

**Resolution 2017-18: 19**

**Insurance Requirements Waiver for Armor Security and Protection, Inc. (Edison Phase 2b)**

**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 required to be obtained and maintained by consultants and subconsultants working on Phase 2 of the RSMP; and

WHEREAS, the RJSCB issued a request for proposals (the “RFP”) for site security services for the Phase 2b projects (Resolution 2016-17: 152); and

WHEREAS, the RJSCB approved the selection of Armor Security and Protection, Inc. (“Armor Security”) to provide site security services for the Edison Technical Campus project (Resolution 2016-17: 197); and

WHEREAS, the RJSCB entered into an agreement with Armor Security dated May 8, 2017, entitled Consulting Services Agreement (the “Agreement”); and

WHEREAS, Armor Security has requested a waiver of the \$5,000,000 umbrella liability coverage on the grounds that such coverage is excessive in relation to their limited scope of providing site security services after hours and weekends, and has further requested that the Board accept a \$1,000,000 umbrella liability policy in lieu thereof; and

WHEREAS, Armor Security has provided proof that it maintains commercial general liability coverage of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, as well as professional liability coverage with those same limits; and

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

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the waiver request at its meeting on August 3, 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 Armor Security provide umbrella liability aggregate coverage of \$5,000,000 and accepts Armor Security's umbrella liability aggregate coverage of \$1,000,000 for the Edison Technical Campus project.

**Second by Board Member Benincasa**

**Approved 4-0 with Vice Chair Schmidt and Members Cruz and Richards away**