

Resolution 2018-19: 19

Amendment to Warehouse Lease at 68 Nassau Street, Rochester, NY

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 warehouse located at 68 Nassau Street, Rochester, NY (the “Warehouse”) is currently being used for program functions associated with the RSMP pursuant to a Lease Agreement dated May 12, 2017 between Savin, as tenant, and LDC Nassau L.P., as landlord; and

WHEREAS, the Program Manager has determined that the needs of the RSMP require a temporary expansion of the leased premises at the Warehouse of two expansion spaces including 9,059 sf for 3.5 months and 10,000 sf for 2.5 months; and

WHEREAS, the Program Manager has negotiated and executed an amendment to the Lease Agreement (the “Amendment”) for the temporary expansion space for use in connection with the RSMP; and

WHEREAS, the RJSCB desires to amend the Phase 2 PM Agreement to provide that the rent for the expansion spaces leased pursuant to the Amendment is a reimbursable expense to the Program Manager; and

WHEREAS, the RJSCB Chair has recommended to the RJSCB’s MWBE and Procurement Committee (the “Committee”) that the RJSCB approve and ratify the proposed Amendment and amend the Phase 2 PM Agreement accordingly; and

WHEREAS, the Committee at its July 5, 2018 meeting considered and discussed the recommendation from the Chair that the RJSCB approve the Amendment and amend the Phase 2 PM Agreement and, after due deliberation, the Committee approved the Amendment and an amendment to the Phase 2 PM Agreement as set forth above, subject to review by the RJSCB’s general counsel.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Amendment for the Warehouse 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 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 Jones

Approved 7-0