



NYMIR Risk Transfer Guide



SAMPLE INSURANCE AGREEMENT –CONTRACTORS

HIGH HAZARD, larger contracts (especially for roof repairs, trenching work, etc.)

1. Notwithstanding any terms, conditions or provisions in any other writing between the parties, the contractor hereby agrees to effectuate the naming of the Municipality as an additional insured on the contractor's insurance policies, with the exception of workers' compensation and NYS disability insurance.
2. The policy naming the Municipality as an additional insured shall:
 - a. Be an insurance policy from an A.M. Best rated insurer, authorized to conduct business in New York State. A New York State admitted insurer is preferred.
 - b. State that the contractor's coverage shall be primary and non-contributory coverage for the Municipality, its Board, employees and volunteers.
 - c. NO Action over Exclusion shall be on the policy.
 - d. Additional insured status shall be provided by standard or other endorsements that extend coverage to the Municipality for both on-going and completed operations. A completed copy of the endorsements must be attached to the certificate of insurance.
 - e. The certificate of insurance must describe the specific services provided by the contractor (e.g., roofing, trenching, and plumbing) that are covered by the liability policies.
 - f. At the Municipality's request, the contractor shall provide a copy of the declaration page of the liability and umbrella policies with a list of endorsements and forms. If so requested, the contractor will provide a copy of the policy endorsements and forms.
 - g. A fully completed New York Construction Certificate of Liability Insurance Addendum (ACORD 855 2014/05) must be included with the certificates of insurance.
3. The contractor agrees to indemnify the Municipality for any applicable deductibles and self-insured retentions.
4. Required Insurance:
 - a. **Commercial General Liability Insurance:**
\$1,000,000 per occurrence/ \$2,000,000 general and products/completed operations aggregates.
The general aggregate shall apply on a per-project basis.
 - b. **Automobile Liability:**
\$1,000,000 combined single limit for owned, hired and borrowed and non-owned motor vehicles.
 - c. **Workers' Compensation, Employers' Liability and NYS Disability Insurance:**
Statutory Workers' Compensation, Employers' Liability Insurance and NYS Disability Insurance for all employees. Proof of coverage must be on the approved specific form, as required by the New York State Workers' Compensation Board. ACORD certificates are not acceptable.
 - d. **Excess Insurance:**
\$2,000,000 each Occurrence and Aggregate. Excess coverage shall be on a follow-form basis.
 - e. **Owners Contractors Protective Insurance (OCP):**
\$1,000,000 per occurrence/ \$2,000,000 aggregate, with the Municipality as the named insured.
 - f. **Builders Risk Insurance or Installation Floater:**
For projects involving new construction or extensive remodeling, Builders Risk Insurance or Installation Floater should also be requested. Coverage shall be on a direct risk of loss basis in the amount of \$3,000,000 (*or higher/ consider the cost of project*). The Municipality shall be an additional insured, as their interest may apply.

The Municipality is a member/owner of the New York Municipal Insurance Reciprocal (NYMIR). The contractor further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the Municipality but also NYMIR, as the Municipality's insurer.