

**64032**

DATE: July 2, 2018

TO: Board of Acquisition and Contract

FROM: John M. Nonna  
County Attorney

SUBJECT: Resolution authorizing the purchase of a Business Auto Insurance Policy for the “Small Bus” and Paratransit Fleets in the amount of \$448,452.31. This insurance is placed with the New York Municipal Insurance Reciprocal (“NYMIR”) through the Spain Agency, 625 Rt. 6, Mahopac, New York for the period August 22, 2018 through August 22, 2019. Authority is also requested to pay premiums up to an additional \$40,000.00 which represents the funds that would be necessary to insure approximately 10 “add on” vehicles at an average per unit cost of \$4,000.00, bringing the total amount not to exceed \$488,452.31 for the policy covering the combined fleets.

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On August 10, 2017, your Honorable Board approved the purchase of Business Auto Insurance in the combined amount of \$511,318.31 for the “Small Bus” and Paratransit Fleets (collectively the “Fleet”) for the policy period August 22, 2017 through August 22, 2018.

Authority is now requested for the County of Westchester to purchase a Business Auto Insurance Policy for the Fleet from New York Municipal Insurance Reciprocal (“NYMIR”) through the Spain Agency, 625 Rt. 6, Mahopac, NY for the policy period August 22, 2018 through August 22, 2019 in the amount of \$488,452.31.

The purchase of insurance is exempt from the procedures of the County Procurement Policy pursuant to Section 3(a)(v) of said policy. However, in 2016 a broad based market search for this insurance package was conducted and “NYMIR” was chosen as the insurer that addressed the County’s business auto insurance needs at the lowest pricing available, replacing the previous insurer.

This year’s renewal premium in the amount of \$448,452.31 represents approximately an 11% reduction from the 2017-2018 premium paid at inception of \$498,118.31.

The insurance package will provide \$11,000,000.00 of “first dollar” liability coverage, as well as physical damage coverage (subject to a \$2,000.00 deductible for buses and vans and a \$1,000.00 deductible for the Prius vehicles in the fleet); for a total of 111 vehicles comprising the Fleet.

It is anticipated that new vehicles may again be added to the fleet during the policy year. Accordingly, the policy shall be debited at the pro-rated per unit cost as vehicles are added (or credited in the event that a vehicle is deleted). Therefore, consistent with prior years, in addition to the premium of \$448,452.31 to insure the current fleet, authority is requested to add an additional \$40,000.00 to the total amount of this insurance, which represents the funds that would be necessary to insure approximately 10 “add on” vehicles at an average per unit cost of \$4,000.00, bringing the total amount not to exceed to \$488,452.31.

The goals and objectives of this agreement are to provide insurance coverage for the Fleet. The goals and objectives are in the best interest of the County in terms of fiscal responsibility because the insurance coverage will protect County assets in the event of an accident, thus insuring public service continuity and reducing risk for all parties. Risk Management will track and monitor any reports of incidents and/or accidents occurring over the policy period.

All other terms and conditions of the Business Auto Insurance policy shall remain the same as the expiring program.

Accordingly, your favorable action on the annexed Resolution is recommended.

JMN/AJD/mkr

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/21/08 - ICA MRIJAL SECRETARY

## RESOLUTION

Upon a communication from the County Attorney, be it hereby

**RESOLVED**, that the County of Westchester is hereby authorized to secure Business Auto Insurance from the New York Municipal Insurance Reciprocal (“NYMIR”) through the Spain Agency, 625 Route 6, Mahopac, New York for the Small Bus and Paratransit Fleets; and be it further

**RESOLVED**, that under the terms of the insurance package, NYMIR shall provide \$11,000,000.00 “First Dollar” Liability coverage and Physical Damage Coverage subject to a \$2,000.00 deductible for buses and vans and a \$1,000.00 deductible for Prius vehicles in fleet, for the current fleet of 111 vehicles as follows: “Small” Bus fleet-7 vehicles and Para Transit fleet-104 vehicles; and be it further

**RESOLVED**, that the premium cost of this insurance package is \$448,452.31 for the Policy Period August 22, 2018 through August 22, 2019; and be it further

**RESOLVED**, that the County may pay additional premiums under this insurance policy up to \$40,000.00, at a per unit cost of \$4,000.00, to cover the costs of insuring additional vehicles as needed, for a total amount not to exceed \$488,452.31 for the policy covering the combined fleets; and be it further

**RESOLVED**, that this contract shall be subject to County appropriation; and be it further

**RESOLVED**, that this Agreement is 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, then the Insurance companies 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.

| Account to be Charged/credited | Fund | Agency | Capital Project or Org | Activity Code | Object/ Sub Object | Trust Account | Dollars      |
|--------------------------------|------|--------|------------------------|---------------|--------------------|---------------|--------------|
| Small Bus and Paratransit      | 101  | 44     | 2100                   |               | 4280/99            |               | \$488,452.31 |

Budget Funding Year(s) 2018 Start Date 8/22/18 End Date 8/22/19

Funding Source

|             |             |
|-------------|-------------|
| Tax Dollars | 100% County |
| State Aid   |             |
| Federal Aid |             |
| Other       |             |

\$488,452.31 (must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/02/2018 - LISA MARIJAJ, SECRETARY