

# **Questions received on General and Umbrella/Excess Liability Insurance Broker Services AD/RFP and DASNY's responses:**

1. Schedule of autos (if included in mandate) – The mandate does not include Auto but Umbrella will be excess over AL. How many autos, owned and lease and type?

**Response: DASNY owns a fleet of 63 vehicles including 3 pick-up trucks, 1 SUV, 5 vans and 54 private passenger sedans. None of the vehicles are leased. DASNY employees may rent cars, but only on an exception basis.**

2. What other coverages are covered by the Umbrella, aside from CGL, Products, Completed Operations, Auto Liability and Employers' Liability?

**Response: The primary CGL policy also includes a \$1,000,000 Aggregate Employee Benefits Liability limit. Otherwise, the question accounts for all coverages underlying the Umbrella.**

3. Is coverage for underlying projects on a scheduled or blanket basis?

**Response: Blanket basis.**

4. Is the GL policy subject to audit and premium adjustments?

**Response: Yes**

5. Does DASNY/Client lease or sublease any of its properties and if so, what are the general insurance and indemnification requirements?

**Response: Several of DASNY's agreements with its clients are the subject of lease and agreement arrangements, which include varying indemnification and insurance requirements, as appropriate. If a DASNY Client subleases any portion of a building, they are required/expected to include DASNY in the insurance and indemnification requirements, which may vary based on the scope of the lease agreement.**

6. Can you re-format the loss runs by policy year and defense type? Can you provide a key of acronyms for Defense Type (OOP, LLNI, LNA, NI, A/I, etc...)?

**Response: An Excel copy of the loss run is attached and can be sorted as needed. Defense types include the following:**

**OOP: owner out of possession**

**LLNI: Labor Law No Interest**

**LLA: Labor Law Assumed (tender accepted)**

**NI: No interest**

**A/I: Additional Insured  
LL: Labor Law  
SUOW: SUNY as Owner**

7. Can you confirm that there are no claims exceeding the primary \$2 million over the past 10 years?

**Response: Confirmed.**

8. Given that DASNY and its clients are additional insureds under Contractors' policies and the rigorous contractual protections included the General Conditions, how do construction- related claims, accounting for 1/3 of total claims, breach these defenses?

**Response: DASNY may incur initial expenses in the defense or investigation of a claim, but we expect and have been successful in having those expenses reimbursed. Otherwise, we do not expect claims to breach the contractual and insurance defenses and have processes in place to further that goal.**

9. Is loss control handled in-house or outsourced?

**Response: DASNY has not had need for loss control services on a regular basis. However, if and when the need arises, it is expected that the broker will provide those services or will supplement any services provided by the insurance carrier.**

10. How are Safety requirements in the General Conditions enforced?

**Response: The DASNY Project Management team and Consultant Construction Managers enforce the DASNY General Conditions with respect to safety. DASNY has a fulltime Safety Manager and three site safety consultants to oversee construction safety, provide safety reports and follow up of corrective actions.**

11. How are Contractors' safety programs monitored?

**Response: DASNY Contractors and Subcontractors submit a company project specific Health and Safety Plan for review prior to the start of work. In addition,**

- **Each contractor and subcontractor are responsible for maintaining a written Health and Safety Plan program and shall comply with all applicable rules, regulations codes and Bulletins for the NYS DOL, Federal OSHA and the NYC Building Code, when applicable**
- **Contractor must provide an Emergency Action/ Site Logistics Plan with Contact numbers and have available at work site**
- **Contractor must perform document safety orientation and all relevant safety training prior to the state of work. This includes all NYCDOB and OSHA required training.**
- **Accidents Injuries and incidents must be reported in writing on the day of the occurrence, with corrective measures.**

- **Contractor must always wear proper personal Protection Equipment while on DASNY Projects.**
- **Each contractor will appoint a Safety Coordinator to enforce safety measures and direct corrective measures as needed.**
- **DASNY will periodically conduct safety and loss prevention inspections.**

12. What would be required of broker's loss control engineer, if engaged?

**Response: See the Loss Control/Risk Engineering portion of the "Appendix A – Scope of Services", included in the Attachments with the posted procurement notice.**

13. Would the Broker be responsible for managing the certificates DASNY requires of Contractors and Subcontractors or just those issued by DASNY to others?

**Response: The Broker is not generally responsible for managing the certificates DASNY requires of others, but may be expected to review and consult/comment on certificates provided by others on an as-needed basis at the request of DASNY. The Broker is expected to produce and otherwise manage the certificates issued by DASNY to others.**

14. **RFP: Item 6, Information to be provided by Proposers**, A.8 (p. 5) – Lee Risk Management has filed for a name change from Harold L. Lee & Sons, Inc to Lee Risk Management ("LRM") in the Vendex System. Name change is still pending. All the other information in the Vendex filing is accurate and up to date. LRM has been filed with and has been recognized by the New York Department of State. Please advise if the pending name change with Vendex is an issue.

**Response: There is no issue. Please remember to fill-out a W-9 form under Attachments.**

15. If we partner with another insurance broker, does the partner need to furnish the documents required in **6.A. Content of Technical Proposal, Items 6 - 13**?

**Response: The firm that will be legally executing the contract will need to submit all the requested information.**

16. Loss Control capabilities are included in **Scope of Services** but is not mentioned in the **Content of Technical Proposal**. Please advise how Proposer should address this in the Technical and Cost Proposal?

**Response: The Proposer may address loss control capabilities in responses to items 2, 3, 5, and/or 6, or in responses to any other portion of the Technical Proposal, as it deems appropriate.**

17. **Sample Contract**, Article X, A.2., Comprehensive General Liability, requires Blanket Contractual Liability. Our insurer will only provide Broad Form Contractual. Please advise if this is an issue.

**Response: DASNY cannot comment on the acceptability of coverage in a proposer's insurance policy without additional detail and discussion, as needed.**

18. Has DASNY considered higher retentions on its GL policy. If yes, what is the maximum per occurrence retention that DASNY would consider? What is the maximum aggregated loss amount that DASNY would be willing to retain in each policy period?

**Response: DASNY is open to discussing and considering any feasible retention options.**

19. What is the frequency of formal GL claim reviews? Is this frequency adequate?

**Response: DASNY holds weekly claims meetings to review 8-10 claims each week. The Broker is expected to participate in those meetings by phone or video conference.**

20. Can DASNY supply the loss runs in excel format?

**Response: An Excel copy of the loss run is attached.**

21. Can we review a sample construction contract?

**Response: A copy of DASNY's standard General Conditions document is included in the Attachments with the posted procurement notice.**

22. Can we have a copy of the current GL policy?

**Response: Per the procurement notice, copies of DASNY's insurance policies will be made available to the successful Proposer upon notification of selection or award of contract at the close of this procurement. Copies of policies will not be made available as part of this solicitation.**

23. Can DASNY provide a range of how many loss control visits are required at various locations?

**Response: There is no defined loss control program at this time. For requirements of the broker's loss control engineer, see the "Loss Control/Risk Engineering Services" section of the "Appendix A – Scope of Services", included in the Attachments with the posted procurement notice.**