

2022 RiskProNet Construction Practice Group Discussion Points

1.	831b Captives	Joe Piskula @ M3
2.	AIA §A.3.1.3: Additional insured to include, with respect to the Architect and Architect's consultants, CG 20 32 07 04. Do you attach to all GL policies?	Charles Comiskey @ BCH
3.	AIA indemnity & AI requirements for Architect	Don Aberbook @ Moody
4.	Auto: Removal of UM cover to avoid double dipping	Jordan Swanson @ InterWest
5.	Builder's risk (big frame) challenge/markets/advice	Joe Piskula @ M3
6.	Builder's risk frame construction: Monitored thermographic cameras – theft, vandalism, fire	Bruce Givnish @ JKJ
7.	Builder's risk water damage deductibles: What is the best way to address the increasing large water damage deductibles on large multi-family Builders Risk policies. When these projects are insured on a Wrap up policy they will have a property Damage/Builders Risk Exclusion so the subs/GC/Owner will have a \$150k Deductible to share. Any good Deductible buy down programs that the subs and GC or Owner can participate in?	Ryan Stringham @ Buckner
8.	Builder's risk/CIP coordination	Justin Robinson @ Buckner
9.	Builder's risk: "Subcontractor is responsible for damage to or loss of its materials and Work at any time prior to the final acceptance by Contractor." What coverage, if any, is actually provided?	Charles Comiskey @ BCH

10.	Builder's risk: Security requirements/cost, vendors asking to be relieved of liability in contract, insureds jeopardizing coverage by altering security measures in place	Don Aberbook @ Moody
11.	Certificate issuance by customer through CSR24. It's usage and any issues.	Bill Miller @ GOCGO
12.	Certificate of insurance management systems: TrustLayer, MyCOI, Oragami, etc.	Joe Piskula @ M3
13.	CIP contribution requirement where sub has a low deductible but CIP has higher one, but CIP asking sub to give credit for its lower rate	Justin Robinson @ Buckner
14.	CIP exception to Insured vs. Insured exclusion	Scott Faris @ M3
15.	CIP onsite vs off-site work: Issues?	Justin Robinson @ Buckner
16.	CIP pricing trends, availability of limits on large apartment and condo projects	Don Aberbook @ Moody
17.	CIP providing professional liability for contractors & professionals, railroad protective	Charles Comiskey @ BCH
18.	CIP removal of J, K, and L	Scott Faris @ M3
19.	CIP subs with E&O exposure – better to negotiate out of CIP	Justin Robinson @ Buckner
20.	Construction defect not PD in Colorado	Jim Phillips @ EPIC & Don Aberbook @ Moody
21.	Cost/benefit analysis of an apartment/condo/multifamily owner/developer choosing to use frame, whether all frame or just a portion, vs more preferred construction materials such as MNC or	Matt Musilli @ JKJ

	steel. The initial savings on cost of materials and reduced timeline of the project vs. the increased cost of insurance, potentially higher chance of construction defects, property claims and the challenges meeting lender requirements (i.e. AM Best rating of carrier, which certainly gets more difficult with frame	
22.	Cyber, primarily extortion/ransomware, loss of service, exposure (insured, suppliers, Procore, etc.)	Bruce Givnish @ JKJ
23.	Defense required until such time as court determines Indemnified Party was at fault?	Charles Comiskey @ BCH
24.	Difficult classes of business: Are there any specific classes that are becoming more difficult to place primary coverage for?	Jim Walsh @ Moody
25.	Equipment: Best practice for covering borrowed equipment?	Charles Comiskey @ BCH
26.	Escalation clauses for trade contractors in sub agreements	Don Aberbook @ Moody
27.	GL contractual claims from Owner as Indemnitee vs. Additional Insured	Scott Faris @ M3
28.	Increase in contractual requirements for higher primary limits, cyber, professional & pollution	Ed Buggy @ W3
29.	Increased demands from G/C's and owners where we are seeing multiple revisions and delays in compliance. Higher primary GL limits 2mm/4mm and non-acceptance of blanket A/I form are a few	Bill Miller @ GOCGO
30.	Jobsite safety: Auditing/assessing for greatest value – metrics, not binders on a shelf	Bruce Givnish @ JKJ

31. Large deductible vs. retro (incurred and paid loss) vs. captive	Jim Phillips @ EPIC
32. Leg3	Jim Phillips @ EPIC
33. Liquidated damages: not coverable by insurance?	Charles Comiskey @ BCH
34. Mandatory arbitration agreements in insurance policy: Do you declare in your proposals?	Charles Comiskey @ BCH
35. Owner's Insurance Requirements of GC (not including cyber)	Charles Comiskey @ BCH
36. Owner's Interest	Matt Musilli @ JKJ
37. Owner Professional Protective to Developers: Is anyone having any luck selling it? If so, what are your tactics to get developers to buy?	Kenton Miles @ Moody
38. Parametric insurance: Construction weather	Joe Piskula @ M3 & Matt Bauer @ InterWest
39. Rate reductions in auto and umbrella markets occurring?	Jim Walsh @ Moody
40. RiskProNet University: Like our conference but for our clients	Bruce Givnish @ JKJ
41. Telematics: Are you selling telematics to your clients? Have you seen these tools impact claims on positively? Are there any telematics providers that are recommended by the group?	Jim Walsh @ Moody
42. Umbrella and AIA §A.3.2.4: "The excess policy shall not require the exhaustion of the underling limits only through the actual payment by the underlying insurers." How do you handle?	Charles Comiskey @ BCH

43. Umbrella and primary: How do you handle?	Charles Comiskey @ BCH
44. Umbrellas: Seeing markets open to offering additional capacity? Which markets are you using primarily?	Jim Walsh @ Moody
45. Underground Utility Contractors: Has anyone had any successful recourse for underground contractor against the locating company? Other than locates and potholing any best practice suggestions? Any contractual recommendations?	Kenton Miles @ Moody
46. Water mitigation plans: Minimize/eliminate material, systems, human errors – incl subs	Bruce Givnish @ JKJ
47. WC: Labor shortages and lower ELR resulting in WC claim activity and increase mod. This may affect bid status and loss of CPAC in Illinois (up to 40%).	Bill Miller @ GOCGO
48. WC rise of EMRs: ELR reduced 30% for contractors + pandemic where payrolls maintained due to PPP checks but less work/fewer losses = problem maintain mod below 1.00	Steve Cote @ BCH