

Resolution 2023-24: 10
Phase 3 Program Manager Contract Approval

By Board Member Jesse Dudley

WHEREAS, the Rochester School Facilities Modernization Program Act (“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; 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 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 Second Amended Act for Phase 3 of the RSMP also provides “prior to issuance of the contract, the program manager selected shall be approved by the superintendent, mayor, city council and the Rochester city school district”; and

WHEREAS, the RJSCB conducted a national search for a program manager to perform the program management services for Phase 3, using a process that included a detailed and comprehensive request for proposals, an assessment of the one proposal that responded to the request for proposals and the interview of said candidate; and

WHEREAS, following the selection process, the RJSCB selected the firm of Savin Engineers, P.C. to provide program management services for Phase 3 of the Rochester Schools Modernization Program, subject to the requisite approvals and entering into an acceptable final agreement with the RJSCB; and

WHEREAS, the Superintendent, Mayor, City Council (City Council Ordinance No. 2023-273) and Board of Education (Board of Education Resolution No. 2022-23: 838) thereafter approved the selection of Savin Engineers, P.C. as the Phase 3 program manager as required by the Enabling Legislation; and

WHEREAS, the RJSCB and Savin Engineers, P.C. have now satisfactorily concluded their negotiations for the agreement for Phase 3 program management services at a basic services fee not-to-exceed the sum of \$20,893,882, a basic service milestone limit not-to-exceed sum of \$2,089,388, an additional services fee not-

to-exceed sum of \$4,292,474, and an additional services milestone limit not-to-exceed sum of \$429,247, with the scope of such services defined in Exhibit A-1 and Exhibit A-2 of the Program Management Agreement, together with approved reimbursable costs; and

WHEREAS, the RJSCB considered and discussed the details of the Program Management Agreement at its meeting on October 10, 2023, and after due deliberation and further consideration of the Program Management Agreement, the RJSCB now acts as follows.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the retention of Savin Engineers, P.C. as Phase 3 Program Manager, for a term running through December 31, 2031 for the fees set forth in Section 5.1 of the Program Management Agreement presented at the meeting on October 10, 2023, and subject to the terms and conditions of that Agreement; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver the Program Management Agreement with Savin Engineers, P.C., in substantially the form presented at the meeting on October 10, 2023, with such changes as the Chair may approve (his signature thereon being conclusive evidence of such approval) upon the advice of the RJSCB's general counsel.

Second by Ron Gaither

Adopted: 6-0