

**Resolution 2012-13: 163**  
**Authorizing the Phase 1 Program Review and Advisory Report**

**By Board Chair Giess**

WHEREAS, the Rochester School Facilities Modernization Program Act (“School Modernization Act”) established the Rochester Joint Schools Construction Board (“RJSCB”), 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, in preparation for Legislative approval of Phase 2 of the RSMP, the RJSCB’s Executive Director and its general counsel have recommended that the RJSCB prepare a report regarding the program management and project execution related to Phase 1 of the RSMP; and

WHEREAS, the RJSCB’s Executive Director and its general counsel have identified a third-party consultant to act on behalf of the RJSCB to perform the Phase 1 study; and

WHEREAS, the RJSCB’s Executive Director worked with the RJSCB’s general counsel and the third-party consultant to define a scope of work document and matrix for evaluation for the study (the “Phase 1 Program Review and Advisory Report”); and

WHEREAS, the RJSCB’s Executive Director requested and received a proposal from the third-party consultant for these services, has reviewed the proposal with the RJSCB’s general counsel, and determined the cost to be fair and reasonable for the services being requested based on the hourly rates of the consultant when compared to the hourly rates of other design firms under contract with the RJSCB; and

WHEREAS, the RJSCB believes that an RFP process for this engagement would not be cost effective and that the rates obtained from the third-party consultant are competitive, and the third-party consultant is not already involved with the RSMP, is experienced with the RCSD and the City, and is a City-based design firm, which all supported selection of the third-party consultant; and

WHEREAS, at a special RJSCB meeting on April 15, 2013, the full Board considered and discussed the recommendation of the RJSCB’s Executive Director to hire the firm Bergmann Associates P.C. of Rochester, New York, to prepare a Phase 1 Program Review and Advisory Report for an amount not to exceed \$25,000;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby authorizes the preparation of a Phase 1 Program Review and Advisory Report by Bergmann Associates in the amount not to exceed \$25,000; and

2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") with the firm named above for the Phase 1 Program Review and Advisory Report on the advice of the RJSCB's general counsel.

**Second by Member McCormick**

**Approved 5-0 with Members Castro and Pifer away**