

89493

Date: December 10, 2021

To: The Honorable Board of Acquisition and Contract

From: John M. Nonna  
County Attorney

Re: **Authority to enter into insurance agreements with New York Municipal Insurance Reciprocal and National Fire Insurance Company of Hartford, for All Risk Property/Boiler and Machinery Insurance Policies, through the brokerage firm Brown & Brown of New York, Inc., each for the period from January 1, 2022 through January 1, 2023, in the total aggregate amount of \$1,303,485.10.**

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By resolution approved on December 3, 2020, your Honorable Board authorized the County of Westchester ("County"), acting by and through its Office of Risk Management ("Office of Risk Management") to enter into insurance agreements with New York Municipal Insurance Reciprocal ("NYMIR"), for "All Risk" Property Insurance, and with National Fire Insurance Company of Hartford ("National Fire Insurance Company"), for Boiler and Machinery Insurance, through the brokerage firm Brown & Brown of New York, Inc. d/b/a Brown & Brown Hudson Valley ("Brown & Brown"), each for a period from January 1, 2021 through January 1, 2022, in the aggregate amount of \$1,170,935.00.

The County now seeks authority from your Honorable Board to enter into new insurance agreements (individually, the "Agreement" and collectively, the "Agreements" or "Policies") with NYMIR, for "All Risk" Property Insurance, and with National Fire Insurance Company, for Boiler and Machinery Insurance, through the brokerage firm Brown & Brown, for an aggregate amount of \$1,303,485.10, for County property valued at approx. \$3 billion, with a \$500,000.00 deductible. It should be noted that the increase in the insurance premium results not only from the standard yearly increase adjustments but also from the addition of County properties that the Office of Risk Management discovered had not been covered under the expiring policies. Each Agreement will be for a term commencing on January 1, 2022 and continuing through January 1, 2023. Property damage claims that may occur valued under \$500,000.00 will be paid by the property deductible portion of the County's 6N fund. In the event County property is added (or deleted), the Policies' premiums will be debited (or credited), as applicable, at the pro-rated policy rate.

Under the “All” Risk Insurance Policy, NYMIR will provide the following services to the County free of charge: facility inspections, special inspections, certificate of insurance/contract/bid specification review, attendance at safety committees and other risk management consulting services.

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

The proposed Agreements 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 proposed Agreements are to provide a cost-effective Risk Management program to properly insure County property. The goals and objectives of the Agreements 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 and report any incident and/or accident occurring at the County’s insured premises over the Policies’ periods and prepare a summary report at the end of the Policies’ periods identifying the number of occurrences and corrective actions taken (as necessary) to prevent recurrence.

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

JMN/cmc

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/16/2011 RAYMOND SULKY, SECRETARY

## RESOLUTION

Upon a communication from the Westchester County Attorney, be it hereby

**RESOLVED**, that the County of Westchester (“County”) is authorized to enter into insurance agreements (individually, the “Agreement,” and collectively, the “Agreements” or “Policies”) with New York Municipal Insurance Reciprocal (“NYMIR”), for “All Risk” Property Insurance, and with National Fire Insurance Company of Harford (“National Fire Insurance Company”), for Boiler and Machinery Insurance, through the brokerage firm Brown & Brown of New York, Inc.; and be it further

**RESOLVED**, that each Agreement shall have a term commencing on January 1, 2022 and expiring on January 1, 2023; and be it further

**RESOLVED**, that the premium cost of this combined insurance package shall be an aggregate amount of \$1,303,485.10, with a \$500,000.00 deductible; in the event County property is added (or deleted), as necessary, during the Policies’ periods, the Policies’ premiums shall be debited (or credited), as applicable, at the pro-rated policy rate; and be it further

**RESOLVED**, that NYMIR will provide the following services free of charge: facility inspections, special inspections, certificate of insurance/contract/bid specification review, attendance at safety committees and other risk management consulting services; and be it further

**RESOLVED**, that these Agreements shall be subject to County appropriations; and be it further

**RESOLVED**, that these Agreements are 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 these Agreements. 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 any of these Agreements or to renegotiate the amounts and rates approved therein. If the County subsequently offers to pay a reduced amount to NYMIR and/or National Fire Insurance Company, then NYMIR and/or National Fire Insurance Company shall have the right to terminate the 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	18	2000	4280		533,855.35
	221	60	0110	4280		435,624.72
	251	60	7100	4280		36,002.26
	165	42	5520	4280		63,114.75
	278	42	5511	4280		7,873.05
	161	44	4110	4280		32,769.62
	101	44	2100	4280		32,639.27
	101	26	2000	4280		782.09
	101	18	2000	4280		160,823.99
					TOTAL	<b>1,303,485.10</b>

Budget Funding Year(s) 2022 Start Date 01/01/2022 End Date 01/01/2023  
 (must match resolution)

Funding Source

Tax Dollars	100%
State Aid	
Federal Aid	
Other	

**\$1,303,485.10**