

Resolution 2024-25: 34

Insurance Requirements Waiver for SWBR Design Services (Wilson)

By Board Member Ronald Gaither

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 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 of the Rochester Schools Modernization Program (“RSMP”); 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 of the RSMP; and

WHEREAS, for Phase III of the RSMP, the RJSCB established certain insurance coverage limits required to be obtained and maintained by consultants working on Phase III projects; and

WHEREAS, the RJSCB issued a request for proposals (the “RFP”) for architectural and engineering services for the renovation project at Joseph C. Wilson Magnet High School Commencement Academy (“Wilson”); and

WHEREAS, the RJSCB approved the selection of SWBR Architecture, Engineering & Landscape Architecture, D.P.C. (“SWBR”) is the Architect of Record for the Wilson project (Resolution 2023-24: 36); and

WHEREAS, SWBR has requested (1) a waiver of the “per project” aggregate for its required umbrella insurance policy and (2) a waiver allowing SWBR’s subconsultant (IBC Engineering) to carry medical liability limit coverage of \$5,000 instead of the RSMP required coverage of \$10,000; and

WHEREAS, RJSCB’s insurance consultant has advised that the requested waivers are low risk to the RJSCB in light of the otherwise available insurance coverages and the nature of the services provided by SWBR and its consultant; and

WHEREAS, the Program Manager provided its recommendation, on or about December 16, 2024, that the Board accept (1) SWBR’s umbrella insurance policy limits of \$10 million for a single event and \$10 million aggregate and (2) the \$5,000 medical liability limit carried by IBC Engineering; and

WHEREAS, the Board reviewed and discussed the waiver requests at its meeting on January 13, 2025, and, after due deliberation, now acts as follows.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby waives the requirement that IBC Engineering, as a subconsultant to SWBR, carry medical expense coverage of \$10,000 and accepts IBC Engineering's medical expense coverage with a limit of \$5,000 for the Joseph C. Wilson Magnet High School Commencement Academy project; and
2. The RJSCB hereby waives the requirement that SWBR provide a \$5 million per project aggregate for its umbrella liability policy and accepts SWBR's umbrella liability policy limits of \$10 million for a single event and \$10 million aggregate for the Joseph C. Wilson Magnet High School Commencement Academy project.

Second by Board Member Kabutey Ocansey

Adopted- 7-0