

Resolution 2017-18: 9

Insurance Requirements Waiver for Subconsultant of 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 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 architectural services for the 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 \$3,000,000 professional liability aggregate coverage for its subconsultant, Foundation Design, P.C., on the grounds that such coverage is in excess of its existing professional liability policy limit of \$2,000,000 aggregate coverage; and

WHEREAS, Watts has provided proof that it meets the professional liability insurance requirements for the Dr. Freddie Thomas Learning Center project, including the \$3,000,000 aggregate coverage; and

WHEREAS, the RJSCB's insurance consultant has recommended that the RJSCB approve the waiver based upon the limited scope of work performed by Foundation Design, P.C. and the adequacy of the level of professional liability insurance coverage provided by Watts; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the waiver request at its meeting on July 13, 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' subconsultant, Foundation Design, P.C., provide professional liability aggregate coverage of \$3,000,000 and accepts Foundation Design, P.C.'s professional liability aggregate coverage of \$2,000,000 for the Dr. Freddie Thomas Learning Center project.

Second by Board Member Jones
Approved 7-0