

Resolution 2018-19: 57

Insurance Requirements Waiver for MEH Consulting – Schools 10 & 22

By Board Member Brooks-Harris

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 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 amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program, which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the Board of Education (“BOE”) has approved the comprehensive Master Plan for Phase 2 (BOE Resolution 2015-16: 630); and

WHEREAS, the Superintendent has identified and confirmed the projects for Phase 2 of the RSMP and the RJSCB has received New York State Education Department and New York State Comptroller’s approval of the comprehensive Master Plan for Phase 2; and

WHEREAS, these identified projects (the “Phase 2 Schools”) include: Dr. Walter Cooper Academy School 10 (“School 10”) and Abraham Lincoln School 22 (“School 22”); and

WHEREAS, for Phase 2 of the RSMP, the RJSCB established certain insurance coverage limit coverages required to be obtained and maintained by consultants and subconsultants working on Phase 2 of the RSMP; and

WHEREAS, MEH Consulting (“MEH”) has requested a waiver of the \$3,000,000 umbrella liability coverage on the grounds that such coverage is excessive in relation to their limited scope of reviewing environmental reports, and has further requested that the Board accept a \$1,000,000 umbrella liability policy in lieu thereof; and

WHEREAS, MEH has provided proof that it maintains commercial general liability coverage of \$1,000,000 per occurrence and \$3,000,000 in the aggregate, as well as professional liability coverage of \$1,000,000 per occurrence and \$2,000,000 in the aggregate; and

WHEREAS, the RJSCB’s insurance consultant has recommended that the RJSCB approve the waiver based upon the limited scope of work performed by MEH and the adequacy of the level of primary general liability insurance coverage maintained by MEH; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the waiver request at its meeting on October 4, 2018, and, after due deliberation, it approved the forwarding of the waiver request to the full Board for its consideration.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby waives the requirement that MEH umbrella liability aggregate coverage of \$2,000,000 and accepts MEH's umbrella liability aggregate coverage of \$1,000,000 for the School 10 and School 22 projects.

Second by Vice Chair Schmidt

Approved 4-0 with Member Jones not yet arrived and Member Richards away