

**REQUEST FOR QUALIFICATIONS AND PROPOSALS
FOR BROKER/VENDORS TO FURNISH
PROPERTY, VEHICLE, AND LIABILITY INSURANCE
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2025**

1.0 INTRODUCTION

The Binghamton-Johnson City Joint Sewage Board (the “Board”) is requesting qualifications and proposals from qualified brokers and/or vendors (“Proposers”) to provide property, vehicle, and liability insurance for the Board’s fiscal year beginning January 1, 2025.

The scope of the required services, service period, proposal requirements, and proposal evaluation criteria are detailed within the subsequent sections of this RFQ/RFP. The selected Proposer will be expected to furnish all coverages and/or perform all services required as outlined in this RFQ/RFP and its attachments.

To be considered for selection in response to this RFQ/RFP, (1) one paper copy of the proposal in a sealed envelope, (10) ten paper copies, and (1) one digital/electronic copy of Proposer’s qualifications shall be submitted to the Board, in care of Billie J. Goodson, Business Manager, Binghamton-Johnson City Joint Sewage Treatment Plant, 4480 Vestal Road, Vestal, New York 13850, no later than 2:00 p.m. on Thursday, May 9, 2024. The digital/electronic copy of Proposer’s qualifications may be submitted on a flash drive delivered simultaneously with the paper copies, or by email addressed to bgoodson@bjcwtp.onmicrosoft.com prior to such date/time.

The RFQ/RFP, requirements and specifications may be reviewed at the Plant or on the Plant website <http://bjcwtp.org/bidrfp> and copies may be requested from Billie J. Goodson, (607) 729-2975 or e-mail: bgoodson@bjcwtp.onmicrosoft.com with any questions regarding this RFQ/RFP solicitation.

All information, materials and proposals submitted in response to this request and all negotiations will become the property of the Board. Except as specifically requested, Proposers should not submit proprietary or confidential business information or, if it is believed such information is critical to their presentations, such information should be clearly identified as such and submitted on pages separate from the other submittals and in a separate electronic document containing the word “CONFIDENTIAL” in the filename. The Board will endeavor to protect such proprietary or confidential information to the extent that the law allows.

This RFQ/RFP does not commit the Board to award a contract or contracts or to pay any cost incurred in the

Commented [AP1]: I did not notice anywhere in this document that there is to be no fee paid directly by the Board, but that the broker’s fees are to come from the carriers. There are broker arrangements where the customer pays the broker, and the broker is prohibited from taking a fee from the carrier. Unless the intent is to entertain alternative fee arrangements, I suggest making it clear that a carrier-paid fee is the only payment method that will be considered. Also, if a carrier-paid fee is what the Board wants, the Board can require that the fee rate be disclosed. That is not required, but it is allowed.

Commented [EFC2R1]: EC: so as not to be surprised if a Proposer charges fees for any services, I believe the fee wording should be left in. I would also be favorable to all carrier-paid fees (and other items of value) be disclosed to the Board at least annually and on request).

Commented [AP3]: Needs to be changed.

preparation of a proposal in response to this request.

The Board reserves the right for any reason at its sole discretion to accept or reject any or all proposals received as a result of this request, to negotiate with qualified Proposers, to cancel in part or in its entirety this RFQ/RFP and/or discontinue discussions with a particular Proposer. The Board reserves the right to make modifications and issue addenda to the terms and conditions of this RFQ/RFP at any time, including after conducting interviews.

Following receipt of responses, the Board may request clarifications, in-person interviews/presentations, and additional information pertaining to the qualifications and/or proposals.

This RFQ/RFP and/or the selection of any Proposer/proposal does not create any contractual rights or obligations whatsoever with the Board, whether by this RFQ/RFP or pursuant to any other understanding, written or oral.

2.0 BACKGROUND

The City of Binghamton (54.8%) and the Village of Johnson City (45.2%) together own the Binghamton-Johnson City Joint Sewage Project, a venture they created through a series of inter-municipal agreements dating back to July 14, 1965. Among other things, the initial inter-municipal agreement created the Board, which is the agency that possesses, operates, and maintains the Project's facilities. Further, Section 17(H) of the initial inter-municipal agreement obligates the Board to procure and "maintain general liability, fire and casualty insurance" as well as to have each Owner named as an "additional insured" on such policies.

The Project's facilities consist of an 11.2 acre main campus known as the Binghamton-Johnson City Joint Sewage Treatment Plant, 4480 Vestal Road, Vestal, New York (the "Plant") and a remote Terminal Pumping Station at 3936 Gates Road, Vestal, New York (the "TPS"). Site diagrams are furnished as an attachment to this RFQ/RFP. The Board has arranged for periodic appraisal services with the Industrial Appraisal Company of Pittsburgh, Pennsylvania, and the values provided in its most recent report (effective date: February 2, 2024) are incorporated into the description of coverages sought.

The facilities provide wastewater treatment services to the Owner municipalities as well as nine other municipal or governmental entities having agreements or arrangements with the Owner municipalities, under a State Pollution Discharge Elimination System Permit issued by the New York State Department of Environmental Conservation. Approximately 26,640 separately assessed parcels of real property are connected to the tributary sewer collection systems that discharge to the facilities. For the five years ending December 31, 2023, the facilities received a daily average 17.31 million gallons per day of wastewater for treatment (on an annual basis, this is approximately 6.32 billion gallons per year, on average, over the most recent five-year period).

(The coverages sought by this RFQ/RFP do not include insurance separately-procured, or having a different policy period. Specifically, this RFQ/RFP does not seek quotes, policies, or coverage for Flood Insurance, Workers' Compensation & Employers' Liability Insurance; Statutory New York State Disability Insurance; or insurance to provide benefits under Employee Benefit Plans [for example, Health Insurance, etc.]).

Commented [EFC4]: EC: suggest revising "A site diagram is" to "Site Diagrams are" and including both JSTP and TPS diagrams (or photo illustrations, attached to the e-mail sending these comments).

Commented [EFC5]: EC: update to "February 2, 2024" to correspond to the newly-received IAC appraisal report.

Commented [EFC6]: EC: update to "17.31" (but please also keep in mind that, during 2019 and 2020, influent flows were restricted in support of the Owners' capital improvement projects).

Commented [EFC7]: EC: update to "[6.]"32" to correspond to the most recent 5-year period (2019-2023).

3.0 SCOPE OF COVERAGES AND SERVICES FOR WHICH PROPOSALS ARE REQUESTED

3.1 Insurance Coverages. The Board seeks proposals for professional broker services to obtain for policies to provide the property, vehicle, and liability insurance coverages described on the “Coverages Sought” attachment to this RFQ/RFP in the following seven major categories:

Commented [EFC8]: EC: (not provided for review)

- Property (real property and business personal property [including electronic data processing equipment])
- Inland Marine
- Vehicle/Automobile
- Crime
- General Commercial Liability
- Management Liability (including coverage for Board Members/Officers Liability, Errors & Omissions, Employment Practices and Employee Benefits Liability)
- Excess Liability (Umbrella Coverage)

Request that Proposers list at least for each coverage sought that, if selected, the Proposer would seek quotations from.

Commented [AP9]: This is an incomplete sentence. Do you intend to say : “The selected Proposer shall solicit at least three potential markets/carriers with a goal of ensuring that coverage at the most reasonable price for policies meeting the Board’s insurance needs are procured.” ?

If Proposer believes that an alternative coverage (with respect to limit and/or policy provisions) would be more suitable to meet the Board’s insurance needs, Proposer may solicit proposals for the alternative coverage~~include the same~~ – in addition to soliciting its proposals as to the “Coverages Sought” – as an optional alternative, provided that separate pricing information is furnished together with a written description of all differences from the respective “coverage sought”.

Commented [EFC10R9]: EC: AI’s suggestion is good; I also wonder whether the intent of this sentence was to require Proposers to identify/name the potential markets/carriers they would seek quotations from.

3.2 Policy Documentation, Consultation, Advice, Assistance, and Updating. The selected Proposer shall: 1) assist the Board or its designee in the completion of all applications, forms, and documentation required to place coverages and policies in force; 2) ~~The selected Proposer shall~~ furnish two paper copies of all binders, policies, endorsements, notices, and related documents procured during the course of the engagement in notebook form together with two electronic copies (in Adobe.pdf format compatible with Adobe Reader version 11.0 or lower) on USB flash drive, CD-ROM, or DVD-ROM disc; 3) ~~The selected Proposer shall~~ consult with and advise the Board or its designee regarding questions pertaining to insurance matters, coverage, claims, potential claims, and improvements to the insurance program; 4) ~~The selected Proposer shall~~ assist the Board or its designee with the initial reporting of claims and potential claims, if any; 5) ~~The selected Proposer shall~~ assist with updating policy coverages for changes in property and/or conditions occurring during the policy period[s]; and 6) ~~and shall~~ furnish two paper copies of all related binders, policies, endorsements, notices and related documents with instructions for posting in the notebook referred to above together with two electronic copies (in Adobe.pdf format compatible with Adobe Reader version 11.0 or lower) on USB flash drive, CD-ROM, or DVD-ROM disc.

Commented [AP11]: I am guessing that this is what is intended. I did not understand the paragraph.

3.3 Renewal Assistance. As requested by the Board, the selected Proposer shall assist the Board or its designee in ~~the completing~~ of all applications, forms, and documentation required to renew coverages and policies for subsequent policy periods, and soliciting/inquiring of at least three potential markets/carriers with a goal of ensuring that coverage at the most reasonable price for policies meeting the Board's insurance needs are procured.

4.0 QUALIFICATIONS AND PROPOSAL SUBMITTAL

4.1 Interest, Availability, Capability, and Relevant Experience. Proposers wishing to be considered should timely submit to the address stated in 1.0, above, (1) one paper copy of the proposal in a sealed envelope, (10) ten paper copies, and (1) one digital/electronic copy of Proposer's qualifications shall be submitted to the Board, containing the following information:

4.1.1 A statement of the Proposer's interest in and availability to perform the work and furnish the insurance coverages and services sought. Not more than one page.

4.1.2 A statement of background and qualifications, including the resumes, licensing, and qualifications of principal employees who will render the services sought hereunder, as well as resumes and qualifications of any subconsultants and/or venture partners. Background information should include, to the extent not otherwise provided, information and answers responsive to the questions listed on the Background Questionnaire provided as an attachment to this RFQ/RFP. A completed Vendor/Consultant/Contractor/Subcontractor Questionnaire in the form provided as an attachment to this RFQ/RFP shall be submitted covering Proposer and each venture partner/subconsultant participating in the proposal.

Commented [EFC12]: EC: suggest expanding to "resumes, licensing."

4.1.3 Copy of valid NYS Insurance License with respect to the "Coverages Sought" and current certificate of Errors and Omissions insurance showing a minimum \$3,000,000 coverage per event/occurrence.

Commented [EFC13]: EC: as I understand it, this is a "2011 value". Consider updating (perhaps \$3 million?).

4.2 Proposal. Proposers wishing to be considered should timely submit to the address stated in 1.0, above, (1) one paper copy of the proposal in a sealed envelope, (10) ten paper copies, and (1) one digital/electronic copy of Proposer's qualifications shall be submitted to the Board, containing the following information:

4.2.1 Request a narrative statement of what the Proposer's approach would be if selected. The current A.M. Best rating (and, in addition, any other ratings recognized within the insurance or financial industry) shall be furnished for each insurance carrier underwriting proposed policies, together with any changes in such rating[s] since January 1, 2014, to January 1, 2019.

Commented [AP14]: Why these dates?

4.2.2 If separately priced, detailed summaries of proposed services solutions responsive to 3.2 and 3.3, above, along with annualized costs/fees. Proposer should state any objections/concerns with the proposed Agreement for Professional Services.

Commented [EFC15R14]: EC: 4.2.1 should be update to a five-year date range ending January 1, 2024.

4.2.3 An organizational chart indicating the duties of key personnel including subconsultants and/or venture partners. The individual(s) to be assigned primary responsibility as lead broker, representative, relationship or project manager(s) must be specified together with such individual's background and

Commented [EFC16]: EC: I believe that Counsel should develop a proposed Agreement for Professional Services, and this sentence should be revised to ask that Proposer state any objections/concerns with the proposed Agreement for Professional Services.

Commented [AP17]: I do not understand why you would invite Proposers to do this.

experience, specifically noting any experience with public sector client insurance needs in New York State.

4.3 References. Proposers wishing to be considered should timely submit to the address stated above ten (10) copies of a reference list containing the following information:

4.3.1 A list of references (at least five) with respect to other similar work or comparable engagements completed within the past three full calendar years (2020-2023) and current year-to-date, preferably for local governmental entities and/or governmental agencies (such as school districts).

4.4 Digital/Electronic Copy. Proposers are reminded that a digital or electronic copy of the foregoing shall also be timely submitted in accordance with the description in 1.0, above, on page 1.

5.0 REVIEW AND SELECTION

The Board may select and negotiate with the Proposer deemed the most qualified and available to timely perform the work and to perform the work and furnish the insurance coverages and services sought based on evaluation of the statements of qualifications and proposals timely received or, alternatively, the Board may interview – or have a selection committee interview – as many as three of the Proposers deemed the most qualified and available to perform the work and furnish the coverages/benefit plans/programs and administrative services based on evaluation of proposals and statements of qualifications received. (Such interviews may be conducted in person or by conference telephone call).

Commented [AP18]: What is there to negotiate?

Commented [AP19]:

Commented [AP20]: There is no reason to state a limit on the Board

Evaluation criteria include the following listed factors to be considered by the Board or selection committee.

- Qualifications of the Proposer, proposed staff, subconsultants (if any), and insurance carriers;
- Relevant experience of the Proposer, proposed staff, subconsultants (if any), and insurance carriers;
- Organization, capability, and availability of the Proposer to undertake the work and perform the required tasks as well as furnish the policies/programs and services in a high-quality timely manner;
- The cost of the policies/programs and services; and
- Proposer’s overall understanding of the Board’s goals and Proposer’s approach to the work of the proposed engagement.

The rating and evaluation will be performed by the Board, or a committee designated by it. If pre-selection interviews are pursued, the Board anticipates that the same may be conducted during or in connection with a special or regular meeting of the Board held as early as June 11, 2024. The Board will endeavor to give Proposers as much advance notice of any scheduled interview as is practicable under the circumstances. In due course, Proposers so requesting will be notified of the results of this RFQ/RFP and proposal evaluation performed as to their submittals. Generally, however, such results will not be disclosed prior to completion of contract execution.

Commented [EFC21]: EC: There is no consultant for this insurance engagement, so delete the opening clause through the comma and capitalize "The".

Commented [AP22]: Needs to be changed.

6.0 LIMITATIONS

- 6.1 Upon selection of a preferred Proposer, the Board will negotiate with the preferred Proposer regarding terms of an agreement, including but not limited to the scope of policies/programs and services, personnel to be assigned to the engagement, schedule, ~~fees, reimbursable expenses, and not to exceed costs.~~
- 6.2 If the negotiations are promptly completed to the satisfaction of the Board and the preferred Proposer, the results of the negotiations will be incorporated into a contract between the Board and the preferred Proposer. ~~The form of the contract to be negotiated is subject to approval of the Board's Co-Counsel assigned to negotiations, and payments are subject to approval of the Board and its Fiscal Officer.~~ Proposers should be aware of the following:
- 6.2.1 *Exemption from Sales and Use Taxes.* The Board is exempt from paying New York State or local sales taxes on any material or services which it purchases. In computing their bids or proposals, as well as in rendering billings, Service Performers shall not include sales taxes or compensating use taxes of the State of New York or of any city and county in the State of New York for any services to be rendered, supplies or materials to be used by the Service Performer for and on behalf of the Board which are exempt from such taxes.
- 6.2.2 *Billing Terms.* The applicable Board municipal Claim for Payment audit and approval process requires Service Performer invoices together with the required Claim for Payment form to be received fully-completed and signed at the Plant Office and a Service Performer's payment terms must provide that no late fee, finance charge, carrying charge, interest, or other charge shall be assessed as to any payment issued by the Board's Fiscal Officer within 60 days of the last day of the month in which a proper invoice and fully-completed and signed Claim for Payment form were actually received at the Plant Office. The services will be billed not more frequently than monthly, with the invoiced amount representing the actual amount of services completed or furnished. When the Service Performer has completed all of the work in accordance with the Scope of Services and any additions or changes thereto approved by the Board, Service Performer shall submit its final bill for payment. The final bill shall conspicuously state that it is a "FINAL BILL" and contain certification that all work and services have been completed and all deliverables have been delivered.
- 6.3 If negotiations with the preferred Proposer are not promptly completed to the Board's satisfaction, the Board reserves the right to negotiate with other Proposers.
- 6.4 The Board reserves the right to ask for additional information and to consult references as may be necessary to judge the qualifications and ability of the Proposer and/or proposed insurance carriers.
- 6.5 Proposals as submitted are irrevocable and cannot be withdrawn for 45 days after the submission deadline stated above.
- 6.6 This request for qualifications and request for proposal does not commit the Board to award any contract, to pay any costs incurred in the preparation of the submittal, interview/presentation, or to procure or contract for services.

Commented [AP23]: It is my understanding that the Board will not be paying the broker directly.

Commented [EFC24R23]: EC: see my reply comment to 1.0

Commented [EFC25]: EC: suggest expanding to "material or services".

Commented [AP26]: If the Board is not paying the broker directly, none of this is needed.

Commented [EFC27R26]: EC: see my reply comment to 1.0

Commented [EFC28]: EC: suggest expanding to "negotiations with the preferred Proposer".

6.7 All information and reports submitted in response to this request, and all proposals received as a result of this request and related negotiations, will become the property of the Binghamton-Johnson City Joint Sewage Board.

6.8 The Board reserves the right to amend or cancel in part or in its entirety this request, including to amend this request after conducting interviews, if the Board deems it in the best interests of the Binghamton-Johnson City Joint Sewage Project to do so.

END RFQ/RFP

(NOTE: a list of Attachments to the RFQ/RFP appears on the following page)

ATTACHMENTS

1. site diagram for the Binghamton-Johnson City Joint Sewage Treatment Facilities
2. outline of Coverages Sought
3. detail Schedule of Appraised Values for Buildings, Structures, and Contents
4. detail Schedule of Contractors' Equipment for Inland Marine Coverage
5. detail Schedule of Vehicles for Vehicle/Automotive Coverage
6. Background Questionnaire
7. Vendor/Consultant/Contractor/Subcontractor Questionnaire

Commented [EFC29]: EC: expand to include both the JSTP and TPS sites (see, current photo-illustrations attached).

Commented [EFC30]: EC: these Schedules remain to be developed and provided for review.

Commented [EFC31]: EC: the Background Questionnaire remains to be developed and provided for review.

NOTE: Digital/electronic versions of Attachments 2, 3, 4, and 5 in Microsoft Excel format are available from the contact identified in 1.0, above. Similarly, digital/electronic versions of this RFQ/RFP document as well as Attachments 6 and 7 in Microsoft Word format are available from the contact identified in 1.0, above.