

30563

Date: November 21, 2012

To: The Honorable Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: **Authority to renew an agreement for All Risk Property/Boiler and Machinery Insurance Policy with the New York Municipal Insurance Reciprocal (“NYMIR”) and the CNA Insurance Co. through the brokerage firm the Spain Agency for the period January 1, 2013 through January 1, 2014 in the total aggregate amount of \$956,559**

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By resolution approved on December 29, 2011 your Honorable Board authorized the County to enter into an agreement (the “Agreement”) for “All Risk” Property/Boiler and Machinery Insurance from the New York Municipal Insurance Reciprocal (“NYMIR”) and CNA Insurance Co. (“CNA”) through the brokerage firm the Spain Agency for the period January 1, 2012 through January 1, 2013 in the amount of \$1,151,422.

The County now seeks authority from your Honorable Board to renew the Agreement with the NYMIR and CNA for “All Risk” Property/Boiler and Machinery Insurance for a term commencing January 1, 2013 and continuing through January 1, 2014 for property valued at approx. \$2.8 billion. For this year’s policy, in addition to obtaining a quotation for the standard \$250,000 deductible level, the County requested quotations for a policy at a \$500,000 deductible level. The quotations provided were as follows: \$1,183,830 annual premium at the \$250,000 deductible level and \$956,559 annual premium at the \$500,000 deductible level.

The cost savings for the insurance program at the higher deductible level is deemed to be the most cost effective for the County (approx. 20% decrease in premium from last year’s program). Property damage claims that occur valued under \$500,000 will be paid by the property deductible portion of the 6N fund. This rate will remain the same and would only be adjusted if property is added (or deleted), in which case the policy will be debited (or credited) at the pro-rated policy rate.

The Agreement is exempt from the Westchester County Procurement Policy pursuant to section 3(a) v thereof which exempts “procurements of insurance or surety bonds.”

The proposed Agreement will serve a public purpose by insuring the County against any losses that may occur on County property, thereby protecting the public purse.

The goals and objectives of the Agreement are to provide a cost-effective Risk Management program to insure County property. The goals and objectives are in the best interest of the County in terms of fiscal responsibility by being able to manage the risks inherent in County ownership of property.

The Office of Risk Management will track any report of incident and/or accident occurring at the insured premises over the policy period and prepare a summary report at the end of the policy period identifying number of occurrences and corrective actions taken (as necessary) to prevent recurrence.

Accordingly, approval of the attached Resolution is most respectfully requested.

RFM/TD/jpg

APPROVED BOARD OF ACQUISITION & CONTRACTS 12/20/2011 SUMMARY REPORT SECRETARY

## RESOLUTION

Upon a communication from County Attorney Robert F. Meehan, be it hereby

**RESOLVED**, that the County of Westchester is authorized to contract for “All Risk” Property/Boiler and Machinery Insurance from the New York Municipal Insurance Reciprocal (“NYMIR”) and CNA Insurance Co. through the brokerage firm The Spain Agency (hereinafter the “Agreement”); and be it further

**RESOLVED**, that the Agreement shall commence January 1, 2013 and expire January 1, 2014; and be it further

**RESOLVED**, that the premium cost of this insurance package shall be \$956,559, with a \$500,000 deductible, and that property may be added (or deleted) during the period as necessary. The policy shall be debited (or credited) at the pro-rated policy rate; and be it further

**RESOLVED**, that NYMIR will provide the following services free of charge: annual fire and safety inspections, special inspections, certificate of insurance/contract/bid specification review, attendance at safety committees, risk management consulting services for property conservation, and NYMIR land use program; and be it further

**RESOLVED**, that this Agreement shall be subject to County appropriations; and be it further

**RESOLVED**, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Consultant, then the Consultant shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

## RESOLUTION

Account to be Charged/ credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			Unit/subunit	Object/sub		
	101	52	2004	4280		\$383,790.00
	221	60	0110	4280		\$325,600.00
	251	60	7100	4280		\$26,912.00
	165	42	5520	4280		\$48,150.00
	278	42	5511	4380		\$5,850.00
	161	44	4110	4280		\$24,384.00
	101	44	2100	4280		\$24,279.00
	101	26	2000	4280		\$585.00
	101	52	2004	4280		\$117,009.00
					TOTAL	\$956,559.00

Budget Funding Year(s) 2013  
(must match resolution)

Start Date 1/1/2013

End Date 1/1/2014

Funding Source

<b>Tax Dollars</b>	<b>100%</b>
<b>State Aid</b>	
<b>Federal Aid</b>	
<b>Other</b>	

**\$956,559.00**