

**Resolution No. 2015-16: 255**

**By Member of the Board Commissioner Evans**

Whereas, the State Legislature enacted the City of Rochester and the Board of Education of the City School District of the City of Rochester School Facilities Modernization Program Act, Chapter 416 of the Laws of 2007 of the State of New York (“the Act”), in order to provide the City of Rochester (“City”) and the Rochester City School District (“District”) with increased flexibility to meet the needs of the District’s school children by providing alternative financing mechanisms for the reconstruction of up to thirteen projects in the District, up to a total cost of \$325,000,000, through Phase 1 of the Facilities Modernization Program (“FMP”); and

Whereas, the Act created the Rochester Joint Schools Construction Board (“RJSCB”); and designated the RJSCB as agent for the City, the District, or both; and

Whereas, the Act authorized the RJSCB to enter into a cooperative agreement with the City and the District to carry out the purposes of the Act, and the FMP; and

Whereas, the Act requires all contracts entered into by the RJSCB for FMP projects be managed by an independent Program Manager; and

Whereas, in an effort to prevent a lapse in construction and allow for a seamless transition from Phase 1 to Phase 2 of the FMP, and in an effort to strengthen oversight, transparency and accountability, the State Legislature amended the Act by enacting Chapter 533 of the Laws of 2014, thereby providing alternative financing mechanisms for the reconstruction of up to twenty six projects, up to a total cost of \$435,000,000, and by stipulating that the Program Manager selected for Phase 2 is subject to approval by the Superintendent, Mayor, City Council and the District; and

Whereas, it was the consensus of the RJSCB Selection Committee to enter into exclusive negotiations with Dewolff Epic LLC, to serve as the independent Program Manager for Phase 2 of the FMP, and for these exclusive negotiations to provide the RJSCB the opportunity to review additional requirements and gather additional information that is necessary before entering into a formal contract; and

Whereas, by Resolution No. 2015-16: 174, adopted on August 27, 2015, the Board of Education approved the recommendation of the RJSCB Selection Committee to enter into exclusive negotiations with Dewolff Epic LLC, to serve as the independent Program Manager for Phase 2 of the FMP; and

Whereas, as of September 16, 2015, the Superintendent, the Mayor and the Board of Education had approved the commencement of exclusive contract negotiations with Dewolff Epic LLC, but City Council had not yet issued its approval; and

Whereas, pending approval by City Council, the RJSCB did not commence negotiations with Dewolff Epic LLC; and

Whereas, the RJSCB, along with invited representatives from the Superintendent's office, the Mayor's office, City Council and the Board of Education, held additional executive sessions to deliberate further on the independent Program Manager selection and conduct additional interviews; and

Whereas, after due deliberation, it is the consensus of the RJSCB Selection Committee to enter into exclusive negotiations with Savin Engineers, P.C., to serve as the independent Program Manager for Phase 2 of the FMP, and for these exclusive negotiations to provide the RJSCB the opportunity to review additional requirements and gather additional information that is necessary before entering into a formal contract; and

Whereas, the Superintendent and the Board of Education approve the recommendation of the RJSCB Selection Committee to enter into exclusive negotiations with Savin Engineers, P.C., to serve as the independent Program Manager for Phase 2 of the FMP; therefore be it

Resolved, that the Board of Education hereby approves the recommendation of the RJSCB Selection Committee to enter into exclusive negotiations with Savin Engineers, P.C., to serve as the independent Program Manager for Phase 2 of the Facilities Modernization Program; and be it further

Resolved, that the Board of Education hereby rescinds Resolution No. 2015-16: 174.

**Seconded by Member of the Board Commissioner Adams**  
**Adopted 6-0 with Commissioner Campos absent**