

## **Questions received on General and Excess Liability Insurance Broker and DASNY's responses:**

1. It was noted in the RFP that DASNY may agree to provide general/excess liability coverage, covering the buildings and/or projects that DASNY has constructed, or is in the process of constructing, on their behalf. For example, DASNY's program provides liability insurance protection for all academic and support facilities at the City University of New York during the course of construction and insurance coverage is provided for SUNY both during construction and into occupancy.

Our understanding from the Insurance Roundtable Meeting conducted in September is that DASNY's program provides "contingent/difference in conditions" coverage for the construction exposure and that the General Contractor is required to provide the primary liability insurance for each project, is that correct?

For the occupancy/premises GL exposure, once construction is complete and DASNY provides insurance for the occupancy and operation of the facility, does the DASNY program provide primary liability coverage or does the DASNY program provide coverage on a "contingent/excess basis" over what CUNY or SUNY may be required to provide?

**Response:**

DASNY construction contracts require the contractor(s) and/or consultant(s) to provide primary and non-contributory coverage for DASNY and other additionally insured entities. The DASNY policy is there to provide coverage for designated entities if/when the contractor's and/or consultant's primary coverage does not respond as intended.

After construction, the DASNY program provides primary liability coverage, where applicable.

2. Will copies of the current policies be made available for review?

**Response:**

Copies of the current policies will be made available to the selected broker.

3. Please advise the estimated volume of certificates of insurance required annually?

**Response:**

DASNY's broker issued approximately 10 certificates in policy year 2015-16.

4. Will copies of current Safety and Claims Handling instructional manuals be made available?

**Response:**

DASNY does not have any such manuals.

5. Are there Special Claims Handling Instructions in place outlining program protocols for reserve estimating and the level of formal claim reviews based on outstanding reserves?

**Response:**

No.

6. **Attachment 10 Loss Runs** - During the September meeting it was noted that DASNY holds weekly claim meetings, usually in Albany, that typically includes review of 9-12 claims each week. The loss run provided in the RFP does not seem to align with the volume of claims anticipated and includes only approximately \$1,500 of claim financials. Does the loss run provided include all of the ground up loss data for the entire GL/Excess liability program?

**Response:**

The loss run provided includes claim information for the current and three prior policy years. DASNY has approximately 130 open liability claims at present, including the claims shown in the loss run and claims from policy years prior to 10/1/2013.

7. **Attachment 10 Loss Runs** - How many formal Loss Control visits are included in the program?

**Response:**

That number will be determined based on need, as the policy year progresses. There has not been a need for loss control visits specific to the general liability program in the last 3 years.

8. **Attachment 10 Loss Runs** - Do the weekly claim review meetings in Albany include discussion on the open Workers' Compensation claims?

**Response:**

No.

9. **Attachment 10 Loss Runs** - Does DASNY, CUNY and SUNY use Occupational Medical facilities as prescribed by the TPA?

**Response:**

No. Occupational medical facilities are not applicable to this program, which is specific to General & Umbrella/Excess Liability insurance.

10. **Attachment 10 Loss Runs** - Does DASNY embrace a formal Return to Work program?

**Response:**

A formal Return To Work program is not applicable to the General & Umbrella/Excess Liability program, which is the subject of this procurement.

11. Is the umbrella/excess strictly over general liability?

**Response:**

No.

12. May we receive copies of the policies?

**Response:**

Copies of the current policies will be made available to the selected broker.

13. Could we receive a schedule of insurance that includes the insurers and levels of participation (including premium amounts)?

**Response:**

The current program includes primary coverage provided by Berkley, above a self-insured retention. Three additional policies provide excess coverage to a total program limit of \$80 Million.

14. May we receive the loss runs for the last five years in Excel?

**Response:**

The loss runs posted on the DASNY website are the only loss runs available at present.

15. Have any policies been non-renewed in the past five years?

**Response:**

No.

16. Are there any carriers that you prefer not to work with?

**Response:**

No.

17. Is DASNY acting as a landlord, managing agent, or both? Please describe the relationship.

**Response:**

DASNY serves its clients in a number of different capacities, which vary based on the client's needs and contributing factors. Those DASNY-Client relationships are too voluminous and varied to describe here.

18. What loss control services/engineering are currently being provided by insurers? What are the additional expectations for additional services by the broker?

**Response:**

See question 7.

19. What is the current amount of broker fee or commission paid per year?

**Response:**

This question is not relevant to the procurement in progress.

20. Is \$75,000 a true deductible, or is there a self-insured retention?

**Response:**

\$75,000 is a retained limit that applies to each occurrence.

21. Does the general liability policy cover third-party discrimination?

**Response:**

No.

22. Who are DASNY's general contractors, and what are the insurance requirement for GCs and subcontractors?

**Response:**

DASNY holds hundreds of contracts with Construction Managers, construction contractors, architects, engineers, professional services providers, and others. Insurance requirements vary based on the nature of the contract and the scope of work to be provided.

23. For post construction, how many years is DASNY required to maintain tail coverage?

**Response:**

We do not understand the question.

24. Who are DASNY's general contractors and what are their coverage requirements (including sub-contractors)?

**Response:**

See question 22.

25. Are DASNY's construction projects part of a wrap-up program? If so, please describe.

**Response:**

No, they are not.

26. Does the GL and umbrella/excess liability contain any professional liability exclusions?

**Response:**

Yes.

27. Could we receive a copy of the last two renewal proposals?

**Response:**

Those proposals are not relevant to the procurement in progress.

28. How is DASNY protected by medical malpractice exposures? Is DASNY named as an additional insured?

**Response:**

DASNY does not have any known medical malpractice exposures.

29. Does DASNY carry coverage for abuse and molestation?

**Response:**

No.

30. Are all of the construction exposures in the State of NY?

**Response:**

Yes.

31. Can you clarify the value of new construction vs. renovation work (if any) for the project portfolio? What is the split between ground up & renovation work?

**Response:**

Approximately \$15M of the total \$485 of current construction projects is associated with new/ground-up construction.

32. What is the largest construction value of a single project that is being included in the construction exposure? What is the smallest project?

**Response:**

The largest project has a current insurable value of \$32,502,613 and the smallest has a current insurable value of \$0.

33. Are there pollution and professional coverages maintained by DASNY for the construction exposures?

**Response:**

No.

34. Can you share the existing list of approved General Contractors' used for the construction projects?

**Response:**

See question 22.

35. Does your organization have its own safety? If not, do you currently require full time safety to be provided by the GC/CM for each individual project?

**Response:**

DASNY requires contracted Construction Managers, General Contractors, prime contractors and others to develop project-specific safety standards, including the assignment of personnel with specified safety responsibilities, as applicable.

36. Is there a requirement for pre/post/random/and reasonable cause for drug testing on the construction projects?

**Response:**

There is no such DASNY requirement, but individual Construction Managers, General Contractors, contractors and/or consultants working on DASNY projects may have different standards.

37. Can you provide a sample contract between you and a GC/CM that includes current insurance requirements?

**Response:**

See attachment.

38. Is there a master insurance program in place for the construction projects or a CCIP (Contractor Controlled Insurance Program) or is it basic traditional contractor provided insurance?

**Response:**

There is no CCIP or other master program insuring contractors on DASNY construction projects.

39. Do they have a list of law firms pre-approved by DASNY's current carriers they would like to continue to utilize?

**Response:**

DASNY has a panel of law firms with whom it has contracted to provide legal services associated with personal injury/third party liability claims.

40. Are we able to obtain a copy of the insurance policies to review prior to the RFP date? Having the policies would enable us to identify gaps or coverage deficiencies thereby adding value to DASNY immediately. If necessary, we will travel to Albany to facilitate this request.

**Response:**

Copies of the current policies will be made available to the selected broker.

41. Does DASNY require contract review? We often perform contract review for our clients ensuring that the necessary coverage and limits are being requested from vendors and or/subs who perform work for our clients. We also recommend limits and coverage requirements depending on the type of work being performed.

**Response:**

DASNY is not specifically looking for this service on a regular basis, at present. However, DASNY does expect to ask the selected broker to provide reviews similar to this on selected contracts on an as-needed basis throughout the term of the contract.

42. Page 16 of Appendix A, Scope of Services, Administrative Services Section, #1 - Does DASNY perform their own review and tracking of certificates or is this the responsibility of the broker? If the broker's responsibility, is an outside vendor currently used to track certificates?

**Response:**

Page 16 of Appendix A, Scope of Services, Administrative Services Section, #1 refers to the production of Certificates of Insurance associated with DASNY's General & Umbrella/Excess Liability Insurance program. Production/processing of those certificates will be the sole responsibility of the broker.

As regards Certificates of Insurance provided to DASNY by contractors, consultants, and others, DASNY currently performs review and tracking functions in-house. DASNY will, however, periodically seek the assistance of the selected broker to answer questions, provide policy language interpretation, conduct research, etc. to assist with the review process.

43. Does the Broker assist in claims handling for losses within the retention?

**Response:**

Yes.

44. Can loss runs be provided for claims within the retention? This would allow us to make more detailed recommendations from a Risk Management perspective as we are more educated on the type of claims DASNY is incurring?

**Response:**

See questions 6 and 14.

45. Who is the current Third Party Administrator retained by DASNY?

**Response:**

Custard Insurance Adjusters.

46. Page 16 of Appendix A, Scope of Services, Loss Control Services Section - How many loss control inspections were performed by the current broker over the last two years?

**Response:**

See question 7.

47. Page 16 of Appendix A, Scope of Services, Loss Control Services Section - How many loss control inspections does DASNY typically require on an annual basis?

**Response:**

See question 7.

48. Page 16 of Appendix A, Scope of Services, Loss Control Services Section - How many loss prevention plans have been requested by the owner over the last two years?

**Response:**

See question 7.

49. Page 16 of Appendix A, Scope of Services, Loss Control Services Section - Any other loss control needs that DASNY typically requests?

**Response:**

DASNY has a construction site safety program that utilizes loss control service providers. Those services are procured separately from this effort.

50. Did not see any items with regard to education/training of DASNY staff? Is this a need?

**Response:**

DASNY provides its staff with a wide array of training programs, but is open to discussing additional training opportunities.



51. Page 16 of Appendix A, Scope of Services, Administrative Services Section, #4 - Are policies billed to DASNY only or does broker need to allocate and invoice separately to different entities? If so, how many entities?

**Response:**

DASNY handles premium allocations internally.

52. Are losses, as shown in the Berkley loss run, reported on a first dollar basis? Or does the report reflect losses excess of DASNY's deductible? If the latter, please provide total first dollar losses reserved to ultimate and total claims counts for all losses?

Please provide currently valued loss runs (first dollar to ultimate) for the most recent 5 to 10 full year experience periods?

**Response:**

Losses shown are excess of DASNY's self-insured retention. See also questions 6 and 14.

53. Item 1.3 **Program Structure** describes DASNY's current General Liability and Excess program. How long has DASNY's program followed this structure? Please provide descriptions of any other structure previously used by DASNY in the most recent 5 to 10 year experience period?

**Response:**

The program has followed essentially this structure since 2004.

54. Does DASNY's deductible apply per occurrence? Per claimant? Other?

**Response:**

DASNY's self-insured retention applies to each occurrence.

55. Please provide the name and city location of DASNY's third party administrator(s) and or insurer(s) responsible for reserving and loss reporting for each of the 5 to 10 years (other than Berkley)?

**Response:**

DASNY's current Third Party Claim Administrator is Custard Insurance Adjusters, based in Norcross, Georgia.

56. Description of DASNY's Insurance guidelines and compliance tracking mechanisms applicable to contractors, subcontractors, service providers and vendors engaged by DASNY? What issues, if any, does DASNY have with the current guidelines? Process and procedures for maintaining compliance?

**Response:**

DASNY uses in-house resources to review and track insurance documentation provided by contractors, service providers and others. DASNY staff receive and review documents; accepted documentation is tracked electronically; and communications regarding pending

expirations are generated automatically. Measures are in place to better ensure documents are received in compliance with contract requirements.

57. Certificates of Insurance - # of Certificates issued to others annually? # of Certificates of Insurance received from contractors, vendors, service providers, lessees, licensees, others issued to DASNY as the Certificate Holder?

**Response:**

DASNY's broker issued approximately 10 certificates in policy year 2015-16 on its behalf. DASNY receives approximately 2,600 certificates.