

Resolution 2016-17: 182

Insurance Requirements Waiver for Watts Architecture & Engineering, D.P.C.

By Board Member Brown

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 District’s 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 for which the RJSCB has started design and planning work in advance of the 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 2b Schools”) include: Monroe High School (Part B); Dr. Freddie Thomas Learning Center; School Without Walls; Martin B. Anderson School 15; and Edison Technical Campus; and

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

WHEREAS, the RJSCB issued a request for proposals (the “RFP”) for architectural services, renovation and addition projects for Phase 2b Schools (Resolution 2015-16: 158); and

WHEREAS, the RJSCB approved the selection of Watts Architecture & Engineering, D.P.C. (“Watts”) as the Architect for the Dr. Freddie Thomas Learning Center project (Resolution 2016-17: 41); and

WHEREAS, the RJSCB entered into an agreement with Watts dated September 12, 2016, entitled Agreement between Board and Architect (the “Agreement”); and

WHEREAS, Watts has requested a waiver of the requirement for a Primary/Non-Contributory additional insured endorsement on its umbrella liability insurance policy on the basis that such coverage is not available from its insurance carrier; and

WHEREAS, the RJSCB’s insurance consultant has advised that Watts’ potential exposure is professional exposure that is covered under its professional liability policy and that the umbrella liability insurance policy would not be excess over the professional liability policy; and

WHEREAS, Watts has provided proof that it meets all of the other insurance requirements for the Dr. Freddie Thomas Learning Center project; and

WHEREAS, the M/WBE and Services Procurement Committee ("Committee") reviewed and discussed the waiver request at its meeting on April 6, 2017, 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 Watts obtain a Primary/Non-Contributory additional insured endorsement on its umbrella liability insurance policy for the Dr. Freddie Thomas Learning Center project.

Second by Board Member Benincasa
Approved 6-0 with Member Richards away