

**Resolution 2023-24: 19**

**Insurance Requirements Waiver for Subconsultants of Savin Engineers, P.C.**

**By Board Member Jesse Dudley**

WHEREAS, the Rochester School Facilities Modernization Program Act ("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 New York State Legislature amended the Act by enacting Chapter 533 of the Laws of 2014 ("Amended Act"), thereby providing alternative financing mechanisms for the reconstruction of up to 26 projects for a total cost of \$435,000,000 for Phase II; and

WHEREAS, the New York State Legislature amended the Amended Act by enacting Chapter 614 of the Laws of 2021 ("Second Amended Act") to authorize additional oversight, transparency, and accountability by the New York State Education Department to ensure projects are completed on time and within budget, and to provide alternative financing mechanisms for the reconstruction of up to 12 projects for a total cost of \$475,000,000 for Phase III; and

WHEREAS, the Board has engaged Savin Engineers, PC ("Savin") as the Program Manager for Phase 3 of the Rochester Schools Modernization Program ("RSMP") pursuant to the Program Management Agreement dated October 10, 2023 (the "PM Agreement"); and

WHEREAS, pursuant to the PM Agreement, Savin is permitted to use subconsultants and contractors to assist it in the performance of its services (the "Designated Consultants"); and

WHEREAS, Savin and the Designated Consultants are required to comply with the insurance requirements set forth in Exhibit C to the PM Agreement; and

WHEREAS, the Designated Consultants have requested of Savin that their insurance requirements be reduced from those required by the PM Agreement on the grounds that such requirements are in excess of the Designated Consultants existing policy limits; and

WHEREAS, Savin has provided proof that it meets the insurance requirements set forth in Exhibit C to the PM Agreement; and

WHEREAS, the RJSCB Chair has recommended that the RJSCB approve the waiver based on the limited scope of services provided by the Designated Consultants and the adequacy of the level of insurance coverage maintained by Savin; and

WHEREAS, and the RJSCB discussed and considered the recommendation at its regular Board meeting on January 8, 2024, and now acts as follows.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby waives the requirement that the Savin's Designated Consultants maintain the insurance requirements set forth in Exhibit C to the PM Agreement conditioned on (i) Savin maintaining insurance requirements in accordance with the terms of the PM Agreement and (ii) the Designated Consultants maintaining their standard insurance coverages throughout Phase 3 of the RSMP.

**Second by: Jacob Scott**

**Adopted: 6-0**