

## **Resolution 2018-19: 18**

### **Insurance Requirements Waiver for Edge Architecture**

#### **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 include the Flower City School 54/30 project in Phase 2d of the RSMP; 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 for Design Services (the “RFP”) for the Flower City School 54/30 project (the “School 54/30 project”) (Resolution 2016-17: 151); and

WHEREAS, the RJSCB approved the selection of LaBella Associates (“LaBella”) as the Architect for the School 54/30 project (Resolution 2017-18: 121); and

WHEREAS, the RJSCB entered into an agreement with LaBella dated December 11, 2017, entitled Agreement between Board and Architect (the “Agreement”); and

WHEREAS, LaBella engaged Edge Architecture (“Edge”) as a subconsultant for the School 54/30 project; and

WHEREAS, Edge has requested waiver of the requirements for professional liability limits of \$1 million/\$3 million and umbrella liability policy limits of \$5 million on the grounds that its limited scope of work, existing insurance limits, and the cost of the additional insurance provide a sufficient basis to waive the foregoing requirements; and

WHEREAS, the RJSCB’s insurance consultant has advised that the professional liability limits of \$2 million/\$2 million is an acceptable option in lieu of \$1 million/\$3 million; and

WHEREAS, Edge’s potential exposure for its design services is a professional exposure that is covered under its

professional liability policy and the umbrella liability insurance policy would not be excess over the professional liability policy; and

WHEREAS, Edge has provided proof that it meets all of the other insurance requirements for the School 54/30 project; and

WHEREAS, the M/WBE and Services Procurement Committee (“Committee”) reviewed and discussed the waiver request at its meeting on July 5, 2018, 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 accepts Edge’s professional liability limits of \$2 million/\$2 million and waives the requirement that Edge obtain an umbrella liability insurance policy for the School 54/30 project.

**Second by Board Member Jones**

**Approved 7-0**