

**Resolution 2017-18: 38**  
**Insurance Requirements Waiver for Edge – GTS (School 2)**

**By Board Member Benincasa**

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, Clara Barton School 2 (“School 2”) is one of the projects included in Phase 2c of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, February 6, 2017, the RJSCB issued a request for proposals for architectural services for Phase 2c Schools (Resolution 2016-17: 136); 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, February 6, 2017, the RJSCB issued a request for proposals for architectural services for the School 2 project (Resolution 2016-17: 136); and

WHEREAS, the RJSCB approved the selection of Clark Patterson Lee (“CPL” or “Architect”) as the Architect for the School 2 project (Resolution 2016-17: 151); and

WHEREAS, the RJSCB entered into an agreement with CPL, dated March 6, 2017, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, in connection with the Agreement, CPL retained Edge – Global Technology Solutions (“Edge-GTS”) as a sub-consultant for the School 2 project; and

WHEREAS, Edge-GTS has requested waivers of the requirement that: (1) its insurance carrier be licensed in the State of New York on the grounds that Lloyds is a recognized insurance carrier that otherwise meets the requirements of the RSMP; and (2) it carry an excess liability insurance policy of not less than \$5 million on the grounds that such coverage is in excess of its existing \$4 million excess liability insurance policy; and

WHEREAS, Edge-GTS has provided proof that it meets all of the other insurance requirements for the Phase 2 projects; and

WHEREAS, the RJSCB's insurance consultant has recommended that the RJSCB approve the requested waivers based upon its review of Edge-GTS's policy and the limited scope of its work on the School 2 project; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the waiver request at its meeting on September 7, 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 Edge-GTS provide excess liability coverage of \$5,000,000 and accepts Edge-GTS's excess liability coverage of \$4,000,000 for the School 2 project; and
2. The RJSCB hereby waives the requirement that Edge-GTS's insurance carrier be licensed in the State of New York and accepts the insurance policy issued by Lloyds for the School 2 project.

**Second by Board Member Brown**

**Approved 6-0 with Member Cruz away**