



Brownfield Incentive Grant (BIG) Program

Insurance Webinar

Topics to be Covered:

- **BIG Insurance Requirement Overview**
- **Subcontractor Requirements**
- **Grant Types and Insurance Requirements**
- **BIG Process**
- **Insurance Waiver**
- **Sample Scenarios**
- **Additional Resources**

BIG Insurance Requirement Overview

Why Insurance?

- To make indemnification meaningful

What Insurance?

- Follows private marketplace
- QVs must maintain insurance of a type, amount of coverage and from a carrier adequate for nature and scope of services performed.

BIG Insurance Requirement Overview

What Insurance?

Extent and type of Insurance is a function of:

- Type of work performed
- Type of QV
- Type of grant

BIG Insurance Requirement Overview

What Insurance (con't)

- If you prepare reports:
 - Professional Liability (PL) -- \$1m/claim, no additional insured
- If conduct invasive work:
 - site-specific Commercial General Liability (CGL) w/ NYC, EDC, BRS as additional insureds
 - Employer's liability
 - Disability benefits
 - Unemployment; and
 - If vehicle, Business Automobile Liability of \$1M/accident

Subcontractor Requirements

QV Hires subcontractors

- If QV performs invasive work, hiring subs for such invasive work, subs must be covered by site-specific CGL policy, listing NYC, EDC, BRS as additional insured.
 - If you hire a driller, CGL +
 - If you only prepare a Phase II Report, PL

Grant Types and Insurance Requirements

Grants Not Requiring Insurance

Not all BIG grant types require insurance.

No insurance is required for the following grant types:

- Environmental Insurance Grant
- BOA Local Match Grant
- Hazardous Materials E-Designation or Restrictive Declaration Remediation Grant

Grant Types and Insurance Requirements

QVs not required to carry insurance

- Grant writers
- Community based organizations
- Local development corporations
- Community development corporations
- Community development financial institutions
- Insurance brokers

Grant Types and Insurance Requirements

- **Grant Type: Pre-Development Design**
- **Insurance: Depending upon type of work and QV, either no insurance or Professional Liability**
- **Eligibility: Prior to Enrollment in the NYC BCP**
- **Grant Amount: \$5,000-10,000**
- **Summary of Eligible Services and Activities:**
 - Phase I Environmental Site Assessments
 - Title Search
 - Title Insurance
 - Market Analysis
 - Conceptual Plans
 - Pro Formas
 - Zoning Analyses
 - Site Survey
 - Community Outreach

Grant Types and Insurance Requirements

- **Grant Type: Environmental Investigation**
- **Insurance: If invasive work: Commercial General Liability + / If QV only prepares reports, PL**
- **Eligibility**: Prior to Enrollment in the NYC BCP
- **Grant Amount**: \$10,000-25,000
- **Summary of Eligible Services and Activities**:
 - Geophysical Survey
 - Soil Borings
 - Soil Sampling
 - Monitoring Well Installation
 - Groundwater Sampling
 - Vapor Probe Installation
 - Phase II Work Plans and Reports Survey
 - Remedial Investigation Work Plans and Reports

Grant Types and Insurance Requirements

- **Grant Type: Pre-Enrollment Technical Assistance Grant**
- **Insurance: Depending upon QV, either PL or no insurance**
- **Eligibility: Not for profit developers of preferred community development projects**
- **Grant Amount: \$5,000**
- **Eligibility Requirement:**
 - Not-for-profit developers of preferred community development projects
- **Summary of Eligible Services and Activities:**
 - Services associated with the planning, execution and viability of a Brownfield projects
 - Preparation of a budget
 - Development and review of investigation and cleanup schedules
 - Development of Statements of Work and/or draft work plans

Grant Types and Insurance Requirements



- **Grant Type: Environmental Cleanup**
- **Insurance: CGL+ / if QV prepares reports , no privity w/ contractor, PL**
- **Eligibility**: Contingent on Enrollment in the NYC BCP
- **Grant Amount**: \$60,000-100,000
- **Summary of Eligible Services and Activities**:
 - Soil Removal
 - Fill Removal
 - Cement or Asphalt Paving
 - Top Soil
 - Clean Backfill
 - Post-Excavation Sampling
 - Remedial Action Work Plans
 - Investigation Derived Waste Disposal

Grant Types and Insurance Requirements

- Grant Type: **Environmental Insurance**
- Insurance: **No Insurance Required**
- Eligibility: Contingent on Enrollment in the NYC BCP
- Grant Amount: \$60,000-100,000
- Summary of Eligible Services and Activities:
 - Pollution Liability and Cost Cap Insurance

Grant Types and Insurance Requirements



- **Grant Type**: Hazardous Materials E-Designation or Restrictive Declaration Remediation Grant
- **Insurance**: No Insurance Required
- **Eligibility**: Sites that are cleaned up while in the E-Designation Program or Restrictive Declaration Program and have received a Notice of Satisfaction
- **Grant Amount**: \$5,000
- **Summary of Eligible Services and Activities**:
 - Remedial Action Plan
 - Closure Report

Grant Types and Insurance Requirements

Brownfield Opportunity Area Grants

- Grant Type: **BOA Local Match Grant**
- Insurance: **No Insurance Required**
- Eligibility: BOA has an Executed Contract and Work Plan with NYS DOS
- Grant Amount: 10% up to \$25,000
- Summary of Eligible Services and Activities:
 - Activities identified in BOA Contract as Local Match Activities

Grant Types and Insurance Requirements

Brownfield Opportunity Area Grants

- Grant Type: **BOA Application Technical Assistance Grant**
- Insurance: **Depending upon QV, either no insurance or Professional Liability**
- Eligibility: CBO is interested in applying for a NYS DOS BOA Grant
- Grant Amount: \$10,000
- Summary of Eligible Services and Activities:
 - Grant Writing reimbursed at \$71.25 per hour
 - Professional services required to develop BOA application such as inventory work, mapping, etc at \$71.25 per hour

BIG Process: Vendors Application --Insurance



Becoming a QV enables your clients to receive grants for the environmental work you perform at their sites

To qualify, firms must:

- ✓ Meet minimum qualifications
- ✓ Agree to terms of program
- ✓ Indemnify the city and grant administrator (signed hard copy) and provide insurance;
- ✓ Certify application (signed hard copy)

Download a QV application at:
www.nycbrownfield.com

BIG Process: Qualified Vendor Application



- Provide Insurance Specimen

Client#: 27332 ALBEMAR

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/01/2010

| | | | | | | | | | | | | | | | | | | | |
|---|--|------------------------------------|--|---------------|-----------|-----------|-------|-----------|-----------------------------|--|-----------|--|--|-----------|--|--|-----------|--|--|
| PRODUCER 1856 Cook, Hall & Hyde Inc. 40 Marcus Drive, 3rd Floor Melville, NY 11747 | THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. | | | | | | | | | | | | | | | | | | |
| INSURED Name of BIG Qualified Vendor | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">INSURERS AFFORDING COVERAGE</td> <td>NAIC #</td> </tr> <tr> <td>INSURER A</td> <td>Travelers</td> <td>24767</td> </tr> <tr> <td>INSURER B</td> <td>Granite State Insurance Co.</td> <td></td> </tr> <tr> <td>INSURER C</td> <td></td> <td></td> </tr> <tr> <td>INSURER D</td> <td></td> <td></td> </tr> <tr> <td>INSURER E</td> <td></td> <td></td> </tr> </table> | INSURERS AFFORDING COVERAGE | | NAIC # | INSURER A | Travelers | 24767 | INSURER B | Granite State Insurance Co. | | INSURER C | | | INSURER D | | | INSURER E | | |
| INSURERS AFFORDING COVERAGE | | NAIC # | | | | | | | | | | | | | | | | | |
| INSURER A | Travelers | 24767 | | | | | | | | | | | | | | | | | |
| INSURER B | Granite State Insurance Co. | | | | | | | | | | | | | | | | | | |
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COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| ENDORSEMENT / LTR | INSURANCE TYPE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YYYY) | POLICY EXPIRATION DATE (MM/DD/YYYY) | LIMITS | | | | | | | | | | | | | | |
|--|--|---------------|------------------------------------|-------------------------------------|---|--|------------------------------|---|--------------------|------------------------------|-------------|--------------------------------|-------------|-------------------------|-----------------------------|-------------------------|-------------|--|--------|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> BI/PD Ded: 2,500 GENTL AGGREGATE LIMIT APPLIES PER POLICY <input type="checkbox"/> PER POLICY <input type="checkbox"/> PER OCC <input type="checkbox"/> | ABC12345 | 1/01/11 | 1/01/12 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td>\$1,000,000</td></tr> <tr><td>DAMAGE TO RENTED PREMISES (EA OCCURRENCE)</td><td>\$50,000</td></tr> <tr><td>MED EXP (Any one person)</td><td>\$5,000</td></tr> <tr><td>PERSONAL & ADV INJURY</td><td>\$1,000,000</td></tr> <tr><td>GENERAL AGGREGATE</td><td>\$2,000,000</td></tr> <tr><td>PRODUCTS - COM/PROP AGG</td><td>\$2,000,000</td></tr> </table> | EACH OCCURRENCE | \$1,000,000 | DAMAGE TO RENTED PREMISES (EA OCCURRENCE) | \$50,000 | MED EXP (Any one person) | \$5,000 | PERSONAL & ADV INJURY | \$1,000,000 | GENERAL AGGREGATE | \$2,000,000 | PRODUCTS - COM/PROP AGG | \$2,000,000 | | |
| EACH OCCURRENCE | \$1,000,000 | | | | | | | | | | | | | | | | | | |
| DAMAGE TO RENTED PREMISES (EA OCCURRENCE) | \$50,000 | | | | | | | | | | | | | | | | | | |
| MED EXP (Any one person) | \$5,000 | | | | | | | | | | | | | | | | | | |
| PERSONAL & ADV INJURY | \$1,000,000 | | | | | | | | | | | | | | | | | | |
| GENERAL AGGREGATE | \$2,000,000 | | | | | | | | | | | | | | | | | | |
| PRODUCTS - COM/PROP AGG | \$2,000,000 | | | | | | | | | | | | | | | | | | |
| A | AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS GARAGE LIABILITY <input type="checkbox"/> ANY AUTO | ABC12345 | 1/01/11 | 1/01/12 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>COMBINED SINGLE LIMIT (EA ACCIDENT)</td><td>\$1,000,000</td></tr> <tr><td>BODILY INJURY (Per person)</td><td>\$</td></tr> <tr><td>BODILY INJURY (Per accident)</td><td>\$</td></tr> <tr><td>PROPERTY DAMAGE (Per accident)</td><td>\$</td></tr> <tr><td>AUTO ONLY - EA ACCIDENT</td><td>\$</td></tr> <tr><td>OTHER THAN AUTO ONLY</td><td>EA ACC \$</td></tr> <tr><td></td><td>AGG \$</td></tr> </table> | COMBINED SINGLE LIMIT (EA ACCIDENT) | \$1,000,000 | BODILY INJURY (Per person) | \$ | BODILY INJURY (Per accident) | \$ | PROPERTY DAMAGE (Per accident) | \$ | AUTO ONLY - EA ACCIDENT | \$ | OTHER THAN AUTO ONLY | EA ACC \$ | | AGG \$ |
| COMBINED SINGLE LIMIT (EA ACCIDENT) | \$1,000,000 | | | | | | | | | | | | | | | | | | |
| BODILY INJURY (Per person) | \$ | | | | | | | | | | | | | | | | | | |
| BODILY INJURY (Per accident) | \$ | | | | | | | | | | | | | | | | | | |
| PROPERTY DAMAGE (Per accident) | \$ | | | | | | | | | | | | | | | | | | |
| AUTO ONLY - EA ACCIDENT | \$ | | | | | | | | | | | | | | | | | | |
| OTHER THAN AUTO ONLY | EA ACC \$ | | | | | | | | | | | | | | | | | | |
| | AGG \$ | | | | | | | | | | | | | | | | | | |
| A | EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$10,000 | ABC12345 | 1/01/11 | 1/01/12 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td>\$2,000,000</td></tr> <tr><td>AGGREGATE</td><td>\$2,000,000</td></tr> <tr><td></td><td>\$</td></tr> <tr><td></td><td>\$</td></tr> <tr><td></td><td>\$</td></tr> </table> | EACH OCCURRENCE | \$2,000,000 | AGGREGATE | \$2,000,000 | | \$ | | \$ | | \$ | | | | |
| EACH OCCURRENCE | \$2,000,000 | | | | | | | | | | | | | | | | | | |
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| | \$ | | | | | | | | | | | | | | | | | | |
| B | WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If YES, CARRIER/SPECIAL PROVISIONS follow | | | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><input checked="" type="checkbox"/> WC STATU</td> <td><input type="checkbox"/> OTH</td> <td></td> </tr> <tr> <td>E.L. EACH ACCIDENT</td> <td>E.L.</td> <td>\$1,000,000</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td></td> <td>\$1,000,000</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td></td> <td>\$1,000,000</td> </tr> </table> | <input checked="" type="checkbox"/> WC STATU | <input type="checkbox"/> OTH | | E.L. EACH ACCIDENT | E.L. | \$1,000,000 | E.L. DISEASE - EA EMPLOYEE | | \$1,000,000 | E.L. DISEASE - POLICY LIMIT | | \$1,000,000 | | |
| <input checked="" type="checkbox"/> WC STATU | <input type="checkbox"/> OTH | | | | | | | | | | | | | | | | | | |
| E.L. EACH ACCIDENT | E.L. | \$1,000,000 | | | | | | | | | | | | | | | | | |
| E.L. DISEASE - EA EMPLOYEE | | \$1,000,000 | | | | | | | | | | | | | | | | | |
| E.L. DISEASE - POLICY LIMIT | | \$1,000,000 | | | | | | | | | | | | | | | | | |

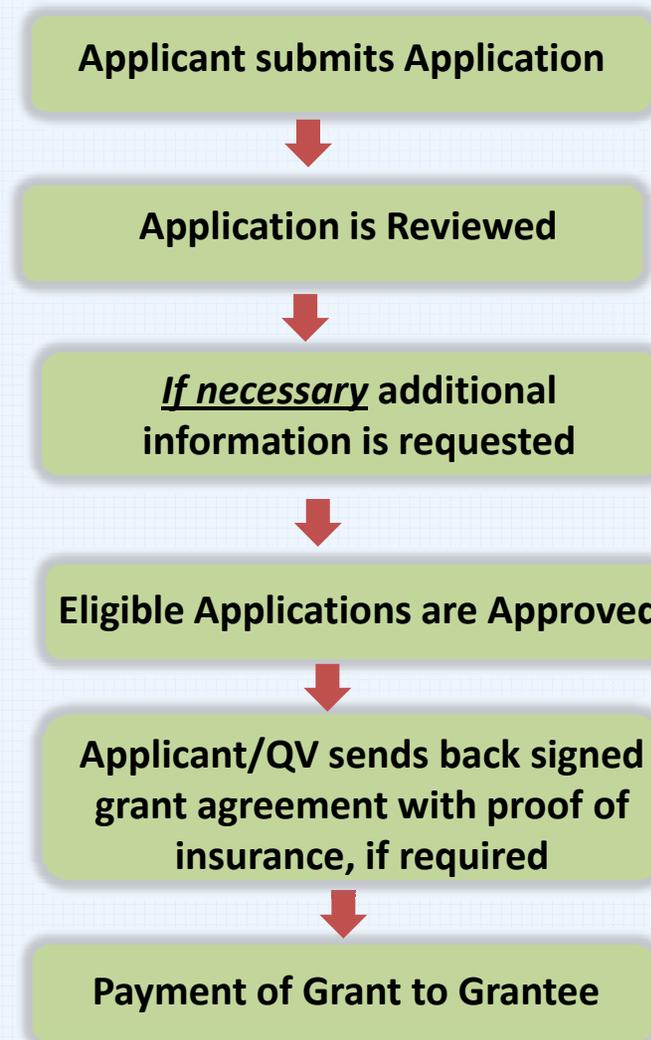
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Site name / address of BIG grant.

| | |
|--|--|
| CERTIFICATE HOLDER New York City New York City Economic Development Corporation BRS, Inc. | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>Leonard Anisicia</i> |
|--|--|

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BIG Process: Grant Application Review & Insurance



Insurance Waiver

What if the work was completed and I didn't have the insurance in place?

Because the BIG Program is new, the Office of Environmental Remediation recognizes that in some instances the required insurance may not have been obtained before the work was conducted.

Grant applicants and/or their QVs can request a waiver of the insurance requirements that OER will consider on a case by case basis in the first year of the program.

Scenarios

Scenario 1:

- Pre-Development Grant
- Title Work conducted by a law firm
- PL insurance required

Scenario 2:

- Pre-Development Grant
- Title insurance obtained through insurance company
- No insurance required

Scenarios

Scenario 3:

- Cleanup Grant
- Remedial activities undertaken by Qualified Environmental Professional
- CGL+

Scenario 4:

- Cleanup Grant - Insurance
- Cleanup Cost Cap Insurance
- No insurance required

Scenarios

Scenario 5:

- **BOA Application Technical Assistance Grant**
- **Grant writing**
- **No insurance required**

Scenario 6:

- **E-designation Grant**
- **Remedial Action Workplan**
- **No insurance required**

Additional Resources



The screenshot shows a web browser displaying the BRS website. The header includes the BRS logo and navigation links: Home, About Us, Funding, Services, NYC BIG, and Events. The main content area features a large banner for the NYC BIG program with the following text:

NYC BIG
Brownfield Incentive Grant Program

The New York City Office of Environmental Remediation (OER) is pleased to announce the Brownfield Incentive Grant (BIG) Program, a voluntary program to assist, coordinate, evaluate, and redevelop old brownfield properties in New York City. For more information, visit us at: NYC BIGlink: www.nyc.gov/big E-mail: BIG@oer.nyc.gov Web Site: www.nyc.gov/big

Below the banner, there is a section titled "About NYC BIG" and a "Qualified Vendor Info Center" sidebar. The sidebar contains the following links:

- Qualified Vendor List
- Download Current List as PDF
- Qualified Vendor Application
- Initial Specifications
- BIG Resource Economic Self-Assessment
- Qualified Vendor Information Summary to BRS

Additional Resources

BIG Program insurance requirements by Grant Type

| | <i>Grant Types</i> | <i>Relevant Features</i> | <i>Insurance Required</i> |
|---|---|---|----------------------------------|
| <i>Pre-Enrollment Grants</i> | Pre-Development Design Grant | Title insurance/title search | None |
| | | Project feasibility study | PL |
| | | Site survey | PL |
| | | Community outreach | None |
| | | Phase I ESA | PL |
| | Environmental Investigation Grant | Work plans and reports | PL |
| Phase II/Remedial Investigation | | PL/CGL | |
| Lab Analysis | | Lab certification | |
| Pre-Enrollment Technical Assistance Grant | Services associated w/ planning, execution & viability of BP; advice on QV selection; preparation of budget, statements of work, draft work plans, etc. | PL where applicable ⁴ | |
| <i>Enrollment Grants</i> | Cleanup Grant | Services/activities conducted during remediation or RAWP (soil removal/disposal, backfill, engineering controls, etc. | CGL+ ⁵ |
| | Environmental Insurance Grant | Used towards purchase of pollution liability insurance or cleanup cost cap insurance. | No insurance required |
| | Track-1 Bonus Cleanup Grant | Remedies that achieve permanent cleanups. | CGL+ |
| | BOA Strategic Property Cleanup Grant | Used towards strategic sites designated by a BOA that are cleaned up while enrolled in the NYCBCP. | CGL+ |
| <i>Special Grants</i> | BOA Local Match Grant | Eligible services are those stated in an executed NYS DOS BOA contract and/or NYS DOS approved BOA work plan. | No insurance required |
| | BOA Application Technical Assistance Grant | Used towards eligible services needed for the development of a NYS DOS BOA application. | PL where applicable ⁶ |
| | Hazardous Materials E-Designation or Restrictive Declaration Remediation Grant | Used towards cleanup/remediation of E-Designation and Restrictive Declaration hazardous waste sites. | No insurance required |

⁴ Whether or not PL is required is determined by the type of professional that is providing services. CBOs do not require insurance, whereas attorneys and environmental consultants do.

⁵ CGL+ means along with CGL, the party must have worker's compensation, employer's liability insurance, disability benefits insurance and unemployment insurance to the extent required by law. This is required for all physically invasive onsite activities, such as Phase IIs and site cleanups.

⁶ Whether or not PL is required is determined by the type of professional that is providing services. Community Development Corporations and other non-profit service providers do not require insurance, whereas environmental consultants do.

Additional Resources

BIG Program insurance requirements by QV Type

| <i>Type of QVs</i> | <i>Required Qualifications</i> | <i>Insurance Required</i> |
|--|---|---------------------------|
| Environmental Consultant | Must be a Qualified Environmental Professional (QEP). ⁷ | PL for reports prepared |
| | | CGL+ for invasive work |
| Licensed Professional Engineer | Licensed in NYS. | PL for reports prepared |
| | | CGL+ for invasive work |
| Attorney | Admitted to practice law in NYS. | PL |
| Registered Architect/Registered Landscape Architect | Licensed and registered in NYS. | PL |
| Certified Planner | Certified by American Institute of Certified Planners. | PL |
| Grant Writer | Must demonstrate experience with writing NYS BOA grant applications or those of a similar type and scope. | No insurance required |
| Licensed Land Surveyor | Licensed in NYS. | PL |
| Licensed Insurance Broker/Agent | Licensed in NYS. | No insurance required |
| Not-for-Profit Service Providers, including Community-Based Organizations (CBO), including Community Development Corporations (CDC) and/or Community Development Financial Institutions (CDFI) | | No insurance required |

⁷ See footnote 3.

Additional Resources



Where to Get an Application?

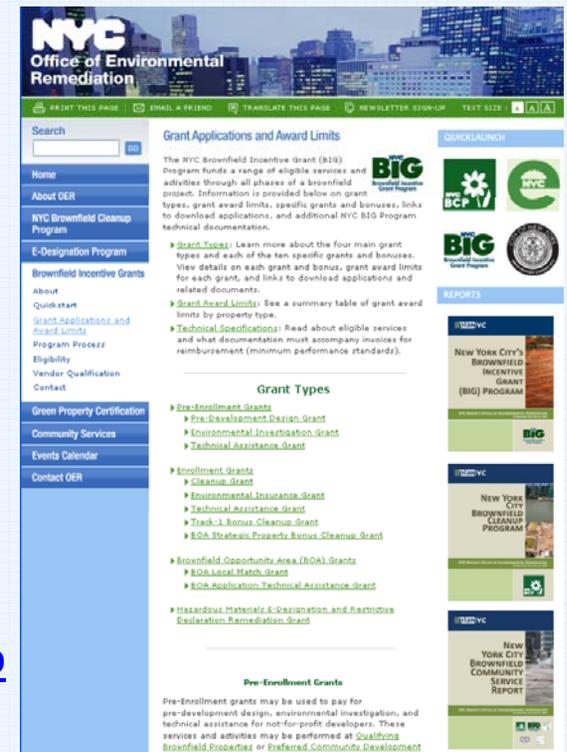
- QV Website: <http://www.nycbrownfield.com>
- BIG Website: <http://www.nyc.gov/BIG>
- Email Grants@nycBIG.info

Where to Get Support?

- Call back line: (212) 380-1562
- Email Grants@nycBIG.info

Where to Submit an Application?

- Email applications to: Grants@nycBIG.info
- Send documents requiring hard copies to:
BIG Program Administrator
739 Stokes Road, Units A&B
Medford, NJ 08055



Thank you...



Contact Information

On becoming a Qualified Vendor

Contact: Grant Administrator
Leah Yasenchak, BRS
(212) 380-1562
leah@nycbrownfield.com

On Insurance

Contact: Mark McIntyre
(212) 788-3015
mmcintyre@cityhall.nyc.gov

On NYC OER BIG Program

Contact: OER
Josslyn Shapiro
(212) 341-3704
josslyns@dep.nyc.gov

grants@nycbig.info