

**Resolution 2017-18: 55**

**Independent Compliance Officer, Additional Services – First Amendment to Phase 2 Agreement**

**By Vice Chair Schmidt**

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, the amended Act requires the Board is to engage an Independent Compliance Officer (“ICO”) to report directly to the Board; and

WHEREAS, in April of 2016, the RJSCB issued a request for proposals regarding ICO services for Phase 2 of the RSMP (Resolution 2015-16: 145); and

WHEREAS, in August 2016, the RJSCB awarded the Phase 2 Independent Compliance Officer Services contract to the firm Baker Tilly Virchow Krause LLP (“Baker Tilly”) (Resolution 2016-17: 28) and entered into an agreement with Baker Tilly dated August 9, 2016 (“Agreement”); and

WHEREAS, the RJSCB now wishes to amend the Business Opportunities Program (BOP) Allowance provision to allow the RJSCB to authorize Baker Tilly to provide RJSCB-requested additional services to be billed against the existing BOP Allowance, and a proposal, dated September 25, 2017, for said amendment was obtained from Baker Tilly and reviewed by the Phase 2 Program Manager; and

WHEREAS, the Phase 2 Program Manager has distributed the proposal provided by Baker Tilly to the full Board and the Board’s general counsel for review; and

WHEREAS, at its October 12, 2017 meeting, the M/WBE and Services Procurement Committee considered and discussed the proposal from Baker Tilly and after due deliberation, it approved the request to amend the Agreement in accordance with Baker Tilly’s proposal.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the amendment to the Agreement between the Board and Baker Tilly in an amount not-to-exceed \$0.00 in accordance with the ICO’s September 25, 2017 proposal.
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an Amendment 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 not yet arrived**