



**HERA INDEMNITY**

**Design & Construct Proposal Form**



## Design & Construct Proposal Form

### Important Notes

#### In this application:

“You / Your” refers to all firms to be insured under this arrangement, including any predecessor or previous business for which cover is required.

“Firm” means any business, whether a sole trader, partnership or company, limited in liability or otherwise.

“Principal” means any Director, Partner, Member or Sole Trader.

“Senior Management” includes all individuals who play significant roles in the making of decisions about how Your activities are to be managed or organised.

“Fair Presentation” means a presentation that:

- Clearly discloses every material circumstance that is known or ought to be known by Your Senior Management and those persons responsible for Your insurance or which is sufficient to prompt the insurer/s to ask appropriate questions. A circumstance is material if it would influence an insurer’s judgement in determining whether to take the risk and, if so, on what terms.
- Discloses information in a manner that is reasonably clear and accessible; “data dumping” of large quantities of information with important matters hard to identify amongst the volume would not fulfil this requirement.
- Contains statements and facts that are true, accurate and given after undertaking a reasonable search, including consulting with Senior Management and those persons responsible for Your insurance.

“Hera Indemnity” means Hera Indemnity, a trading name of Advisory Insurance Brokers Limited.

“Data Protection Legislation” means the Data Protection Act 2018, or, from the date it comes into force in the UK, the General Data Protection Regulation (EU) 2016/679 and any other applicable laws relating to the protection of personal data and the privacy of individuals (all as amended, updated or re-enacted from time to time).

“Data Subject”, “Personal Data”, “Controller” and “Processor” each have the meaning given to them in the Data Protection Legislation.

#### Fair Presentation

It is important that you tell us everything about you and what you want to insure, including any specific concerns that led you to seek cover.

The law requires that you make a “fair presentation” of the risk to insurers. To do this you need to undertake a reasonable search for and disclose all information that may be material to the insurance, including by making specific enquiries of Partners, Directors and Senior Management involved in the business and its subsidiaries and other people inside and outside your organisation who may have material information, and to answer all the questions we ask you accurately and to the best of your knowledge and ability.

You must tell us of anything that may be relevant or important for insurers to know so that they can make decisions on whether to offer cover, the type of cover to offer, the terms to be applied and the required premium. If you don’t do this and a relevant piece of information is missed then your cover may be prejudiced or become void, you may be charged a higher premium or have claims reduced or not paid at all.

By way of example only, you should inform us of the following:

- The financial history of the proposer (including senior management and those involved in arranging the insurances), director or partner of the business (including any subsidiaries) – personally or in any business capacity. Areas to disclose include prior convictions (excluding motoring convictions and those spent under the Rehabilitation of Offenders Act), bankruptcy/liquidations/voluntary arrangements, previously had an insurance policy voided/cancelled/declined, County Court Judgements (or Scottish equivalent)
- Any different, special or any unusual aspects of your business activities in comparison to what would be considered ‘typical’ for your trade, business or profession.
- If anything changes from what you have previously advised to us

If you are in any doubt or need further information, please tell us or speak to your usual contacts.

#### Fair Processing Notice

Hera Indemnity is a trading name of Advisory Insurance Brokers Limited, who are the data controller for the personal information you provide. We are committed to keeping your information safe and secure. We will use your personal information to communicate with you and to provide you with the products and services you have requested or are of interest. We also share information with other companies including insurers and finance companies to assess and obtain the quotes and covers you have requested. We will also share information with other organisations where we need to do so by law. Our Fair Processing Notice can be found here [www.towergateinsurance.co.uk/fpn/fair-processing-notice-directory](http://www.towergateinsurance.co.uk/fpn/fair-processing-notice-directory). This explains in more detail how we use and share your personal information.

1. Please provide full trading names of all Firms to be insured under this arrangement (You/Your):

Name (s)	Date Established

2. Please provide Your website address:

3. Please provide all addresses:


4. If cover is required for Your previous business (predecessor practices), please provide full details below:

Name (s)	Start Date	End Date	Reason for winding up/leaving

5. If any of the Principals require cover for any previous professional business activity not covered elsewhere, please provide details below:

<b>Name of Principal to be covered</b>						
<b>Name of previous Firm</b>						
<b>Period at previous Firm</b>	<b>From:</b>		<b>From:</b>		<b>From:</b>	
	<b>To:</b>		<b>To:</b>		<b>To:</b>	
<b>Fees for last 3 years of trading</b>	<b>Year</b>	<b>Total</b>	<b>Year</b>	<b>Total</b>	<b>Year</b>	<b>Total</b>
	<b>Total:</b>		<b>Total:</b>		<b>Total:</b>	
<b>Position held at previous Firm</b>						
<b>Reason for leaving</b>						

6. Do You have any association with or financial interest in any other Firm? Yes  No

If YES, please provide full details below of the nature of the association and the name and business of the third party:

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7. Please supply details of all Principals:

Name	Age	Qualifications	Date Qualified	Date of Engagement

8. Please supply details of total numbers of staff:

Principals	Qualified Staff	Unqualified Staff	Others

9. Has any Principal ever been convicted of a criminal offence or are any charges/prosecutions pending (excluding minor motoring offences), or been investigated/reprimanded/disqualified by their professional body?

Yes  No

If YES, please provide full details below:

10. Please provide full details if any Principal has been made personally bankrupt or has been associated with any business which has ceased trading, either voluntarily or compulsorily:

11. Please provide details of Your current Professional Indemnity insurance arrangements below:

<b>Current Insurer</b>	
<b>Current Broker</b>	
<b>Policy Renewal Date</b>	
<b>Limit of Indemnity</b>	
<b>Excess</b>	
<b>Premium</b>	
<b>If You currently have Professional Indemnity coverage in force, please advise the retroactive date, if any:</b>	
<b>Date</b>	

12. Please provide a breakdown of turnover/fees generated for each of the last 5 financial years and an estimate for the current/next financial year.

					Last Complete Year	N/Y Estimate
<b>Year End</b>	/ /	/ /	/ /	/ /	/ /	/ /
<b>Work in UK</b>						
<b>Work in EU</b>						
<b>Work in USA/ Canada</b>						
<b>Work Elsewhere</b>						
<b>Total</b>						

13. Please provide a breakdown of turnover/fees generated for each of the last 5 financial years and an estimate for the current/next financial year.

	Last Full Financial Year		Current Financial Year	
	UK	Overseas	UK	Overseas
<b>A) Turnover where You design and construct from Your own design</b>				
<b>B) Turnover where You construct from the designs of others performed on Your behalf</b>				
<b>C) Fees where You design and provide technical super- vision and project management services (i.e. No construction is undertaken by the firm)</b>				
<b>D) Turnover where You construct from designs provided by the employer (i.e. You have no design responsibility)</b>				
<b>E) Other Turnover (please provide brief details below)</b>				
<b>Total</b>				

14. If You have declared no turnover in A,B,C,D or E above, have You ever undertaken such work in the past? Yes  No

If YES, please provide full details below:

15. Please provide a breakdown of Your activities and percentage of income generated for each discipline:

Heating/Ventilating/Air Conditioning Engineering	%
Electrical Engineering	%
Mechanical Engineering (not process engineering)	%
Structural Engineering	%
Civil Engineering	%
Soil Engineering	%
Marine Engineering	%
Environmental Engineering	%
Architectural	%
Project Management	%
Project Co-Ordination	%
Chemical/Process Engineering	%
Other (please provide full details below)	%
<b>Total</b>	<b>100%</b>

16. Please provide a breakdown of contract types and percentage of income generated from each in the last complete financial year:

Commercial Schemes	%
Retail Works	%
Industrial Works	%
Churches/Cathedrals	%
Private Sector Individual Houses	%
Private Sector Housing (including Housing Associations)	%
Public Sector Hospitals	%
Private Sector Hospitals	%
Public Sector Education	%
Private Sector Education	%
Other works (please provide full details below)	%
<b>Total</b>	<b>100%</b>

17. Have you at any time undertaken work in any of the following disciplines? Yes  No

**If YES, please provide details below:**

- |   |                              |                             |                                       |                              |                             |
|---|------------------------------|-----------------------------|---------------------------------------|------------------------------|-----------------------------|
| Clean Rooms                                     | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Nuclear/Atomic Projects               | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Amusement Rides                                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Railways                              | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Bridges/Tunnels/Mines                           | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Water Schemes                         | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Chemical/Petro-Chemical/Oil Plants & Refineries | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Bulk Handling Equipment               | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Dams/Harbours/Jetties/Sea Defences              | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Cladding/Roofing                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Façade/Glazing Design                           | Yes <input type="checkbox"/> | No <input type="checkbox"/> | High Rise Properties (over 6 stories) | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Industrial Waste Treatment                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Landfill Sites                        | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Marine Engineering                              | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Offshore Installations                | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Airports/Aircraft                               | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Highways/Flyovers                     | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

18. Do You anticipate professional activities/services provided will change over the forthcoming twelve months? Yes  No

**If YES, please provide full details below:**

19. Are You involved in the process of manufacturing, construction, alteration, repair, installation, sale or supply of products, other than in pure design or consultancy capacity? Yes  No

**If YES, please provide full details below:**

20. Do You engage the services of sub-contractors? Yes  No

**If YES, please provide answers to the following, otherwise skip to the next question.**

What percentage of fees/turnover was paid to sub-contractors during the last financial year?  %

Do You always require Your sub-contractors to hold their own Professional Indemnity coverage and verify that it is in force? Yes  No

**If YES, please confirm the minimum limit You require them to maintain:**  £

21. Please provide details of Your 5 largest contracts that have been completed in the past 6 years:

Client	Start Date	Description of Work	Total Contract Value	Your Contract Fee	Estimated Completion Date
			£		
			£		
			£		
			£		
			£		

22. What level of excess do You require?

23. Have You at all times used written agreements for each contract undertaken which clearly outline the service to be provided, and You confirm all changes to the specifications or agreed deliverables in writing, explaining the cost changes and other implications? Yes  No

**If You have answered NO please detail below what procedures are undertaken to ensure that any revised specifications/deliverables are agreed and understood by all parties.**

24. Are all current projects on time and within budget and have all projects completed within the last 2 years been completed on time and within the agreed budget? Yes  No

**If NO, please give full details below.**

25. Do You undertake any projects where construction is outside the United Kingdom?

Yes  No

If YES, please provide details of 3 largest projects below.

Country	Client	Start Date	Description of Work	Total Contract Value	Your Contract Value	Estimated Completion Date
				£		
				£		
				£		

26. Have You at any time entered into a contract that is subject to the law of countries other than the United Kingdom?

Yes  No

If YES, please give full details below.

Country	Client	Start Date	Description of Work	Total Contract Value	Your Contract Value	Estimated Completion Date
				£		
				£		
				£		

27. Have You ever entered into contracts on behalf of clients

Yes  No

If YES, is written sign off for the contract terms always obtained from Your client prior to doing so?

Yes  No

28. Please select the Limit of Liability You require quotations for:

£250,000		£2,000,000	
£500,000		£3,000,000	
£1,000,000		£5,000,000	
Other Limit of Liability			

29. What level of excess do You require?

30. Has any claim been made or loss suffered by You, whether insured or not, in respect of any of the risks to which this proposal for insurance relates?

Yes  No

If YES, please provide details below.

Date of Claim/Loss	Details of Claim/Loss	Amount Paid	Date Settled	Outstanding Reserve
		£		£
		£		£
		£		£
		£		£
		£		£



31. Are You aware of any of the following?

Any circumstances which might lead to claim against You, whether insured or not, in respect of any of the risks to which this proposal for insurance relates?

Yes  No

Any matter which might otherwise affect the consideration of this proposal?

Yes  No

Has any application for similar insurance made on Your behalf or on behalf of any past or present Principal ever been declined, refused renewal, cancelled or accepted only on special terms?

Yes  No

**If YES to any of the above, please provide full details here:**

## Declaration

I, being a signatory to this form, declare that the information in this form, together with any other information, is a Fair Presentation. If the proposer is an organisation such as a company or Limited Liability Partnership, I make the declaration for and on behalf of the organisation (and I declare that I am duly authorised to do so).

If there is any material alteration to the facts and information which I have provided or any new material matter arises before the completion of the contract of insurance, I undertake to inform Underwriters.

Signed:

Printed Name:

Date:



**Specialist.  
Professional.  
Just like you.**

### What information do we collect?

To enable us to provide you with the right product or service to meet your needs (or to handle a claim) we will collect personal information which may include your name, telephone number, email address, postal address, occupation, date of birth, additional details of risks related to your enquiry or product and payment details (including bank account number and sort code).

We may need to request and collect sensitive personal information such as details of convictions or medical history for us to provide you with the product or service or to process a claim.

We only collect and process sensitive personal data where it is critical for the delivery of a product or service and without which the product or service cannot be provided. We will therefore not seek your explicit consent to process this information as it is required by us to provide the product or service you have requested and is legitimised by its criticality to the service provision. If you object to the processing of this information, then we will be unable to offer you that product or service. Where you have given consent for the processing of your data, you may withdraw that consent at any time.

Please note that typically we process data on the legal basis that it relates to a contract of insurance, or a contract to provide you with risk advice, so the right to erasure, which does not apply to personal information processed for a contractual purpose, will not be applicable in many instances.

However, we may also collect personal data for marketing purposes from publicly available sources or product development purposes where it is in our legitimate interests to do so.

To read our full Fair Processing Notice, visit [www.towergateinsurance.co.uk/fpn/fair-processing-notice-directory](http://www.towergateinsurance.co.uk/fpn/fair-processing-notice-directory).



## HERA INDEMNITY

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