

Resolution 2024-25:36

Approval of Phase 3 Commissioning Agent

By Board Member Ronald Gaither

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; 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 RJSCB issued a request for proposals for Commissioning of Systems Services (the “RFPs”) for six Phase III projects (the “Phase III Projects”); and

WHEREAS, the Program Manager received a total of two proposals as of the date and time specified in the RFP, and promptly distributed those proposals to the RJSCB members; and

WHEREAS, a selection committee made up of members of the RJSCB and RSCD Facilities Department representatives, the Independent Compliance Officer and the Program Manager extensively reviewed the submitted proposals from the two firms and then, on January 23, 2025, interviewed both of the responding firms; and

WHEREAS, after due deliberation by the selection committee, the firm of Erdman Anthony was identified as being highly qualified and fiscally responsive to the RJSCB’s RFP for the Phase III Projects, as well as being responsive to the Phase III diversity goals by assembling subconsultants that will allow it to achieve those goals; and

WHEREAS, on January 23, 2025, the selection committee and Program Manager provided their recommendation that Erdman Anthony be retained by the RJSCB to provide Commissioning Agent Services for the Phase III Projects; and

WHEREAS, the Board discussed and duly considered the recommendation for the award of the Commissioning Agent Services contract for the Phase III Projects at its regular Board meeting on February 10, 2025, and now acts as follows:

THEREFORE, BE IT RESOLVED

1. The RJSCB hereby approves Erdman Anthony to provide Commissioning Agent Services as indicated above for Projects in Phase 3 of the RSMP; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an agreement with the firm named above in substantially the form previously approved by the RJSCB as an attachment to the RFP, with such changes as the Chair may approve (his signature thereon being conclusive evidence of such approval) on the advice of the Program Manager, the Independent Compliance Officer and the RJSCB's general counsel.

Second by Board Member Kabutey Ocansey

Adopted 7-0