

CONSULTANT INSURANCE CHECKLIST

The Nebraska Department of Transportation (NDOT) requires Consultants to make a detailed review of its current insurance policies to ensure it has the coverages set out in the agreement. ([LINK](#) to NDOT consultant insurance requirements). Consultant should provide a copy of the insurance requirements from the contract to its insurance agent or broker to ensure that it has all coverages, or to obtain additional coverages. Proof of insurance coverages are to be indicated on an ACORD Certificate of Insurance, or equivalent (COI), and provided to NDOT. NDOT does not review insurance policies; policies cannot be submitted instead of describing the policies on the COI. NDOT relies on the professional judgment of insurance professionals to accurately describe the policies on the COI. No work will be assigned to Consultant until NDOT has satisfactory evidence Consultant has all required insurance coverages.

This checklist is designed to assist Consultants and their insurance broker or agent in completing a COI for approval. This checklist provides specific language regarding certain aspects of policies to be expressly stated on the COI. The language on this checklist has been pre-approved and it will generally be accepted without additional review. Statements conveying the same meaning, or omission of pre-approved language, may require additional review, and possibly delaying commencement of work. An example of a completed ACORD Certificate of Insurance is also available on the NDOT website. ([LINK](#) to example insurance ACORD). The red text below references the applicable section of the NDOT consultant insurance requirements.

NDOT recommends providing only one COI that covers all projects/agreements with NDOT. A separate COI must also be provided for each Local Public Agency (LPA) to which Consultant provides services. COIs must be emailed to NDOT.ConsultantInsurance@nebraska.gov.

General:

A	<p>Certificate Holder will be Nebraska Dept. of Transportation (1500 Nebraska Hwy 2, Lincoln, NE 68502).</p> <ul style="list-style-type: none"> If Consultant works on <u>LPA Federal-aid projects</u>, a separate COI is required for each LPA naming them as certificate holder and additional insured (in addition to NDOT).
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ADDITIONAL INSURED

B	<p>Mandatory Comment: [Sections B.(5) and H.(3)] <i>"The State of Nebraska Department of Transportation is an Additional Insured on a primary and non-contributory basis, including completed operations"</i>. This statement, or one conveying the same meaning, must be written in the 'descriptions section' of the COI.</p> <ul style="list-style-type: none"> If COI is for an LPA project, the LPA must <u>also be named</u> as an Additional Insured.
C	<p>ADDL INSR column is marked 'X' or 'Y' for General Liability and Umbrella/Excess; or stated in the description section, "NDOT is an additional insured on General Liability and Umbrella/Excess policies."</p>

WAIVER OF SUBROGATION

D	<p>General Liability, Umbrella/Excess, and Workers Comp policies must waive rights of subrogation in favor of NDOT. This may be represented on the COI in <u>one of two</u> ways:</p> <ul style="list-style-type: none"> SUBV WVD column is marked 'X' or 'Y' for General Liability, Umbrella/Excess, and Workers Compensation; or The 'description section' states <i>"Waiver of Subrogation in favor of the State (and LPA if applicable) is provided for General Liability, Umbrella/Excess, and Workers Comp policies."</i>
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Coverages:

GENERAL LIABILITY

E	<table border="1"> <tr> <td colspan="2">GENERAL LIABILITY</td> </tr> <tr> <td><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY</td> <td></td> </tr> <tr> <td><input type="checkbox"/> CLAIMS-MADE</td> <td><input checked="" type="checkbox"/> OCCUR</td> </tr> </table>	GENERAL LIABILITY		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY		<input type="checkbox"/> CLAIMS-MADE	<input checked="" type="checkbox"/> OCCUR	Consultant is required to have an “occurrence” based General Liability Policy, and shall indicated by a mark in this box
GENERAL LIABILITY								
<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY								
<input type="checkbox"/> CLAIMS-MADE	<input checked="" type="checkbox"/> OCCUR							
F	<table border="1"> <tr> <td colspan="3">GEN'L AGGREGATE LIMIT APPLIES PER:</td> </tr> <tr> <td><input type="checkbox"/> POLICY</td> <td><input checked="" type="checkbox"/> PRO-JECT</td> <td><input type="checkbox"/> LOC</td> </tr> </table>	GEN'L AGGREGATE LIMIT APPLIES PER:			<input type="checkbox"/> POLICY	<input checked="" type="checkbox"/> PRO-JECT	<input type="checkbox"/> LOC	Consultant must have per-project policy and must check the “PROJECT” box. Aggregate policy limits are not permitted. LOC limits require approval by NDOT Legal Counsel.
GEN'L AGGREGATE LIMIT APPLIES PER:								
<input type="checkbox"/> POLICY	<input checked="" type="checkbox"/> PRO-JECT	<input type="checkbox"/> LOC						
G	Coverages of at least: \$1,000,000 per occurrence \$1,000,000 personal/advertising injury \$2,000,000 general aggregate \$2,000,000 completed operations aggregate							
H	Mandatory Comment: [Section B.(3)] “General liability coverage is provided by a standard form Commercial General Liability Policy CG 00 01 (or equivalent) covering bodily injury, property damage including loss of use, and personal injury”. This statement, or one conveying the same meaning, must be written in the ‘description section’ of the COI.							
I	Mandatory Comment: [Section B.(7)] “General liability coverage includes contractual liability on a broad form basis without any limiting endorsements”. This statement, or one that conveys the same meaning, must be written in the ‘description section’ of the COI.							

AUTOMOBILE LIABILITY

J	<table border="1"> <tr> <td colspan="2">AUTOMOBILE LIABILITY</td> </tr> <tr> <td><input checked="" type="checkbox"/> ANY AUTO</td> <td></td> </tr> <tr> <td><input type="checkbox"/> ALL OWNED AUTOS</td> <td><input type="checkbox"/> SCHEDULED AUTOS</td> </tr> <tr> <td><input type="checkbox"/> HIRED AUTOS</td> <td><input type="checkbox"/> NON-OWNED AUTOS</td> </tr> </table>	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	<p>Consultant must have automobile liability which covers</p> <ul style="list-style-type: none"> • Either ANY AUTO; or • ALL OWNED AUTOS, HIRED AUTOS, and NON-OWNED AUTOS. • COI must have appropriate box(-es) checked <ul style="list-style-type: none"> • If Firm does not own any vehicles, ALL OWNED AUTOS does not need to be checked, but Firm must assert to this fact in correspondence with NDOT.
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									
K	Coverage of at least: \$1,000,000 combined single limit (per accident)									

UMBRELLA/EXCESS LIABILITY

L	<table border="1"> <tr> <td><input checked="" type="checkbox"/> UMBRELLA LIAB</td> <td><input checked="" type="checkbox"/> OCCUR</td> </tr> <tr> <td><input type="checkbox"/> EXCESS LIAB</td> <td><input type="checkbox"/> CLAIMS-MADE</td> </tr> <tr> <td><input type="checkbox"/> DED</td> <td><input type="checkbox"/> RETENTION \$</td> </tr> </table>	<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE	<input type="checkbox"/> DED	<input type="checkbox"/> RETENTION \$	UMBRELLA LIAB or EXCESS LIAB must be checked. Consultant is required to have an occurrence based policy and OCCUR box must be checked. Claims-made policies are not permitted so CLAIMS-MADE box should not be checked.
<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR							
<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE							
<input type="checkbox"/> DED	<input type="checkbox"/> RETENTION \$							
M	Coverage Limits of at least: \$1,000,000 per occurrence \$1,000,000 annual aggregate							
N	Mandatory Comment: [Section H.(2)] “The Umbrella/Excess coverage is in excess of the specified Employers Liability, Commercial General Liability, and Automobile Liability policies”. This statement, or one conveying the same meaning, must be written in the ‘description section’ of the COI. Also acceptable is the statement that “Umbrella/Excess coverage follows form on Employers Liability, General Liability, and Automobile Liability policies”.							

WORKERS COMPENSATION AND EMPLOYER’S LIABILITY

O	<table border="1"> <tr> <td>WORKERS COMPENSATION AND EMPLOYERS’ LIABILITY</td> <td><input checked="" type="checkbox"/> WC STATU-TORY LIMITS</td> <td><input type="checkbox"/> OTH-ER</td> </tr> <tr> <td>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)</td> <td><input type="checkbox"/> Y/N</td> <td></td> </tr> <tr> <td></td> <td><input type="checkbox"/> E.L. EACH ACCIDENT</td> <td></td> </tr> <tr> <td></td> <td><input type="checkbox"/> E.L. DISEASE - EA EMPLOYEE</td> <td></td> </tr> </table>	WORKERS COMPENSATION AND EMPLOYERS’ LIABILITY	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS	<input type="checkbox"/> OTH-ER	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N			<input type="checkbox"/> E.L. EACH ACCIDENT			<input type="checkbox"/> E.L. DISEASE - EA EMPLOYEE		Must have WC STATUTORY LIMITS box checked. (sometimes called PER STATUTE)
WORKERS COMPENSATION AND EMPLOYERS’ LIABILITY	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS	<input type="checkbox"/> OTH-ER												
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N													
	<input type="checkbox"/> E.L. EACH ACCIDENT													
	<input type="checkbox"/> E.L. DISEASE - EA EMPLOYEE													
P	Employers Liability Policies must have the following coverages of at least: \$500,000 Each Accident \$500,000 Disease – Per Person \$500,000 Disease – Policy Limit													

PROFESSIONAL LIABILITY

Q	Coverages of at least for three years after the project is completed: \$1,000,000 Per Claim \$1,000,000 Annual Aggregate
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POLLUTION LIABILITY

R	Must be represented in <u>one of three</u> ways below: <ul style="list-style-type: none"> • In all projects, Consultants are required to maintain the pollution coverage provided in a CG 00 01 or equivalent. To evidence this, the COI must state in 'description section' that "<i>General Liability Policy does not contain a total or absolute pollution exclusion</i>". [Section B.(10)] • If pollution coverage is required for the project, and pollution coverage has been removed from the general liability policy, pollution coverage may be substituted in a separate Pollution Liability Policy or a Professional Liability policy. The COI shall state what type of policy will cover pollution claims, and that the policy has coverage in the amount of \$1,000,000 per occurrence or claim, and \$1,000,000 aggregate. • If coverage is provided by a "claims made" form, coverage is required to be maintained for three years after completion of the project, and this shall be indicated on the COI.
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ELECTRONIC DATA/VALUABLE PAPERS [Section G.(1)]

S	Coverages of at least: \$100,000 Electronic Data Processing (EDP) Media and Data \$25,000 Valuable Papers
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