

PROJECT LIABILITY PROGRAM INSURANCE PROCEDURES MANUAL



FOR THE

PROJECT NAME
PROJECT NUMBER

Presented By:
Swinerton Builders
and
Arthur J. Gallagher & Co.
Insurance Brokers of California, Inc.



Arthur J. Gallagher & Co.

Table of Contents

Program Eligibility3

Responsibilities of Subcontractors of Any Tier4

PLP Online Enrollment Instructions5

Accident Reporting for General Liability Claims.....6

Subcontractor Incident Report Form.....7

Definitions for Purposes of this Manual8

Personnel Directory9

Program Eligibility

Introduction

Swinerton Builders will be providing the general liability and excess liability coverages for this project in a Contractor Controlled Wrap Up Insurance program for all eligible subcontractors of every tier.

All qualified subcontractors of any tier whose employees perform actual on-site labor are **required** to participate in the Project Liability Program (PLP) and follow through with the online enrollment process, if the project contract value is greater than a \$100,000 to Swinerton, and other participant responsibilities as noted throughout this Manual.

For an outline of the coverages provided by the PLP and other insurance requirements, please refer to Attachment A of your subcontract agreement. Please provide a copy of the Attachment A to all of your sub tier subcontractors for their information.

This manual is only for informational purposes regarding the administrative procedures required for this program. You are contractually required to adhere to these procedures in Attachment A of your subcontract agreement. This manual is not a contract document.

Coverage Trigger

Coverage will commence the day you begin work at the site and is contingent on a properly executed subcontract. You also must complete the online enrollment through the Arthur J. Gallagher (AJG) Wrap-Up Contractor Portal (see page 5 for online enrollment instructions) if the project contract value to Swinerton is greater than \$100,000. Once your enrollment is complete you will receive a Certificate of Insurance from Arthur J. Gallagher (AJG) confirming the coverage. Any lower tier subcontractors that you hire will also be required to participate and follow through with responsibilities as noted in this Manual.

Enrollment is automatic for any project contract value less than \$100,000. Online enrollment is only necessary on those projects should you need a certificate of insurance.

Ineligible Parties

Subcontractors who present an exceptionally hazardous exposure or risk to the job site may not be eligible to participate, at Swinerton Builders' discretion. It is your responsibility to contact Arthur J. Gallagher (AJG) and confirm your eligibility before you begin work on the project.

Not everyone will be a participant. For example, the following are ineligible for the program.

Subcontractors of any tier that are:

- Vendors, Suppliers, Material Dealers, Off-site fabricators with no on-site installation included in their subcontract, Transportation or Delivery Companies, Hazardous Material Abatement Contractors, Equipment Rental without operator and without installation (if company is installing equipment such as scaffolding, then they need to be enrolled), Professional services such as consultants, surveyors, testing companies and designers, Owner contracted subcontractors, Parking attendants, or Guard services.

If you are uncertain whether your firm will be a participant in this program, or wish confirmation of your eligibility, please contact AJG.

Swinerton Builders will coordinate the program at the project site. AJG will be administering the program from their offices. A complete contact list is in the back of this Manual.

Responsibilities of Subcontractors of Any Tier

PLP Manual

- Distribute Attachment A and PLP Manual to prospective bidders or subcontractors, including lower tier subcontractors.
- Send Attachment A and PLP Manual to your Insurance Agent/Broker so that proper notice can be made to your current insurers.
- Note your deductible responsibility in Attachment A

Claims

Report claims immediately to the Swinerton Builders project team noted in the claims section of this Manual.

Insurance Requirements

The required insurance of every PLP participant is outlined in detail in the Subcontract Attachment "A" – Insurance Requirements. Please refer to that subcontract document for the requirements that pertain to you.

Insurance Credit Calculation if you have been instructed to include General Liability insurance costs in your contract/bid

- Swinerton Contract Value \$100,000 or less – no credits are assessed
- Swinerton Contract Value \$100,001 to \$1,000,000 – flat rate of 0.6% subcontract value is used
- Swinerton Contract Value \$1,000,001 and over – sub's policy rates used and following applies:

Subcontractor's first payment will be reduced by the estimated cost of their General and Excess liability coverages as determined by Arthur J. Gallagher via a credit calculation as a cost of the work. Your Rate and Declarations pages will be required from your General Liability and Excess Liability Policies for Swinerton jobs greater than \$1,000,000. A credit calculation will be made at the time of enrollment based on estimated payroll or contract value. When your work is complete, a final adjustment will be made based on your final payroll or contract value.

If your umbrella/excess coverage is flat rated (non-auditable premium), we will use 10% of your General Liability rate to calculate your insurance cost for this coverage

If you hire any lower tier subcontractors, their insurance costs will be deducted from your subcontract and it is your responsibility to pass along the costs to them. The rates used in a Subcontractor's credit calculations will be the rates in effect at the time of their bid. Subcontractor's credit calculations will not be adjusted upwards or downwards as their insurance renews during the course of their contract unless their bid/contract value adjusts accordingly.

Failure to supply all requested insurance documents within 5 days from the date of the email request to provide this information, will result in a flat 2% charge against your entire contract amount. Any revisions to an estimated initial calculation will be made at the time of final calculation. If no documents are received by the time final calculation is made and after 5 days of the email request for the final information, the 2% charge against contract value will be calculated and considered final with no revisions made afterwards.

It is your responsibility to ensure your lower-tiers are in compliance with the requirements of this Manual.

PLP Online Enrollment Instructions

PLPs participants must complete the Online Enrollment process through the Arthur J. Gallagher Contractor Portal at <https://ajg.vuewrapup.com/contractorportal> for any projects where the contract value to Swinerton exceeds \$100,000 (refer to checked box on page 4).

Enrollment instructions are attached separately and also available online on Swinerton's website: <http://www.swinerton.com/subcontractors/contractor-controlled-insurance-programs>

If you have any questions regarding the completion of the online enrollment, please contact one of the AJG Administrators listed in the Personnel Directory.

Please keep in mind the following:

- Each of your lower-tier subcontractors must complete the online enrollment;
- The PLP does **NOT INCLUDE** Workers' Compensation coverage;
- The PLP does **NOT INCLUDE** automobile coverage (including trucks and licensed equipment) or tools and equipment;
- The PLP provides General Liability only for operations at the [Project Name](#) Project. Operations of each subcontractor of any tier at other locations are **NOT COVERED** by the PLP.
- If the box on page 4 is checked (Swinerton Contract Value \$1,000,001 and over), the following applies. If your firm or your insurance broker does not supply the required documentation of insurance rates, deductibles, aggregate(s), etc., to verify the insurance costs, a 2% rate against contract value will apply. If any of your policies are rated on payroll and you do not provide your final payroll amounts once your work is complete, you will be charged 2% of your final contract value. To avoid this 2% charge, your final information should be submitted on-line in the Close Out section at the AJG Wrap-up Contractor Portal. Please see separate on-line instructions.
- Your General Liability insurance credit will be based on a **\$2,000,000 each occurrence** limit, so you may need to include a portion of your Excess Liability coverage to meet this requirement. If you are not able to provide a rate for your Excess Liability policy, you will be charged 10% of your General Liability rate. If you do not have Excess Liability policy, please contact Gallagher.
- If your current insurance program contains a deductible or SIR, you will need to include a deductible premium as it applies to the payroll or revenue on this project. If you do not supply this information, a 2% rate against your contract value will apply.

Accident Reporting for General Liability Claims

1. **If an injury is involved, the Subcontractor's superintendent must immediately arrange for first aid** or other required medical treatment for the injured party.
2. **All Incidents, regardless of severity**, shall be reported immediately to the Job Site Contact and On-site Safety Coordinator and **reported to Swinerton Risk Management**.
3. **The Subcontractor's superintendent must complete a General Liability Loss Notice** for each accident and file with the Swinerton Job Site Office.
4. Swinerton team will immediately forward to Swinerton Risk Management for handling.
5. **Any Court Summons, legal documents or other correspondence must be immediately referred to Swinerton Risk Management Department and Swinerton Legal Department by registered mail**. Additional questions concerning suit papers should be referred to Swinerton Risk Management Department.



PROJECT NAME
Subcontractor Incident Report Form

Today's Date: _____ **Incident Type:** Injury to Third Party Property Damage

Subcontractor Claim Contact Name:
Title: _____ Phone: _____ E-Mail: _____

Incident Narrative:

Date of Incident: _____ **Time of Incident:** _____

Photos Available? YES NO
Photos Retained By:
Title: _____ Phone: _____ E-Mail: _____

Police Report Taken? YES NO
Officer's Name: _____ Badge Number: _____
Police Report Number: _____ Jurisdiction: _____

Names of Potentially Involved Subcontractors:

Were there Witnesses?
Witness #1: _____ Phone: _____ E-Mail: _____
Witness #2: _____ Phone: _____ E-Mail: _____
Witness #3: _____ Phone: _____ E-Mail: _____

Injured Person: _____ **Address:** _____
Phone: _____
Nature of Injury: _____

Owner of Damaged Property: _____ **Address:** _____
Phone: _____
Description of Damaged Property: _____

Signature of Person Completing Form: _____
Company: _____

Definitions for Purposes of This Manual

General Contractor:	Swinerton Builders
Project:	Project Name Project Address
Project: Site:	The areas designated in writing by Swinerton Builders in a contract document for performance of the Work and such additional areas as may be designated in writing by Swinerton Builders for Subcontractor's use in performance of the Work. The Project Site shall also include (1) field offices, (2) property used for bonded storage of material for the Project approved by Swinerton Builders, (3) staging areas dedicated to the Project. Items 1 through 3 must be approved by the CCIP Insurer and listed in the CCIP Policy.
Off-Site Exposures:	Offices, shops, warehouses, factories, or similar locations away from the designated project site that have not been approved by the CCIP Insurer and listed on the CCIP Policy <u>ARE NOT COVERED.</u>
Subcontract:	The agreement between <u>Swinerton Builders and the Subcontractor.</u> The terms "Subcontract" and "Agreement" are used interchangeably.
Subcontractor of Any Tier:	The person, firm or corporation with whom Swinerton Builders has entered into Agreement to perform the Work; or the Person or entity who has a contract with a Swinerton Builders Subcontractor to perform any of the Work at the Site.
Work:	Operations, as fully described in the Contract, performed at or emanating directly from the Project Name Project.
Insured:	Subcontractors of any tier who have an executed subcontract agreement. The following are not Insureds under this WRAP-UP- Vendors, suppliers, material dealers, off-site fabricators and others who merely transport, pick up, deliver or carry materials, personnel, parts or equipment or any other items or persons to or from the Project Site, et al.

Personnel Directory

PROJECT MANAGER:

NAME

Email address

PROJECT ADMINISTRATOR:

NAME

Email address

PLP SAFETY DIRECTOR:

Wade Obermann

Swinerton Incorporated
2300 Clayton Road, Suite 800
Concord CA 94520
(925) 602-6492
(925) 825-0848/fax

RISK MANAGEMENT:

John Capener

Swinerton Incorporated
2300 Clayton Road, Suite 800
Concord, CA 94520
(925) 602-6478

Susan Thorne

Swinerton Incorporated
2300 Clayton Road, Suite 800
Concord, CA 94520
(925) 602-6463

INSURANCE BROKER & CONTACT:

ADMINISTRATION:

Arthur J. Gallagher & Co.
Insurance Brokers of California, Inc.
1255 Battery Street, Suite 450
San Francisco, CA 94111

For General Inquiry:
(877) 972-7871 toll free
gcssfwrap@ajg.com

Loretta Martinez	(415) 288-1662
Timothy Council	(415) 536-1678
Cecilia Kahara	(415) 288-1650
Mariamawit Wondimu	(415) 288-1617
Stanford Faigin	(415) 288-1647

GENERAL LIABILITY CLAIMS:

Louise Sakotani

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lsakotani@swinerton.com