the “School 6 CM Agreement”); and

WHEREAS, LPCiminelli has requested that the RJSCB consent to the assignment of the School 16, Edison and School 6 CM Agreements to Buffalo Construction Consultants, Inc. (“BCC”), a new entity owned and operated by the LPCiminelli project executives that work on the School 16, Edison and School 6 projects; and

WHEREAS, BCC desires to accept the assignment of the School 16, Edison and School 6 CM Agreements from LPCiminelli, upon the consent of the RJSCB; and

WHEREAS, pursuant to the School 16, Edison and School 6 CM Agreements and State Finance Law §138, the consent of the Board is required to effectuate an assignment of said CM Agreements from LPCiminelli to BCC; and

WHEREAS, the RJSCB Chair, the Program Manager, the Independent Compliance Officer, and RJSCB general counsel met with representatives of BCC on August 10, 2017 to review the proposed assignment and BCC's plan to provide all contract deliverables and comply with all the duties, obligations and requirements set forth in the School 16, Edison and School 6 CM Agreements; and

WHEREAS, representatives of BCC met with the RJSCB at a special meeting on August 21, 2017 concerning the request for the Board's consent and BCC's plan to provide all contract deliverables and comply with all the duties, obligations and requirements set forth in the School 16, Edison and School 6 CM Agreements; and

WHEREAS, the RJSCB has determined that BCC is a responsible vendor that has the capacity and capability to perform the School 16, Edison and School 6 CM Agreements; and

WHEREAS, the RJSCB considered and discussed LPCiminelli's request to assign the School 16, Edison and School 6 CM Agreements to BCC at its August 21, 2017 meeting, and after due deliberation, it approved the request to consent to the assignment.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby consents to the assignment of the School 16, Edison and School 6 CM Agreements from LP, Ciminelli, Inc. to Buffalo Construction Consultants, Inc.; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an assignment of the School 16, Edison and School 6 CM Agreements that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

Second by Board Member Schmidt
Approved 6-0 with Member Jones away