

Guidelines for Requesting a Waiver/Deviation of Insurance Requirements for Standard Agreements

Risk Management's mission is to encourage and support practices that mitigate the risk of adverse events that affect people, property and the mission of the University.

The University has set standard insurance requirements for Contractors engaging in business with the University. Risk Management recommends, when selecting a Contractor, to strongly consider working with Contractors who have insurance in place.

The insurance standards, are prudent, reasonable and easily attainable in the insurance market place. These insurance requirements provides the University with the assurance that if and when a claim needs to be filed as a result of the exposures related to the scope of work, there is financial protection to cover the Contractors obligations. For example, General Liability insurance provides both defense and payment for damages if the business, its employees or its products or services cause or are alleged to have caused Bodily Injury or Property Damage to a third party.

Insurance waivers, exceptions or deviations should not be the norm. The Contractor should request the waiver of insurance versus the College/Department volunteering to provide a waiver of insurance, as described above Risk Management's mission is to mitigate risks.

If insurance is required and you are using a standard contract that includes an insurance clause:

- Complete the following form in its entirety and submit it to riskmgmt@uh.edu for approval, allow 5 business days for processing, and
- For deviations requests, the contract must be processed through the Office of Contracts Administration to revise the contract language.
- For Non-standard agreements, please contact Risk Management with any questions.

The contractor must provide a certificate of insurance with the required coverage prior to the start of work. Information regarding insurance requirements and Certificates of Insurance is also enclosed.

UNIVERSITY of HOUSTON

DEPARTMENT OF RISK MANAGEMENT

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Request for Waiver/Deviation of Insurance Requirements for Standard Agreements

Departments should complete Section 1, in its entirety. Incomplete forms will be returned.

Department should allow 5 business days for Risk Management to process request.

Submit completed documents to riskmgmt@uh.edu

Additional time should be allowed to process the contract.

For non-standard agreements, please contact riskmgmt@uh.edu for further instructions.

Section 1: Department / Contract Information

Contracting Department: _____

Campus: _____ College/Div. & Dept. Name: _____

Contact Person: _____ Date Submitted: _____

Phone: _____ Email: _____

Detailed description of work to be performed (**must attach contract with contract coversheet**):

At what location will the services under this agreement be performed?

How many employees of the Contractor will be performing services?

Will the Contractor enter University Property*?

Contractor's justification for waiver request (**must obtain response from Contractor**):

VERIFICATION AND FINANCIAL RESPONSIBILITY STATEMENT: The Risk Management Department's (RMD) evaluation of the risks associated with the use of the listed Contractor is based solely upon the above information presented by the department. In the event that the RMD determines that this agreement poses a risk so minimal and agrees to waive some or all of the University insurance requirements, the Department may be required to assume all financial responsibility for any costs or expenses resulting from the acts or omissions of the Contractor that would have been covered by the Contractor's insurance, and that are not otherwise covered by the University's insurance.

Approved by: _____ Title: _____
College/Division Administrator or Designee

Print Name: _____ Date: _____

***If using the Standard Purchasing Agreement and the Contractor will enter UH Property, General Liability, Workers' Compensation, Employer's Liability and Automobile Liability coverages are required, unless approved below. If the Contractor will not enter UH Property, only General Liability coverage is required, unless approved below.**

<p>General Liability:</p> <p><input type="checkbox"/> Reduce limits to:_____</p> <p><input type="checkbox"/> Waive GL limits in entirety</p> <p><input type="checkbox"/> Waive AI (Additional Insured) status for University</p> <p><input type="checkbox"/> Waive WOS (Waiver of Subrogation) status for University</p>	<p>Automobile Liability*:</p> <p><input type="checkbox"/> Reduce Limits to:_____</p> <p><input type="checkbox"/> Waive AL limits in entirety</p> <p><input type="checkbox"/> Waive AI (Additional Insured) status for University</p> <p><input type="checkbox"/> Waive WOS (Waiver of Subrogation) status for University</p>
<p>Workers' Compensation and Employer's Liability**:</p> <p><input type="checkbox"/> Reduce EL Limits to:_____</p> <p><input type="checkbox"/> Waive WC or EL limits in entirety</p> <p><input type="checkbox"/> Waive WOS (Waiver of Subrogation) status for University</p> <p>Professional Liability:</p> <p><input type="checkbox"/> Reduce PL limits to:_____</p> <p><input type="checkbox"/> Waive PL limits in entirety</p>	<p>Other Lines of Coverage:</p> <p><input type="checkbox"/> Pollution Liability – Waive in entirety</p> <p><input type="checkbox"/> Pollution Liability – Reduce Pollution limits to: _____</p> <p><input type="checkbox"/> Umbrella Liability – Waive in entirety</p> <p><input type="checkbox"/> Umbrella Liability – Reduce Umbrella limits to:_____</p> <p><input type="checkbox"/> Other – Waive in entirety</p> <p><input type="checkbox"/> Other – Reduce limits to: _____</p>

Section 2: Risk Management Response

_____ Waiver/Deviation Approved _____ Waiver/Deviation Denied

Risk Management justification for approval/denial:

Risk Management Signature: _____ Date: _____
Risk Management & Insurance Specialist

Risk Management Signature: _____ Date: _____
Director, Risk Management or Authorized Individual

***Auto Liability: If the Contractor does not own commercial vehicles, yet will enter University property during the term of the agreement, Risk Management recommends the Contractor provide a copy of their personal automobile insurance for the requesting department's records.**

****Workers' Compensation: If the Contractor does not or will not employ any person in any matter throughout the term of the agreement, Risk Management requires a statement on the Contractor's letterhead indicating they do not have employees and do not carry Workers' Compensation coverage.**

If any further questions arise, please contact Risk Management via email, riskmgmt@uh.edu or by phone, 713-743-5218.

INSURANCE REQUIREMENTS AND CERTIFICATES OF INSURANCE

A certificate of insurance is defined in the law as a document (including an electronic record) that is executed by an insurer, agent or broker and issued to a third party as a statement or summary of property or casualty insurance coverage. A certificate of insurance is not a binding document. The certificate of insurance is an indication that a policy is in effect.

Below are the most commonly requested types of coverage's by the university. Other lines of insurance may be required for certain types of exposure and limits of liability may vary depending on the type contract. Most of the standard Office of Contracts Administration agreements include the applicable university's insurance requirements.

<u>Type of Coverage</u>	<u>Limits of Liability</u>
<u>All Vendors:</u>	
Commercial General Liability	\$ 1,000,000 per Occurrence
<u>If the vendor is coming on campus:</u>	
Worker's Compensation	Statutory Limit-State of Texas Including Employers Liability \$ 1,000,000 per accident
Commercial Automobile Liability	\$ 1,000,000 Combined Single Limit
<u>For Engineers, Architects or Professional Services:</u>	
Professional Liability	\$ 5,000,000 per Occurrence
<u>For Builders Only:</u>	
Builder's Risk Coverage	Cost of construction project, including protection against named windstorm and flood.

Additional Insured: If an organization is named an Additional Insured on a policy, it extends the insurance coverage to the organization. Principally, this means that the organization can make a claim directly against the insurance policy. Additional Insured Endorsements are required for Commercial General Liability and Automobile Liability Policies. This must be stated on the Certificate of Insurance.

Waiver of the Right of Subrogation: Insurance companies often pay claims to their insured and then file a claim with the liable party to recover the loss which is called subrogation. The waiver of subrogation is required for all policies to prevent the insurance company from recovering monetary damage from the university. This must be stated on the Certificate of Insurance.

Maintenance Responsibility: The Department managing the contract is responsible for maintaining the certificates of insurance. The vendor should be provided with the name and mailing address of the individual responsible for the contract maintenance so the certificate will be sent to the appropriate person. The certificates of insurance should be kept in the department's file containing the contract. It is important to verify the expiration dates of the insurance policies to be sure certificates of insurance are maintained throughout the life of the contract.