

Resolution 2025-26: 21

Approval Phase III Insurance Roadmap Revision

By Board Member Jesse Dudley

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; 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’s insurance consultant recommended insurance coverages, limits and other requirements for various design professionals, consultants, construction managers and contractors that the Board will contract with (collectively, “Project Contractors”) for Phase III of the Rochester Schools Modernization Program (“RSMP”), which are set forth on the attached RSMP-3 Insurance Roadmap; and

WHEREAS the RSMP-3 Insurance Roadmap was approved by the Board on April 14, 2025 (Resolution 2024-25:47); and

WHEREAS the Board’s insurance consultant and counsel recommended revision of the RSMP-3 Insurance Roadmap to remove the existing requirement of a waiver of subrogation by the professional liability insurance carriers, as such waivers are not intended to be provided with professional liability policies; and

WHEREAS, the Program Manager has recommended that the RJSCB approve the revised RSMP-3 Insurance Roadmap to remove the requirement of a waiver of subrogation in connection with professional liability policies required of and provided by the Board’s consultants and/or contractors; and

WHEREAS, and the RJSCB discussed and considered the recommendation at its regular Board meeting on November 4, 2025, and now acts as follows.

THEREFORE, BE IT RESOLVED

1. The RJSCB hereby approves the proposed revision to the RMSP-3 Insurance Roadmap in Phase 3 of the RSMP as set forth herein and authorizes the use of same for Phase III of the RSMP; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to take any necessary

steps to effectuate this Resolution.

Second by Board Member Ronald Gaither

Adopted: 7-0