



TOKIO MARINE
HCC



Contractors Professional Liability and Pollution Incident Liability

Since 1986, Tokio Marine HCC – Professional Lines Group, has been a leading underwriter of professional liability insurance for the following classes of business:

- Contractors
- Design / build firms
- Construction managers
- Geotechnical engineers
- Architects and engineers
- Land surveyors
- Environmental consultants
- Testing laboratories
- Landscape architects
- Forensic experts / consultants
- Technical consultants
- Scientists



Contractors' Professional Liability and Pollution Incident Liability

Our Staff

Tokio Marine HCC – Professional Lines Group consists of engineers, attorneys and insurance professionals who are focused on serving the professional liability needs of firms involved in design and construction. Our staff's prior experience in the engineering, design and construction fields is an asset in our underwriting and to our policyholders.

About Professional Lines Group

The Professional Lines Group, a member of Tokio Marine HCC, provides protection against claims arising from professional negligence, which can lead to financial losses, expensive litigation and staggering jury awards. Our Architects' and Engineers' division is one of the nation's leading providers of professional liability insurance for architects, engineers and contractors.

We also provide professional liability insurance for scientists and technical consultants involved in fields related to design, construction and analysis. Through our Employment Practices Liability Insurance, we provide protection for an employer against claims made by employees, former employees or prospective employees alleging among other things, harassment, discrimination, wrongful termination, and more. We also

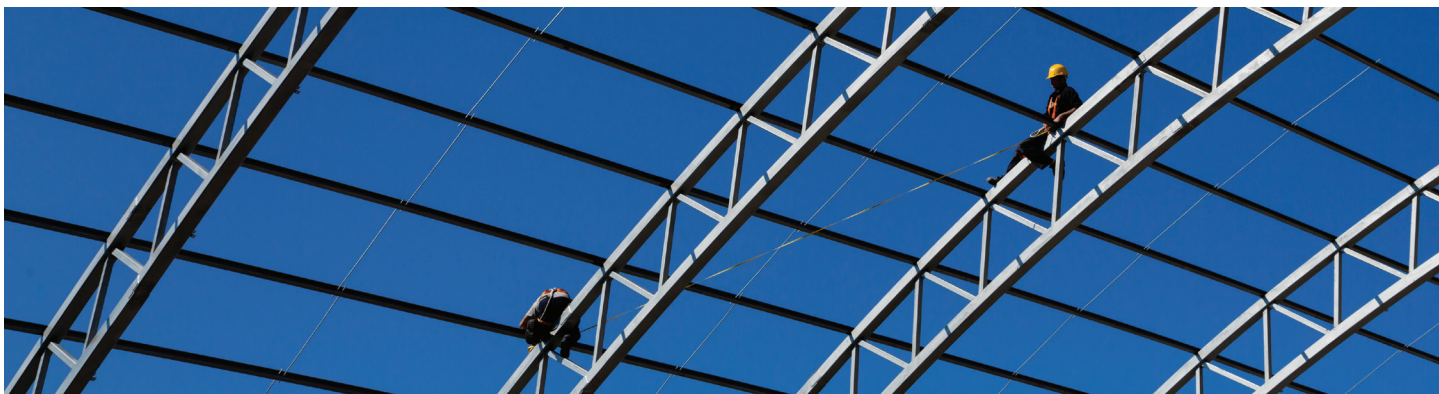
offer Miscellaneous Professional Liability for all kinds of professionals, businesses and consultants and underwrite the most diverse and complex types of coverage to help keep your budget and operations intact.

Claims Handling

Our goal is to protect design and construction professionals through expert claims handling. In the event that defense counsel is required, local Tokio Marine HCC – Professional Lines Group approved attorneys will be retained to protect the policyholder's interests. These attorneys are carefully screened by our experts and have proven experience in the defense of design professionals in a particular locale. Tokio Marine HCC – Professional Lines Group's Head of Claims oversees the work done by defense counsel.

Why Tokio Marine HCC – Professional Lines Group

- Now in our fourth decade of insuring professionals in design and construction
- "A++" (Superior) by A.M. Best Company, Inc. with a Financial Size Category of XV – admitted and surplus lines capability
- Knowledgeable underwriting with engineers, attorneys and insurance professionals on staff
- Comprehensive policy form that can be tailored to meet your needs
- Our website tokiomarinehcc.com contains a risk management library
- Tokio Marine HCC – Professional Lines Group's diverse group of insurance products includes liability insurance for architecture, engineering and contracting risks, a broad variety of miscellaneous classes (MPL) and employment practices (EPL).



Contractors' Professional Services Liability

The policy contains a broad definition of professional services, which includes:

- Coverage for in-house design professionals as well as an insured's vicarious liability from hiring professional subconsultants
- Coverage for both agency construction management and at-risk construction management
- Coverage for contractors involved in BIM, LEED, building commissioning, value engineering, constructability review or design-assist

Mitigation Expenses Coverage

The policy includes Mitigation Expenses Coverage which is first party coverage to mitigate or rectify an actual negligent act, error or omission arising from engineering or architectural designs, plans or specifications performed by or on behalf of an insured. This coverage allows an insured to report a design error to the carrier without waiting for a claim to be made by their client. The goal of such coverage is to resolve design issues faster while minimizing conflicts between an insured and their client.

Contractors' Pollution Incident Liability

The policy includes Optional Coverage B which covers pollution incident liability arising out of contracting activities.

Highlights of this optional coverage include:

- No exclusion for asbestos, lead, mold, respirable dust, silica or gypsum wallboard
- Coverage for transportation pollution liability, including a pollution incident arising from the loading and unloading of vehicles
- Coverage for a pollution incident arising from the treatment, storage, recycling or disposal of waste at non-owned facilities

Supplemental Coverages - payments are outside the limit of liability and are not subject to the deductible

Disciplinary Proceedings -

reimbursement to the insured for legal fees and expenses of up to \$7,500 incurred in responding to a disciplinary proceeding.

ADA, FFHA and OSHA Proceedings -

reimbursement to the insured for legal fees and expenses of up to \$15,000 incurred in responding to a regulatory or administrative proceeding.

Insured Expense Reimbursement -

reimbursement to the insured for up to \$300 per day for each insured person (up to \$7,500 per policy period) who attends legal proceedings or trial in connection with the defense of a claim at the insurance carrier's request.

Coverage for Punitive or Exemplary Damages

The policy provides coverage for punitive or exemplary damages where allowed by law.

Innocent Insured Coverage

The dishonest, criminal, fraudulent, malicious or intentional wrongful acts exclusion does not apply to any Insured person who did not participate in or have knowledge of such conduct or violation.

Project Policy Excess Coverage

The policy provides excess coverage over other professional liability insurance available to the insured for a specific project.

Spousal and Domestic Partner Coverage

The policy extends coverage to spouses or domestic partners of insureds for claims arising from a wrongful act committed by an insured.

Equity Interest Coverage

The policy will respond to claims brought by an entity where the insured or the insured's spouse has less than 25 percent ownership interest.

Waiver of Subrogation Coverage

The insurance carrier waives the right to recover against the insured's client to the extent that the insured had, prior to a claim, a written agreement with the client to waive such subrogation rights.



Temporary or Leased Personnel Coverage

Temporary and leased professionals providing professional services under the direction of the insured are included in coverage under this policy.

Joint Venture Coverage

The policy includes coverage for your legal liability arising from professional services provided by a joint venture or for a pollution incident arising from contracting activities performed by an Insured.

Worldwide Coverage

The policy provides worldwide coverage provided suit is brought in the U.S., its possessions or territories, or Canada. Indemnification for defense costs related to other countries can be considered on a case by case basis.

Optional Extended Reporting Periods

An optional extended reporting period can be purchased at the policyholder's choice, subject to certain conditions. The cost of the optional extended reporting period is already built into the policy form. The pricing is as follows: 12 months at 100% of the expiring premium; 24 months at 150% of the expiring premium; and 36 months at 200% of the expiring premium.

Mediation Deductible Credit

If the policyholder and the insurance carrier agree to mediation (see definition of mediation in the policy form) and the claim is resolved via mediation, your deductible obligation is reduced by 50 percent subject to a maximum reduction of \$15,000.

No Exclusion for Copyright or Trademark Infringement

The policy does not include an exclusion for inadvertent copyright or trademark infringement in the course of providing professional services.

Retired or Former Officers, Directors, Partners and Employees Coverage

The policy provides coverage for retired or former officers, directors, partners or employees of the policyholder while that person acted within the scope of his or her duties for the policyholder. Leased professionals providing professional services under the direction of the policyholder are automatically included for coverage.

No Exclusion for Bankruptcy

The policy does not contain an exclusion if the insured files for bankruptcy.

Circumstance Reporting

The policy includes coverage for incidents / situations that you report to us which later develop into a claim. Tokio Marine HCC – Professional Lines Group is a strong proponent of early reporting of claims and circumstances so that we can proactively assist our policyholders. After all, it is in the event of a claim that you have to have confidence in your professional liability carrier.

Contact us

Tokio Marine HCC – Professional Lines Group

2300 Clayton Road, Suite 1100
Concord, California 94520 USA
Tel: 925-685-1600

37 Radio Circle Drive
Mount Kisco, New York 10549 USA
Tel: 914-241-8900

Submissions can be sent to

submissions@tmhcc.com

tmhcc.com

A member of the Tokio Marine HCC group of companies

*To Be a **Good Company***