

NYACK PUBLIC SCHOOLS

13A Dickinson Avenue - Nyack - NY - 10960

EXHIBIT A-6

INSURANCE AGREEMENT – Professional Consultants/Contractors

Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the Consultant/Contractor hereby agrees to obtain and keep in force insurance policies as follows:

- I. The policy shall:
 - Be purchased from an A.M. Best rated "secure" insurer, licensed in New York State.
 - The certificate of insurance must describe the specific services provided by the consultant. At the District's request, the Consultant/Contractor shall provide a copy of the declaration page of the policies with a list of endorsements and forms. If so requested, the Consultant/Contractor will provide a copy of the policy endorsements and forms.

- II. The Consultant/Contractor agrees to indemnify the district for any applicable deductibles and self-insured retentions.

- III. Required Insurance:
 - **Professional Errors and Omissions Insurance**
\$2,000,000 per occurrence/ \$2,000,000 aggregate for the professional acts of the Consultant/Contractor performed under the contract for the district. If written on a "claims made" basis, the retroactive date must pre-date the inception of the contract or agreement. Coverage shall remain in effect for two years following the completion of work.

 - **Automobile Liability Insurance**
\$1,000,000 combined single limit for owned, hired and borrowed, and non-owned motor vehicles.

 - **Workers' Compensation and N.Y.S. Disability**
Statutory Workers' Compensation, Employers' Liability and N.Y.S. Disability Benefits Insurance for all employees. Proof of coverage must be on the approved specific form, as required by the New York State Workers' Compensation Board. ACORD certificates are not acceptable.

A self-employed person and certain partners and corporate officers are excluded from the definition of "employee" pursuant to Workers' Compensation Law Section 2 (4). As such, individuals in such capacity are excluded from Workers' Compensation Law coverage requirements. A person seeking an exemption must file a CE-200 form with the state. The form may be completed and submitted online:

http://www.wcb.ny.gov/content/ebiz/wc_db_exemptions/requestExemptionOverview.jsp

- IV. Consultant/Contractor acknowledges that failure to obtain such insurance on behalf of the district constitutes a material breach of contract. The Consultant/Contractor is to provide the districts with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities. The failure of the district to object to the contents of the certificate or the absence of same shall not be deemed a waiver of any and all rights held by the district.

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- V. The district is a member/owner of the NY Schools Insurance Reciprocal (NYSIR). The Consultant/Contractor further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the district but also the NYSIR, as the district's insurer.
- VI. Consultant/Contractor hereby agrees to defend, indemnify and hold harmless Nyack UFSD from and against any and all liability, loss, damage, claim or action (including costs and attorneys fees) for bodily injury and property damage, to the extent permissible by law, arising out of operations performed or services provided by the consultant/contractor under the contract.

Company Name: _____

Representative Name (Print): _____

Authorized Signature: _____

Title: _____

Date: _____

Email: _____

Telephone: _____