

Resolution 2023-24:05 Requests for Proposals – Independent Compliance Officer (Phase 3)

By Board Member: Jesse Dudley

WHEREAS, the Rochester School Facilities Modernization Program Act (“the 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 Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the New York State Legislature amended the Act by enacting Chapter 533 of the Laws of 2014 (“Amended Act”), thereby providing alternative financing mechanisms for the reconstruction of up to 26 projects for a total cost of \$435,000,000 for Phase II;

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 New York State Legislature amended the Amended Act by enacting Chapter 614 of the Laws of 2021 (“Second Amended Act”) to authorize additional oversight, transparency, and accountability by the New York State Education Department to ensure projects are completed on time and within budget, and to provide alternative financing mechanisms for the reconstruction of up to 12 projects for a total cost of \$475,000,000 for Phase III; and

WHEREAS, the authorizing legislation for Phase 3 of the Rochester Schools Modernization Program (“RSMP”) was passed by the New York State Legislature on June 1, 2021 and signed into law by the Governor of the State of New York on November 16, 2021; and

WHEREAS, the Second Amended Act for Phase 3 of the RSMP provides, in part, that “the contracts of the program manager and the independent compliance officer for phase three will be rebid, and provided further that the program manager and the independent compliance officer and any new or different providers of professional services shall be engaged in compliance with the provisions of section eight of this act”; and

WHEREAS, the Board Chair has appointed a Special Committee to draft, approve, release and review Requests for Proposals (“RFP”) and corresponding proposals for Independent Compliance Officer Services associated with Phase 3 of the RSMP; and

WHEREAS, the RFP Committee and general counsel have worked together to create an RFP for Independent Compliance Officer Services associated with Phase 3 of the RSMP and provided same to the Board for review; and

WHEREAS, the RJSCB has considered and discussed the RFP Committee’s recommendation at its July 10, 2023 monthly meeting, and after due deliberation and further consideration of the proposed program management candidate, the RJSCB now acts as follows.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the RFP to provide Independent Compliance Officer Services for Phase 3 of the RSMP; and

2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to post and issue the RFP for Independent Compliance Officer Services on the District's web site, the RJSCB's web page, the City's web site, and other online outlets/resources, to advertise in local newspapers, and to issue the RFP directly to firms, with such changes to the final document as the Chair may approve, and on the advice of the RFP Committee and RJSCB's general counsel.

Second by: Shawn Farr

Adopted: 5-0