

Insurance & Indemnification

The agreement to use event space in the Farley building includes a comprehensive indemnification clause.

In addition, all productions must provide proof of satisfactory insurance coverage for MSDC, ESD and the NYS Office of General Services for claims for damage to property and personal injury, including death, which may arise from the conduct of the production, its agents, employees, contractors and guests.

A current insurance certificate evidencing the following insurance coverage is required:

- Commercial General Liability with a limit on not less than \$1,000,000 each occurrence, \$2,000,000 aggregate;
- Commercial Property Insurance covering at a minimum, the perils insured under the ISO Special Causes of Loss Form (CP 10 30), or a substitute form providing equivalent coverages, for loss or damage to any owned, borrowed, leased or rented capital equipment, tools, including tools of their agents and employees, staging towers and forms, and property of MSDC and/or ESD held in their care, custody and/or control;
- Workers Compensation, Employers Liability, and Disability Benefits, as required by New York State. If employees will be working on, near or over navigable waters, US Longshore and Harbor Workers Compensation Act endorsement must be included.
- Comprehensive Business Automobile Liability Insurance with a limit of not less than \$1,000,000 each accident. Such insurance shall cover liability arising out of any automobile owned, leased, hired and non owned automobiles.

When establishing the monetary amount of required insurance, MSDC and ESD may consider, among other things, the risk to their assets, the complexity of the proposed activities, the number of people involved, the equipment and vehicles involved, the magnitude of support and catering services, the number of days for the activity along with preparation and cleanup and any other relevant circumstances.

Insurance coverage shall be provided only by an insurer duly licensed in the State of New York.

All insurance policies and certificates shall name as Additional Named Insured:

- "Moynihan Station Development Corporation" 633 Third Avenue, New York, NY, 10017
- "New York State Urban Development Corporation d/b/a Empire State Development," 633 Third Avenue, New York, NY 10017
- "New York State Office of General Services" Corning Tower, Empire State Plaza, Albany, NY 12242

Designating the above entities as a "certificate holder" is not sufficient. And the insurance and indemnification requirements cannot and will not be waived under any circumstances.