

## **Questions received on DASNY Workers Compensation and Auto Liability Insurance Broker Services and DASNY's responses:**

1. Could you please share the current insurance carriers?

**Response:**

Sentry insures both lines.

2. Could you please share the current premium amounts?

**Response:**

This information is not relevant to the procurement, which is based on broker qualifications.

3. Could you please share any available information on program design or coverage structure?

**Response:**

The Workers' Compensation coverage is based on a large deductible program. The Auto Liability coverage has a \$5M combined limit. There is no auto physical damage coverage.

4. Who is the current Automobile carrier?

**Response:**

Sentry.

5. Will you share the premium for the Automobile coverage?

**Response:**

This information is not relevant to the procurement, which is based on broker qualifications.

6. How many vehicles are insured? Can you provide a list of vehicles?

**Response:**

DASNY has approximately 50-55 insured vehicles. A specific list of vehicles will be provided to the successful broker.

7. The Workers' Compensation is a deductible program...is there a collateral requirement as part of it?

**Response:**

Yes.

8. Was a \$500k deductible imposed or chosen? Were other deductible options offered?

**Response:**

Deductible levels are negotiated with insurance carriers as needed.

9. What is the cadence for claims reviews with broker claim advocates and carrier adjusters?

**Response:**

DASNY currently does a comprehensive annual review with the broker and carrier team but may require more frequent reviews based on claim experience. Brokers and carriers are expected to be available at any time/frequency during the year to answer questions or review specific claims, as needed.

10. Are there Special Handling Instructions in place with the current carriers?

**Response:**

Yes.

11. Has DASNY ever considered a captive to address your insurance needs?

**Response:**

DASNY is open to any number of ideas, as needs and market conditions change.

12. Is claims information available for review?

**Response:**

Claims information will be made available to the successful broker, as needed.

13. Are there areas DASNY is looking to improve in terms of the placement and/or service of the WC/Auto insurance program?

**Response:**

DASNY is open to any number of ideas, as needs and market conditions change.

14. What is the impetus for this RFP being released?

**Response:**

DASNY conducts procurements for all of its contracted services at regular intervals.

15. Who is your current broker and how long have you maintained a relationship with them?

**Response:**

The Marcia C. Brogan Agency LLC has been DASNY's broker since November 2020.

16. Who is the current broker serving DASNY for Workers Compensation and Commercial Auto Liability, and how long have they held this position?

**Response:**

The Marcia C. Brogan Agency LLC has been DASNY's broker since November 2020.

17. Which insurance companies currently provide Workers Compensation and Commercial Auto Liability coverage, and what is the tenure of their service?

**Response:**

Sentry has been DASNY's carrier on both lines since 2015.

18. What is the current compensation structure for the incumbent broker (service fee, commission, or combination thereof ?) for each line, and what are the current compensation amounts?

**Response:**

The broker on these lines is compensated on a fee basis. The current fee amount is not relevant to this procurement. Fees will be negotiated with DASNY.

19. Can DASNY provide copies of the current Workers Compensation and Commercial Auto Liability policies, including all rates, premiums, forms, endorsements, and binders?

**Response:**

This information will be provided to the successful broker, but is not relevant to the procurement, which is based on broker qualifications.

20. Are there any significant coverage changes or program modifications anticipated for the upcoming term?

**Response:**

DASNY has not yet discussed renewal terms with insurance carriers. The successful broker will be charged with initiating these discussions and working with DASNY to negotiate final terms with carriers.

21. Can DASNY provide five years of detailed loss runs for both Workers Compensation and Auto Liability, broken out by class of business and claim type, preferably in Excel format?

**Response:**

This information will be provided to the successful broker, but is not relevant to the procurement, which is based on broker qualifications.

22. Can you provide detailed exposure data, including employee headcount by location, payroll by class code, and vehicle schedules, also in Excel format?

**Response:**

This information will be provided to the successful broker, but is not relevant to the procurement, which is based on broker qualifications.

23. How are employees and payroll exposures aggregated and reported (by location, by entity, or consolidated)? Are there any unique reporting or aggregation requirements?

**Response:**

This information will be provided to the successful broker, but is not relevant to the procurement, which is based on broker qualifications.

24. Do unions provide any services that supplement the insurance program (such as return-to-work programs or claims advocacy)? If so, could you provide a detailed scope of those services?

**Response:**

Unions do not provide supplementary services at this time.

25. What collateral is currently posted for the deductible Workers Compensation program? Is collateral required for the expiring term only, or for multiple years? If multiple years, how many are currently being collateralized, and what is the total outstanding collateral?

**Response:**

DASNY provides collateral as required by carriers. The specifics of those arrangements are not relevant to this procurement, which is based on broker qualifications.

26. What form of collateral is in place (e.g., letter of credit, cash, surety bond)?

**Response:**

DASNY provides collateral as required by carriers. The specifics of those arrangements are not relevant to this procurement, which is based on broker qualifications.

27. Is the Commercial Auto Liability program collateralized? If so, can you provide the same details as above?

**Response:**

DASNY provides collateral as required by carriers. The specifics of those arrangements are not relevant to this procurement, which is based on broker qualifications.

28. Does the current Workers Compensation and/or Auto Liability placement include any dividend or retroactive adjustment provisions? If yes, could you summarize the terms?

**Response:**

This information will be provided to the successful broker, but is not relevant to the procurement, which is based on broker qualifications.

29. Are there any particular concerns or issues with the current program that have not been addressed in the past but should be considered with this RFP?

**Response:**

DASNY has included all of the information it believes to be relevant to the procurement in the procurement documents.

30. Are there any prior audits (premium or claims) currently in dispute? If so, will the incumbent broker be required to finalize these, or will the incoming broker be expected to resolve outstanding issues?

**Response:**

DASNY is not aware of any outstanding issues at present. That said, should issues with previous policies arise during the course of the successful broker's contract, the broker will be expected to make every effort to address those issues, regardless of policy year or carrier.

31. Are there any specific data management, reporting, or technology platform requirements (e.g., compatibility with DASNY's systems, preferred formats for loss runs, certificates, etc.)?

**Response:**

No.

32. Are there any anticipated changes to DASNY's operations (such as expansions, new locations, or significant changes in fleet or payroll) that could impact exposures during the contract term?

**Response:**

Not at this time.

33. Are there any additional evaluation criteria or program objectives not explicitly outlined in the RFP that DASNY considers important in selecting its broker partner?

**Response:**

DASNY has included all of the evaluation criteria and program objectives it believes to be relevant in the procurement documents.

34. Are there any confidentiality or data privacy requirements, beyond those stated in the RFP, that proposers should be aware of regarding the handling of DASNY's information?

**Response:**

Yes, the successful broker is expected to handle confidential, personal, private, and other sensitive information, including electronic data, with appropriate discretion, security measures, and in full compliance with all applicable laws. The below details will be incorporated into the final broker contract with DASNY.

CONFIDENTIALITY

For the purpose of this Agreement, "Confidential Information" means any non-public information disclosed by a Party ("Disclosing Party") to the other Party ("Receiving Party") in any form or medium (whether oral, written, electronic or other) that is identified as confidential at the time of disclosure or disclosed under circumstances that would reasonably indicate the need for confidential treatment. Confidential Information shall include, but is not limited to, technological information such as know-how, software, data, programs, inventions, ideas, processes, formulas, developments, designs, materials, business information such as marketing and selling, budgets, prices and costs, information about the Disclosing Party's employees, affiliates, suppliers and customers, and trade secrets. Confidential Information does not include information that is:

- (i) public knowledge at the time of disclosure or thereafter becomes generally known other than through an act of breach or negligence by the Receiving Party;
- (ii) already known by the Receiving Party prior to its receipt from the Disclosing Party;
- (iii) independently developed at any time by the Receiving Party without use of or reference to Confidential Information;
- (iv) rightfully obtained by the Receiving Party from other unrestricted sources.

PROTECTION OF CONFIDENTIAL INFORMATION

- A. As a condition of being provided with any disclosure of or access to Disclosing Party's Confidential Information, the Receiving Party shall:

- (i) not access or use such Confidential Information other than as necessary to exercise its rights or perform its obligations under and in accordance with this Agreement;
- (ii) not disclose or permit access to such Confidential Information other than to its Representatives who: (1) need to know such Confidential Information for purposes of the Receiving Party's exercise of its rights or performance of its obligations under and in accordance with this Agreement; (2) have been informed of the confidential nature of the Confidential Information and the Receiving Party's obligations hereunder and (3) are bound by confidentiality and restricted use obligations at least as protective of the Confidential Information as the terms set forth in this Section, including the following:
  - (a) safeguard the Confidential Information from unauthorized use, access or disclosure using at least the degree of care it uses to protect its sensitive information and in no event less than a reasonable degree of care;
  - (b) ensure its personnel's compliance with and be responsible and liable for any of its representatives' non-compliance with, this Section.

- B. If the Receiving Party is compelled by law to disclose any Confidential Information, then to the extent permitted by applicable law, the Receiving Party shall:

- (i) promptly, and prior to such disclosure, notify the Disclosing Party in writing of such requirement so that the Disclosing Party can seek a protective order;
- (ii) provide reasonable assistance to the Disclosing Party, at the Disclosing Party's sole cost and expense, in opposing such disclosure or seeking a protective order or other limitations on disclosure.

C. The provisions of the Section shall survive the natural expiration or termination of this Agreement.

#### COMPLIANCE WITH BREACH NOTIFICATION AND DATA SECURITY LAWS

The BROKER and Subconsultant shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law § 899-aa and State Technology Law § 208) and shall also comply with General Business Law § 899- bb.

If the BROKER or Subconsultant learns of any actual or attempted unauthorized access to Information that would require notification under applicable Law relating to a data breach, the BROKER will (1) promptly notify DASNY of all details known to the BROKER and regularly supplement the same with new information as it is discovered; (2) bear responsibility for the costs of providing notice and identity protection services, and (3) at its cost, assist DASNY in its obligation under applicable Law.

35. Will DASNY provide a timeline for the release of answers to all submitted questions, and is there an opportunity for follow-up clarification if needed?

**Response:**

Refer to section 1.5 Key Events and Dates in the RFP for the anticipated timeline regarding the release of responses to submitted questions. Should additional clarification be required, it will be provided as deemed appropriate.