

# **A.S.E Insurance Agency (UK) Ltd.**

**Professional Indemnity Insurance**

**Design and Construction**

**Proposal Form**

## **ADVICE ON COMPLETING THE PROPOSAL FORM**

To allow us sufficient time to time negotiate with Insurers, please ensure you return this proposal form as soon as possible. It is essential that you allow sufficient time to complete the proposal form and provide accurate information.

## **DEFINITIONS OF TERMS USED IN THIS PROPOSAL FORM**

- 'Principal' means: Any Partner(s), Director(s), Member(s)
- 'Employee' means: Any person who is or has been under a contract of service for or on behalf of the Firm.
- 'Senior Management' means, in accordance with the Insurance Act 2015: those individuals who play significant roles in the making of decisions about how the Insured's activities are to be managed or organised. Under Section 4 of the Insurance Act 2015 an Insured must disclose all material circumstances known to its 'senior management' and those persons responsible for the Insured's insurance.

## **DUTY OF FAIR PRESENTATION**

Under English law, you owe a duty of disclosure to the Insurer which includes your duty to make a fair presentation of the risk. A 'fair presentation' is one:

- which clearly discloses all material circumstances which the Insured's Senior Management, including persons responsible for the Insured's insurance, know or ought to know following a reasonable search or which is sufficient to make the Insurer ask questions about the risk. A circumstance is material if it would influence an Insurer's judgment in determining whether to take the risk and, if so, on what terms. If you are in any doubt whether a circumstance is material we recommend that it should be disclosed;
- which discloses information in a manner which is clear and accessible to a prudent Insurer;
- in which every material representation as to a matter of fact is substantially correct and every material representation as to a matter of expectation or belief is made in good faith.

Failure to disclose a material circumstance may entitle an Insurer to:

- in some circumstances, avoid the Policy from inception and in this event any claims under the Policy would not be paid;
- impose different terms on your cover; and/or
- proportionately reduce the amount of any claim payable.

This duty applies:

- before your cover is placed;
- when it is renewed; and
- at any time that it is varied.

Your Policy wording may also provide that this duty continues for the duration of the Policy.

You should contact us immediately for assistance if you are unsure whether information may be material, or if it comes to your attention that you may have not disclosed full and accurate information.

## **GENERAL INSTRUCTIONS RELATING TO COMPLETION OF THE FORM**

- Please ensure this proposal form is completed by a Principal of the business.
- A response to all questions must be entered. Where a question is not relevant to your business, please respond N/A.
- If the proposal form is completed by just one of the Principals, please ensure that full consultation is made with the Senior Management, prior to submission of this form and that they, in turn, have consulted those for whom they are responsible.
- If you have completed the form electronically, please print and sign it before returning it to us, either electronically or by post.
- If there is insufficient space to answer any questions please provide full details on your headed paper. Please ensure that any additional information is signed, dated and makes clear reference to the question(s) on the Proposal Form, to which it refers.
- Depending upon the qualifications and/or experience of the Principal(s), Insurers reserve the right to request a Curriculum Vitae and details of any circumstances or claims pertaining, in the past 5 years, irrespective of whether they were employed by the business at the time.
- Completion of this proposal form does not automatically bind the Principal, the Firm or Insurers to effect a contract of insurance.
- A copy of this proposal should be retained for your own records.

## **CLAIMS AND CIRCUMSTANCES**

Whilst every question on the proposal form is important and constitutes material information upon which Insurers rely, Insurers will be particularly interested in your history of claims and/or circumstances.

In order to ensure that all notifiable matters are declared, the recommended practice would be for each Principal including all members of the Senior Management and other senior members of staff to sign a declaration to the effect that he/she has investigated the areas for which he/she is responsible and can confirm that there are no claims or circumstances other than those declared in the proposal form.

After completion of the proposal form and prior to the expiry of the firm's current insurance, a check should be undertaken within the Business to ensure that there are no claims or circumstances of which anyone is aware other than those already notified in the proposal form.

If any new matters are discovered, these should be immediately notified to ASE Insurance Agency if we are your current Broker. If we are not your current Broker, then you should notify your current Broker/Insurers and ASE. Such notifications should reach your current Broker/Insurers and ASE Insurance Agency prior to the expiry date of the firm's current insurance.

## **CONTACT US**

Your completed proposal form can either be emailed or posted to us using the contact details below. Please retain a copy for your own records. Please do not hesitate to contact us if you have any questions.

ASE Insurance Agency (UK) Ltd  
The Old Post Office  
2 Mill Road  
Maldon  
Essex CM9 5HZ  
01621 851 916  
[asecontact@aseinsurance.co.uk](mailto:asecontact@aseinsurance.co.uk)

# Professional Indemnity Insurance for Design and Construction Proposal Form

Please read the following carefully before completing this proposal form. To present a clear and unambiguous picture and to ensure that underwriters understand the nature of your risk:

- An Individual or a Partner, Principal or Director of the Firm/Company must complete the proposal form in ink.
- All questions must be answered to enable a quotation to be given.
- Where a question is not applicable to your particular circumstances, please write N/A.
- If there is insufficient space to answer questions please use an additional sheet and attach it to this proposal form.
- Completing and signing this proposal form does not bind you, or insurers, to complete this contract of insurance.
- If this proposal relates to a new business or venture, please complete the questions as far as possible, giving estimated income and information about your anticipated activities.
- Please provide any standard contract terms, conditions, agreements or letters of appointment, which you have with your clients.

1. a) Name of Firm(s) (including any subsidiary requiring cover)

b) Date established

c) Address(es) (specifying who is responsible, if there is more than one location)   
Postcode

d) Website  Email address

e) Name(s) of any previous Firm(s) requiring cover and the date(s) on which they ceased trading

2. a) Design & Professionally - related staff

Name of Individual, Partner, Principal or Director	Age and Qualifications	Date Qualified	Number of years Practical Experience

b) Please provide

Names of all Senior Staff regularly used	Age and Qualifications	Date Qualified	Number of years Practical Experience

c) If less than 5 years experience, please give details of previous work. Yes  No

3. a) Is any Individual or the Firm admitted to any Association or Trade Body? Yes  No   
If yes, please give details.

b) Has any person been the subject of disciplinary proceedings by any professional body? Yes  No   
If yes, please give details.

4. Please state the total number of Partners, Principals or Directors   
Qualified Staff   
Other Technical Staff (excluding Administrative)  Administrative and all other staff

5. a) Have there been any major changes in the activities undertaken during the past twelve months or are any likely to take place in the next twelve months? Yes  No   
If yes, please give details.

b) Is cover required for any activity, now ceased, which is different from those declared, within this proposal form? Yes  No   
If yes, please give details.

6. Please list by activity the approximate percentage of work carried out in each instance

Architecture	%
Civil Engineering	%
Soil Engineering	%
Structural Engineering	%
Nuclear Engineering	%
Mechanical Engineering	%
Interior or Non-Structural refurbishment	%
Fabrication	%
Electrical Engineering	%
Landscape Architecture	%
H.V.A.C. Engineering	%
Non-Structural Space Planning	%
Chemical Engineering	%
Surveying (Land, Quantity, Building)	%
Other (please specify) <input style="width: 500px;" type="text"/>	%

**IF YOU ARE INVOLVED IN CLADDING, CURTAIN-WALLING OR GLAZING TRADES, PLEASE COMPLETE THE SEPARATE CLADDING QUESTIONNAIRE**

7. Please indicate to what structures your activities extend

Individual Dwellings	%
Roads, Highways	%
Low Rise Multiple Dwellings Bridges,	%
Tunnels and Dams	%
High Rise Multiple Dwellings	%
Railways, Airports, Harbours and Jettie	%
Modular Dwellings (Repetitive)	%
Commercial Offices/Shopping Centres	%
Water Schemes, Sewerage	%
Power Plants	%
Hospitals, Nursing Homes Refineries	%
and Petro-Chemical Hotels and	%
Leisure Centres Manufacturing Plants	%
Schools and Universities	%
Industrial Building Systems	%
Retail/Business Parks	%
Other (please specify)	%

8. a) Please state the gross turnover received for each of the last three financial years billed to clients and an estimate for the next twelve months.

Year		UK	Worldwide ex USA/Canada	USA/Canada
20	Turnover			
20	Turnover			
20	Turnover			

**Estimate**

Year		UK	Worldwide ex USA/Canada	USA/Canada
20	Turnover			

Financial Year ends (Month)

b) What percentage of turnover is paid to sub-contractors or consultants?  %

c) Please break down your turnover between the following activities:

i) Where you design and construct, from your own design	£
ii) Where you provide design only	£
iii) Where you provide design and supervision, of third party labour	£
iv) Where you construct from the design of qualified architects or engineers, appointed on your behalf, who have their own P.I. insurance	£
v) Where you construct from the design supplied by the Principal, Employer or Client but have no responsibility at law, for such design	£
vi) Where you construct from others' designs, undertaken on your behalf and they also undertake the supervision	£
vii) Where you construct only	£
viii) Other (e.g. Manufacture)	£

9. a) Please list the five largest contracts undertaken in the last three years (where you have a Professionally related legal responsibility)

- i)
- ii)
- iii)
- iv)
- v)

b) What is the largest annual income earned from a single client in the last twelve months?  £

c) In the case of Overseas contracts, please list the countries involved and whether U K or local law applies. Also, please give brief details of the contract(s) and size.

10. Please clarify the type of work normally carried out, whether consisting of well-established techniques or the nature of new and original thought developments, processes or designs employed. State whether and what licensing or similar agreements are in force and the degree to which supervision of them is exercised.

11. Have you, **ever**, failed to complete a project? Yes  No   
 If yes, please explain the reason and type of project

12. Have you, **at any time**, entered into a contract signed under seal or signed a collateral warranty? Yes  No   
If yes, please give details.

13. Have you, **at any time**

a) engaged in the manufacture or fabrication of pre-engineered units? Yes  No

b) engaged in contracts involving prototype construction or materials? If yes, please give full details Yes  No

14. a) Do you or have you, at any time, provided technical literature, which goes beyond standard leaflets/brochures? If yes, please give full details Yes  No

b) Do you or have you, at any time, given advice on product suitability or installation techniques? Yes  No

If yes,  
i) what steps do you take to ensure that this is only given by designated individuals?

ii) what caveats does the advice contain?

c) Do you run technical seminars? If yes, please give full details Yes  No

d) Do you provide software packages for the use of third parties? If yes, please confirm that these are supplied subject to any disclaimer or limitation of liability. Yes  No

15. Do you use standard Contract Conditions/Letter of Appointment? Yes  No

If yes, please attach a copy  
If no, please give details of how you define your duties to your clients.

16. a) When Professional Sub-contractors or Specialist Consultants are engaged, have you, in the past, and will you in the future endeavour to ensure that they are appointed directly by and paid by the client? Yes  No

b) Have you and will you ensure that such persons or firms have entered into a binding contract accepting full responsibility for their own Professional neglect, error or omission and that they carry and maintain in force Professional Indemnity insurance? Yes  No

17. a) If you are a member of a consortium or have entered into a joint-venture agreement, please give details.

b) Do you undertake work for or are you associated, either by shareholding or official position, with any company/ organisation, where you are in a position to make major decisions? Yes  No   
If yes, please give full details

c) Have any of the Partners, Principals or Directors been a Partner, Principal or Director or been associated with any business that has ceased trading, either voluntarily or compulsorily? Yes  No   
If yes, please give full details

**18. Do you wish to consider any of the following extensions?**

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| Loss of Documents                        | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Unintentional Breach of Confidentiality  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Libel & Slander                          | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Unintentional Breach of Copyright        | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Dishonesty of Employees                  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Claims arising from Associated Companies | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

**19. Do you currently have Professional Indemnity insurance?**

If yes, please give details. Yes  No

Expiry date  Limit £  Excess £

Insurer  Number of Years Pcover

**20. Have you ever had any Professional Indemnity insurance cancelled, declined or only written at special terms?** Yes  No

If yes, please give details.

**21. Please state**

limit of indemnity required £

self insured excess £

**22. a)** Do you always require satisfactory written references when engaging employees? Yes  No

b) Is any Partner, Principal, Director or Employee allowed to sign cheques on their sole signature? If yes, please give details. Yes  No

c) How often are employees who receive cash or cheques, during the course of their duties, required to pay these in?

d) How often are checks carried out on all entries in cash books, with all paying-in books, receipts, counterfoils and vouchers being reconciled with bank statements, including the balance of cash and unrepresented cheques, independently of employees receiving or banking monies, belonging to the Firm or in trust, on behalf of others?

23. Have you or any Partner, Principal, Director or employee EVER had any claims made against you or know of any circumstances that could or would have resulted in a claim, if cover had been in force? Yes  No

If yes, please give details.

**IMPORTANT NOTICE CONCERNING DISCLOSURE**

ASE Insurance Agency (UK) Limited would like to remind you of the duty of policyholders and intermediaries to pass to the Underwriter(s), all material information relating to the risk under consideration. "Material" in this context refers to all information which a prudent Underwriter (not necessarily the Underwriter in question), would wish to take account of when considering whether or not to accept the risk, and if so, upon what terms and at what price.

In arranging this policy you must have provided us with a fair presentation of the risks to be insured. This means you must have clearly disclosed all material facts which you, your senior management and or persons responsible for arranging the Policy knew or ought to have known. If you have not made a fair presentation, this could mean that part or all of a claim may not be paid. Please be aware that in some circumstances, if you have not made a fair presentation of the risk, we may avoid the contract and the premium may not be returned. You must also make a fair presentation to us when the policy is to be renewed.

The duty of disclosure continues up until the Insurance has been concluded and "resurrects" in the event of any amendment to the risk during the policy period or any extension/renewal. It may also be that the terms of the policy include specific ongoing disclosure conditions or warranties which effectively extend the duty of disclosure post inception of the policy.

**DECLARATION**

It is declared that to the best of the knowledge and belief of the insured the statements and replies set out herein are true and that no material facts have been misstated or suppressed. The insured undertakes to inform insurers of alterations to any facts which are or become material before inception of the contract of insurance.

Name and Position:

Signature:

Date  (day)  (month)  (year)

**A COPY OF THIS PROPOSAL SHOULD BE RETAINED BY YOU FOR YOUR OWN RECORDS**

*If you are unable to digitally sign this document, please print and hand sign this page only and send with the completed proposal form*

# CLADDING QUESTIONNAIRE

To be answered by any Individual or Firm appointed as a Planning Supervisor

1. a) Do you undertake the installation of site assembled built-up walls or roofs, either of glass or other materials, which include insulation? Yes  No

b) If yes, are the seals tested, thermographically, after installation? Yes  No   
If yes, please give details.

2. Do you undertake the manufacture or installation of factory-manufactured insulated systems? Yes  No

3. Are you responsible for the fixing design? Yes  No

4. Have you been or will you be involved in the use or recommendation of prototype cladding materials? If yes, please provide full details Yes  No

5. Do you provide written or verbal assurances, regarding the weatherproofing, insulation, sound levels or discolouration of these installed units? Yes  No   
If yes, please give details.

6. Please state the extent of experience, of your staff, in this specialist area, including training, any specific? qualification or courses attended and length of practical time involved. Yes  No

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