

FPO30 Insurance Requirements Attachment

February 2016

Proof of Insurance

Requirements: All insurance required by the State shall be:

1. obtained at the sole cost and expense of the applicant;
2. maintained with insurance carriers licensed to do business in New York State, and acceptable to OGS;
3. policies must be written on an occurrence basis;
4. primary and non-contributing to any insurance or self-insurance maintained by OGS;
5. endorsed to provide written notice be given to OGS, at least thirty (30) days prior to the cancellation, non-renewal, or material alteration of such policies, which notice must be evidenced by return receipt of United States Certified Mail;
6. evidenced by Certificates of Insurance in a form acceptable to OGS;
7. ~~sent to the Real Property Management Unit, 39th Floor, Tower Building, Empire State Plaza, Albany, NY 12242;~~ returned with the completed Vendor Application.
8. received and approved by OGS prior to applicant engaging in the approved use; and
9. **shall name The People of the State of New York, its officers, agents, and employees, as additional insureds thereunder.**

Deductibles and Self-insured Retentions: The applicant shall be solely responsible for the payment of all deductibles and self-insured retentions to which such policies are subject. Deductibles and self-insured retentions above \$10,000.00 must be approved by OGS. Such approval shall not be unreasonably withheld.

Ratings: Each insurance carrier must be rated at least "A-" Class "VII" in the most recently published A.M. Best's Insurance Report. If, during the term of the policy, a carrier's rating falls below "A-" Class "VII", the insurance must be replaced no later than the renewal date of the policy with an insurer acceptable to OGS and rated at least "A-" Class "VII" in the most recently published A.M. Best's Insurance Report.

Coverage: The applicant shall cause all insurance to be in full force and effect as of the beginning date of the approved use and to remain in full force and effect throughout the term of the approved use and as further required by the approved application.

The applicant shall not take any action, or omit to take any action that would suspend or invalidate any of the required insurance coverages during the period of time such coverages are required to be in effect.

Not less than thirty (30) days prior to the expiration date or renewal date, the applicant shall supply OGS updated replacement Certificates of Insurance, and amendatory endorsements.

Specifications: The applicant, throughout the term of the approved use, or as otherwise required by the approved application, shall obtain and maintain in full force and effect, the following insurance with limits not less than those described below and as required by the terms of the approved application, or as required by law, whichever is greater (limits may be provided through a combination of primary and umbrella/excess policies):

- a) **Commercial General Liability Insurance with a limit of not less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.** Such liability shall be written on the Insurance Service Office's (ISO) occurrence form CG 00 01 01 96, or a substitute form providing equivalent coverages, and shall cover liability arising from premises operations, independent contractors, broad form property damage, personal and advertising injury, contractor means and methods, cross liability coverage, medical expenses, blanket contractual liability assumed in a contract (including the tort liability of another assumed in a contract); defense and/or indemnification obligations, including obligations assumed under the approved application and cross liability for additional insureds.

If such policy contains an aggregate limit, it shall apply separately to the approved application.

- b) **Workers Compensation**, Employers Liability, and Disability Benefits as required by New York State law.
- c) **Liquor Liability**. Only licensed/insured caterers may serve food and alcohol. If the applicant intends to sell, distribute, serve or furnish alcoholic beverages, or otherwise make alcoholic beverages available on the premises, then applicant shall use a caterer that maintains in full force and effect through the term of the approved application, Liquor Liability Insurance with limits of not less than **\$1,000,000**.
- d) **Comprehensive Business Automobile Liability Insurance**. If applicant or any of its officers, agents, subcontractors or employees will be driving a motor vehicle onto State property (other than in an established parking area) Comprehensive Business Automobile Liability Insurance with a limit of not less than \$1,000,000 each accident shall be maintained. Such insurance shall cover liability arising out of any automobile including owned, leased, hired and non-owned automobiles.

The applicant shall require that any subcontractors hired and its licensees, carry insurance with the same limits and provisions provided herein. The applicant shall also be required to file Certificates of Insurance with OGS evidencing compliance with all requirements contained in the approved application for each subcontractor or licensee before the commencement of the term of the approved use.

The following ISO forms must be endorsed to the policies and the endorsements provided to OGS:

- A. CG 20 10 11 85 or an equivalent-**Additional Insured Endorsement**; and
- B. **Waiver of Subrogation Endorsement**.

Waiver of Subrogation – the Permittee shall cause to be included in each of its policies for the insurance indicated above a waiver of the insurer's right of subrogation against the State.

State Tenant User's Liability Insurance Policy (TULIP)

If the applicant is unable to provide proof of its own insurance policies, the applicant can satisfy these coverage requirements through the State's Tenant User Liability Insurance Policy. As only licensed/insured caterers may serve food and alcohol, if alcoholic beverages are to be sold, distributed, served or furnished, the applicant must obtain proof of Liquor Liability coverage and Commercial General Liability coverage from the caterer as well as obtain TULIP coverage for itself. The applicant must make application for the TULIP and pay the appropriate premium to the assigned insurance broker directly. The broker, upon receipt of the application and premium, and with the approval of the designated insurance carrier, will then issue a Certificate of Insurance to the applicant. The applicant must then forward the original copy to the OGS Building Manager at the event location.