

**Resolution 2017-18: 31**  
**Amendment #7 to SWBR Master Plan Consulting Agreement**

**By Board Member Benincasa**

WHEREAS, the Rochester School Facilities Modernization Program Act (“School Modernization Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or the “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, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP” or “Program”) was signed into law by the Governor of the State of New York on December 17, 2014; 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 RJSCB entered into an agreement with SWBR Architects (“SWBR”) (Resolution 2010-11: 8) dated August 16, 2010 entitled Agreement Between the Board and the Architect (the “SWBR Agreement”) to create a comprehensive Facilities Modernization Plan (“FMP” or “Master Plan”); and

WHEREAS, the RJSCB subsequently approved the Master Plan prepared by SWBR in January of 2011 (Resolution 2010-11: 29) and directed Gilbane Building Company (the “Program Manager”) to forward it to the State Education Department (“SED”) and to the State Comptroller for review and approval; and

WHEREAS, the Master Plan was subsequently approved by SED and the State Comptroller in May 2011; and

WHEREAS, in January/February 2012, the RJSCB thereafter approved proceeding with an update of the original Master Plan and retaining SWBR to perform these Master Plan update services as an amendment to the SWBR Agreement (Resolution 2011-12: 61 and Resolution 2011-12: 64); and

WHEREAS, SWBR’s update of the Master Plan was completed in September of 2012 and turned over to the District for review, public comment, and approval by the Board of Education of the District (the “Board of Education”); and

WHEREAS, following a series of public forums in late 2012/early 2013 and additional comments received from the District, the Master Plan update was revised by SWBR; and

WHEREAS, the Board of Education approved the Master Plan update in March of 2013; and

WHEREAS, in August 2014, the District requested that the RJSCB proceed with another update of the Master Plan to serve as the basis for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) and the RJSCB subsequently extended the services of SWBR to provide these services upon the issuance of a notice to proceed (Resolution 2014-15: 37); and

WHEREAS, following a series of public hearings and presentations to the Board of Education in early 2016, the Master Plan for Phase 2 was completed and subsequently approved by the Board of Education at its monthly business meeting on March 24, 2016 (Board of Education Resolution 2015-16: 630); and

WHEREAS, the SWBR Agreement was subsequently amended to increase the not-to-exceed contract sum to \$1,043,665.06; and

WHEREAS, SWBR has completed its services under the SWBR Agreement, and the Program Manager has completed its reconciliation of all invoices for these services resulting in an unused contract balance remaining in the amount of \$4,495.41; and

WHEREAS, the Program Manager recommended to the M/WBE and Services Procurement Committee (the "Committee") that the SWBR Agreement should be amended to credit the amount of \$4,495.41 back to the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 7, 2017 meeting to reduce the contract sum of the SWBR Agreement by \$4,495.41, and after due deliberation, the Committee approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SWBR Agreement Between Board and Architect, dated August 16, 2010, as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the SWBR Agreement 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 Brown**

**Approved 6-0 with Member Cruz away**