

Resolution 2013-14: 27
Independent Compliance Officer, Contract Extension

By Board Chair Giess

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

WHEREAS, the Act requires the Board is to engage an Independent Compliance Officer (“ICO”) to report directly to the Board; and

WHEREAS, the RJSCB issued an RFP for an Independent Compliance Officer in April of 2010 (Resolution 2009-10: 11); and

WHEREAS, in June of 2010, the RJSCB selected Landon & Rian Enterprises, Inc. as the finalist for Independent Compliance Officer (Resolution 2009-10: 14) and subsequently entered into an agreement with Landon & Rian Enterprises, Inc. entitled “Independent Compliance Officer Agreement” (the “Agreement”) in August of 2010 (Resolution 2010-11: 7); and

WHEREAS, the Agreement includes a Scope of Work divided into two Stages; Stage 1 for work during the Master Plan Development and Stage 2 for Pre-Construction activities; and

WHEREAS, the Agreement has a term of two years; and

WHEREAS, the RJSCB extended the term of the Agreement by one year and added certain additional services in June of 2012 (Resolution 2011-12: 111) and;

WHEREAS, the RJSCB now wishes to extend the term of the Agreement and add certain additional services, including but not limited to: EEO project monitoring for the Phase 1b construction projects of the RSMP scheduled to begin construction in the summer of 2013 (School 5, School 28, East High School, and Edison Educational Campus), and additional support for project close-out for the Phase 1a projects which are scheduled to be completed in the summer of 2013 (School 17, School 50, Charlotte High School, and Franklin Educational Campus); and

WHEREAS, based on negotiations between the Executive Director and the Independent Compliance Officer, the Independent Compliance Officer has agreed to maintain the current hourly rates for the remainder of the 2013 calendar year (the “Cost Savings”); and

WHEREAS, based on the negotiated Cost Savings, the RJSCB believes that no further cost savings could be achieved by conducting a competitive hiring process; and

WHEREAS, the RJSCB believes that the Independent Compliance Officer has gained in-depth knowledge of the day-to-day operations of the project and is best suited to address any future needs of the RJSCB; and

WHEREAS, an extension of the ICO services at this time will allow the project to remain on schedule; and

WHEREAS, at its August 1, 2013 meeting, the MWBE and Services Procurement Committee considered and discussed a proposal from the Independent Compliance Officer, a copy of which is attached hereto (the "Proposal"), along with a recommendation from the Executive Director, and after due deliberation, it approved forwarding the proposal to the full Board for review and consideration at its monthly meeting on August 5, 2013;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves an extension to the Agreement between the Board and Landon & Rian Enterprises through December 31, 2013 to provide compliance monitoring for the Phase 1b Schools (School 5, School 28, East High School, and Edison Educational Campus) and all other project related compliance services for the Phase 1a projects and the Phase 1b projects; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an Amendment that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's General Counsel.

***Second by Board Member Brown
Approved 7-0***