Office for Capital Facilities

- Guidance Documents
- Listservs
- Newsletter
- OCF Website

Visit our Website

- Campus Let Contracts Program
- Community College Capital Program
- Energy Management and EO88
- Energy Procurement and Utility Regulatory Affairs
- Environmental Health and Safety
- Residence Hall Capital Program
Insurance Changes
What Changed?

• A legislation change was enacted in March and took effect on July 28, 2015
• Amended the Insurance Law by adding a new Article 5 entitled Certificates of Insurance.
What Changed?

The law now:

• Requires the use of a certificate of insurance issued by an industry standard setting organization and approved by the Department of Financial Services

• Prohibits the inclusion of terms, conditions, warranties or guarantees that amend, extend or alter the coverage provided by the policy
How does it impact us?

• The Council of Contracting Agencies has updated its Guidelines for Insurance Requirements (formerly the Insurance Manual) ([link](#))

• The Campus Let Contracts Program has issued updated guidance on insurance
  • *CLC-10 Insurance Limits* ([link](#))
How does it impact us?

• SUNY requires the ACORD 25 Form as proof of insurance

• Updates to Procedures 7554 and 7555
  • The old “Certificate of Insurance” is now the “Certificate of Insurance Instructions and Checklist”

• Updated insurance limits (in contract)
Required Forms

• ACORD 25 - Certificate of Liability Insurance
• NYS Workers’ Compensation Form
  – Generally form C-105.2
• NYS-required Disability Insurance Form
  – Generally form DB-120.1
• SUNY Insurance Checklist (internal)
Requirements

- MUST be signed by an authorized representative of the insurance carrier or producer authorized to write coverage in the State of New York
  - Excess Line, or non admitted carriers are NOT generally permitted
- MUST disclose any deductible, self-insured retention or aggregate limit
Requirements

• MUST indicate the Additional Insureds and Named Insureds on the form
  – Additional Insureds must include the State of New York, State University of New York, and State University Construction Fund
  – Endorsement: CG 20 10 11 85 Additional Insured – Owners, Lessees or Contractors – (Form B), or equivalent
Requirements

• MUST make reference to the contract or agreement number on the form
• The contractor name on the certificate and the contractor name on the contract MUST match exactly
New Limits

• Insurance Limits Summary for Construction and Construction Related Consultant Contracts
  – CGL Policy Limits increased ($1M to $2M)
  – Business Auto Liability is defined as a separate policy limit ($1M)
  – Errors and Omissions is defined as a separate policy limit ($2M)
Expiration and Renewal

• Campuses should be tracking when insurance policies expire
• Notify the contractor 30 days prior to expiration – proof of renewal is required
  • ACORD 25
Notice of a Potential Claim

Notify the insurance company when there is a triggering event:

• Incident – accident, property damage, personal injury
• Potential or existing lawsuit

Notify the Attorney Generals Office upon receipt of any Notice of Intention, Claim, Summons with Notice, or Complaint or letter threatening a lawsuit.
B-1184’s
MWBE Only B-1184 Requests

30% Goals (SUNY University-wide MWBE goal)
• Justification must state “Standard Goal”

Less than 30% Goals
• ESD is looking for one of the following explanations in the justification:
  • Contracts executed before 2011
  • Exemptions
  • Exclusions
  • Chamber approved waivers
Service Disabled Veteran Owned Business Program
SDVOB Program

- The Office of General Services is responsible for administering the program state-wide
- A pilot program was launched in 2015
- Program goals should take effect April 1, 2016
- The Office of Diversity and Inclusion will be responsible for administering the program
SDVOB Program

Applicability

• Commodities and Services - $25,000
• Construction - $100,000
• Construction Related Consultant Contracts - $25,000
• Increased discretionary purchasing thresholds for SDVOB apply only to commodities and services
SDVOB Program

What is coming…

• 2015-16 Goals: 6%
• Set-asides
• New SDVOB Procedure
• Reporting
• Waivers to be determined at the agency/campus level
SDVOB Program

178 Firms
SDVOB Program

- According to the regulations “each state agency shall develop and adopt agency specific goals in accordance with article 17-B of the executive Law. Such agency specific goals shall be in addition to the goals established pursuant to article 15-A of the Executive Law”
SDVOB Program

Contact Information – SUNY

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  chunhui.ning@suny.edu

Contact Information - OGS

• Kenneth Williams and Anthony Tomaselli
• Tel: 844-579-7570
• Email: VeteransDevelopment@ogs.ny.gov
Real Property Transactions
Real Property

Guidance Document
- Approval Process
- Updated Form
- Additional BoT Resolutions

Approval is required for real property transactions.
- Capital Facilities VC or Executive Director,
- CFO, or
- BoT
Coming up next…

Tools
  • Contract Updates
  • General Conditions Updates

Training: Regional Session - Syracuse
  • Procurement Requirements
  • Consultant Selection
  • Financial Requirements
Coming up next…

Communication

Guidance Documents
• Updates to the B-1184 Guidance
• Real Property Transactions
• Construction vs. Services

Website: www.suny.edu/capitalfacilities/
Listserv: SUNYCLC@LS(SYSADM.SUNY.EDU)
Jessica R. Miller
Campus Let Contracts
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518-320-1129
Additional Slides
SDVOB Program

Construction

- Demolition and Hazardous Waste Removal: 6%
- Electrician: 2%
- Environmental Waste Removal/Recycling: 2%
- Flooring: 2%
- General Construction/Contractors: 4%
- HVAC: 6%
- HydroElectric Power Plant Specialist: 2%
- Landscaping: 2%
- Metal Fabrication/Structural Steel: 4%
- Outdoor Irrigation and Lighting: 2%
- Paving and Sealing: 4%
- Power Systems: 6%
- Solar Power Generation: 60%

January 2016
Insurance Forms

Evidence of insurance MUST be submitted on the ACORD Certificate of Liability Insurance Form (ACORD 25) and accompanied by ACORD 855 NY - Construction Certificate of Liability Addendum and NYS required Workers' Compensation/NYS Disability Insurance forms. The certificates:

- MUST be signed by an authorized representative of the insurance carrier or producer authorized to write coverage in the State of New York
  - Excess Line, or non-admitted carriers are NOT permitted *
- MUST disclose any deductible, self-insured retention, or aggregate limit
- MUST indicate the Additional Insureds and Named Insureds on the form
  - Additional Insureds must include the State of New York, State University of New York, and State University Construction Fund
- MUST make reference to the contract or agreement number on the form

Original signed documents are required for all certificates. Photocopied signatures are not acceptable, but electronic documents distributed by direct correspondence by the insurance carrier are acceptable. It is not recommended that campuses accept electronic documents distributed by insurance agents or brokers. Faxed or emailed documents must be followed up with originals. The certificate issue date must be within 30 days of submittal.

SUNY’s Insurance Checklist must be completed by the campus representative responsible for reviewing insurance certificates, and kept as part of the procurement record.

Required documentation includes:

1. ACORD 25 - Certificate of Liability Insurance Form
2. ACORD 855 NY - Construction Certificate of Liability Addendum
3. NYS required Workers’ Compensation/NYS Disability Insurance Forms
4. SUNY Insurance Checklist (see page 3 of this form)

Expiration and Renewal of Insurance Policies:

If any policies will expire during the term of the agreement, the campus representative responsible for reviewing insurance certificates must request proof of renewal 30 days prior to the expiration of the insurance policy. At that time, if proof of renewal or replacement of coverage has not been received, the campus will send a letter to the Contractor stating that the Agency requires receipt of a new Certificate of Insurance before the existing coverage expires.

*In the event that insurance cannot be obtained from an insurance company authorized to write coverage in the State of New York the campus may consider the use of an excess line or non-admitted carrier only if the following conditions are met:

- The insurance agent or broker has provided written evidence of at least five requests for insurance quotes made to insurance carriers authorized to write coverage in the State of New York, and has provided copies of the written responses from those insurance carriers indicating those carriers are declining to offer coverage.
- The insurance agent or broker has provided an excess line insurance affidavit (Form - Exhibit A-10 of the Council of Contracting Agencies Insurance Procedure Manual).
- Campus Counsel has approved such documentation.