

Resolution 2016-17: 213
Insurance Requirements Waiver for Susan M. Anacker

By Board Member Cruz

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, for Phase 2 of the RSMP, the RJSCB intends to undertake 14 projects for the design, reconstruction, or rehabilitation of existing school buildings for their continued use by the District (collectively, the “Phase 2 Projects”), which have been further defined as Phase 2a, Phase 2b, Phase 2c and Phase 2d, plus a DWT project at each of the Phase 2 school buildings; and

WHEREAS, the John Walton Spencer School No. 16 (“School 16”) is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB established certain insurance coverage limits that needed to be obtained by contractors and subcontractor working on Phase 2 of the RSMP; and

WHEREAS, the Program Manager worked with the Architect of Record and Construction Manager for the School 16 project to prepare a Request for Bids for an asbestos abatement and demolition package for the School 16 project; and

WHEREAS, the RJSCB authorized the release of the asbestos abatement and demolition package at its regular meeting on February 6, 2017 (Resolution 2016-17: 138); and

WHEREAS, the Program Manager received bids on March 20, 2017 per the deadline stipulated in the Request for Bids for the asbestos abatement and demolition package for School 16, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the RJSCB approved the award of the abatement and demolition contract to Mark Cerrone, Inc. (“Cerrone”) for the School 16 project at its meeting on April 10, 2017 (Resolution 2016-17: 165); and

WHEREAS, the RJSCB subsequently entered into a construction contract with Cerrone dated April 10, 2017 (the “Contract”) to perform the scope of services defined in the contract documents as the Abatement and Demolition Contractor’s scope of work; and

WHEREAS, in connection with the Contract, Cerrone retained Susan M. Anacker, Professional Land Surveyor, PLLC (“Anacker”) as a subcontractor for the School 16 project; and

WHEREAS, Anacker has requested a waiver of the requirement that its umbrella liability insurance policy provide for a 30 day notice of cancellation endorsement on the grounds that such endorsement is not available for said policy and not warranted given the limited services it is providing as a subcontractor; and

WHEREAS, Anacker has provided proof that it meets all of the other insurance requirements for the School 16 project; and

WHEREAS, the RJSCB reviewed and discussed the waiver request at its meeting on May 25, 2017, and, after due deliberation, it approved the waiver request.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby waives the requirement that Anacker’s umbrella liability insurance policy provide for a 30 day notice of cancellation endorsement for the Phase 2 School 16 project.

Second by Board Member Brown

Approved 5-0 with Vice Chair Schmidt away and Member Jones not yet arrived