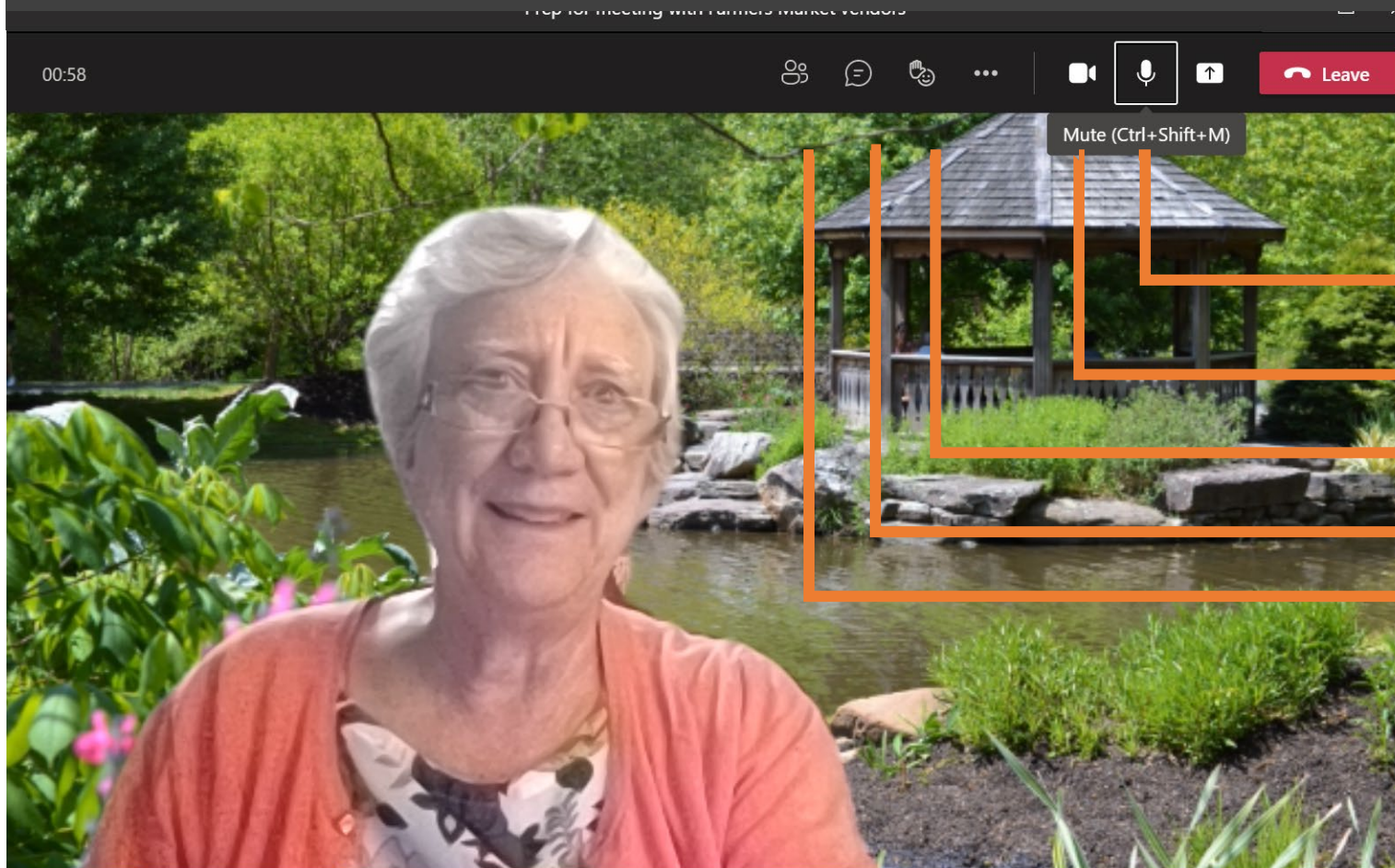


Insurance Requirements for Fairfax County Farmers Markets

April 15, 2021

Meeting via TEAMS

How to use TEAMS

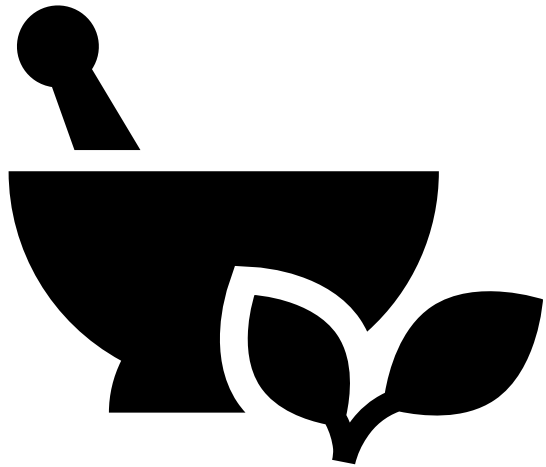


- Mute microphone
- Turn camera on or off
- Raise your hand
- Add a question to the chat
- Who is present

Agenda

- Housekeeping
 - Session will be recorded
 - Please mute
 - Add questions to the chat
- Introductions
- Insurance requirements
- Explanation of requirements
- What next
- Questions

Insurance is like medicine...



- Nobody wants to pay for it.
- No one understands it.
- Everyone is glad to have it when it is needed.

Protection
from financial
loss is in
everyone's
best interest



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- General liability for business and auto protects your financial assets
- Additional insured protects those with whom you do business
- Our job as public servants is to protect the assets of the county
- Your job is to protect the assets of your company/business

Why did the requirements change?



Official County documents are regularly reviewed for updates

*Some annually
Some every few years*



Who guides the review?

*County Risk Management
Office of County Attorney
Business partners with other agencies*



Review showed:

*Limits too low
Language inadequate
Vehicle coverage needed*

2021 Insurance Requirements

- Provide Certificate of Insurance (COI)
 - General liability
 - Vehicle liability
- General Liability minimum coverage: \$1,000,000 per occurrence/aggregate
- Auto requirements
- Additional insured updated text
- Certificate holder

Vehicle Insurance Requirements

- The Vendor agrees to maintain owned, non-owned, and hired Automobile Liability insurance indicated below, including property damage, covering all owned, non-owned, borrowed, leased, or rented vehicles operated by the Vendor.

Vehicle Class	Curb Weight	Max Coverage Requirement
Light-Duty Vehicle:	<6,000 lbs.	\$100,000
Medium-Duty Vehicle	6,001 –8,500 lbs.	\$500,000
Light Heavy-Duty Vehicle	8,501 –26,000 lbs.	\$750,000
Heavy-Duty Vehicle (CDL required)	>26,001 lbs.	\$1,000,000

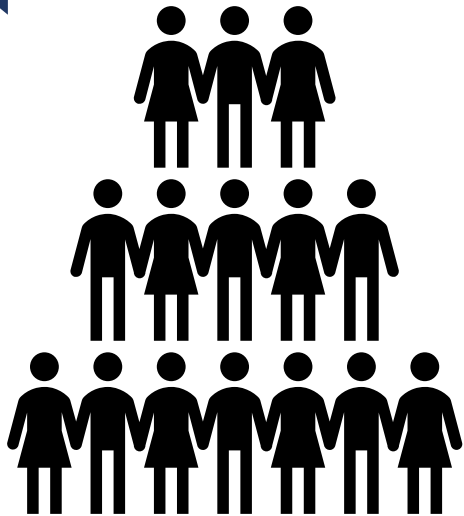
Understanding the Additional Insured Text

“The Fairfax County Park Authority and the County of Fairfax, their officers, employees and volunteers are included as an additional insured with respects to the Liability Policies as required by written contract. Insurance provided is primary and non-contributory with respect to the liability policies as required by written contract. The certificate holder will receive 30 days’ notice of cancelation for any reason except non-payment of premium. Waiver of subrogation applies as per policy language.”

Additional Insured Text has four important components

- The Fairfax County Park Authority and the County of Fairfax, their officers, employees and volunteers
- Insurance provided is primary and non-contributory with respect to the liability policies as required by written contract.
- The certificate holder will receive 30 days' notice of cancellation for any reason except non-payment of premium.
- Waiver of subrogation applies as per policy language.

The Fairfax County Park Authority and the County of Fairfax, their officers, employees and volunteers



- Two separate legal entities
 - Fairfax County Park Authority (FCPA)
 - Fairfax County (FFX)
- FCPA and FFX have financial resources and functions carried out by people
- The people, officers, employees and volunteers could be sued individually, even as representatives of the organizations
- This statement protects the organizations and the people

Insurance provided is primary and non-contributory with respect to the liability policies as required by written contract.

- Primary means: The vendor's insurance responds first
- Non-contributory means: The additional insured doesn't pay for or contribute to the claim
- As required by written contract means: the contract the vendor signed to participate in the market
- WHY are these needed? To show who pays first and who isn't responsible for paying claims.
- This avoids the county going after a vendor for part of a claim that would otherwise not be covered by the vendor's insurance.

The certificate holder will receive 30 days' notice of cancellation for any reason except non-payment of premium.

- Certificate holder is Green Spring Gardens
- GSG isn't always alerted when policies expire. Vendors are responsible for knowing.
- WHY do we need this language? Trust but verify.
- We are doing our due diligence to protect the county's assets.

Waiver of subrogation applies as per policy language.

- Waiver of subrogation means:
 - The Vendor's insurance company cannot ask the County to pay the insurance company back for any claims it paid on behalf of the vendor
 - In simple terms: your insurance company can't sue my insurance company to recover its claims payments
- As per policy language means: we need to read the policy itself for the policy details.

How many COIs do you need?

- One COI, if your insurance agent handles **both** your general liability and auto insurance (and umbrella, if needed)
- Two COIs, if you have one agent for general liability and one agent for vehicles
- The additional insured language must appear on all COIs

\$1 Million per occurrence/aggregate

- These are standard minimum requirements for all county contracts
- These limits are an insurance industry best practice
- Refer to the vehicle insurance table for minimums
- The minimum may include coverage provided by an umbrella policy
- Higher limits protect the vendor's personal assets
- This should not significantly increase the cost of a premium

Risk Management's efforts



Reviewed the language with experts. The language is also considered a best practice within the insurance industry when requesting Additional Insured status on coverage.



Discussed the requirement with many agents; majority could provide it.



VA Farm Bureau is reviewing the requirement



Providers have offered the Additional Insured at no cost or low monthly fee, <\$50/month. This is only required by us for the months vendors are in the market.

Helping Vendors meet the requirements

- Delay the due date to meet **all** insurance requirements to be in the market to June 23, 2021 (10 weeks)
- Interim requirements to meet NOW:
 - COIs on file
 - Minimum liability, \$1M/aggregate/occurrence
 - Minimal additional insured language:

The Fairfax County Park Authority and the County of Fairfax, their officers, employees and volunteers are included as an additional insured with respects to the Liability Policies as required by written contract.

- We are researching various means of funding or grant support
- Risk Management will continue to work with vendors to help understand the issues



Completing the requirement by June 23

- FFX and FCPA cannot recommend or name insurance providers
- A search on Farmers Market insurance or Small Business insurance should reveal a source of companies
- Several vendors have submitted COIs with the proper language

Resources

- Sample language (uploaded into FarmSpread)
- Sample COIs (uploaded into FarmSpread)
- Virginia Tech and Cooperative Extension Service publication, Managing Liability for Agri-tourism and Direct Marketing, https://www.pubs.ext.vt.edu/content/dam/pubs_ext_vt_edu/CV/CV-25/CV-25-PDF.pdf
- Grants for small businesses:
 - VA 30 Day Fund [Home - VA 30 Day Fund](#), provides forgivable loans up to \$3,000 to small businesses in need.
 - RISE Grants [COVID-19 Small Business and Nonprofit Relief Grant Fund | Economic Success \(fairfaxcounty.gov\)](#)



Fairfax County Farmers Markets Insurance Requirements

Updated 2021

All participating vendors at Fairfax County Farmers Markets are required to purchase Commercial General Liability insurance coverage. A current copy of the insurance certificate **must always be on file with the farmers market coordinator**. If your policy expires mid-season you must resubmit your insurance information upon renewal. Insurance paperwork will remain on file until expiration. If you attend multiple Fairfax County Farmers Markets, only one certificate is required. We highly recommend you give a copy of these requirements directly to your agent.

Insurance Guidelines

Minimum Amount Required Commercial General Liability (Limits): Each Occurrence/Aggregate – \$1,000,000
The Vendor agrees to maintain Commercial General Liability insurance in the amount of \$1,000,000 per occurrence/aggregate, to protect the Vendor, its sub-Vendors, and the interest of the County, its officers, employees and agents against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation under the Contract or in connection with the contracted work.

Automobile Liability insurance: The Vendor agrees to maintain owned, non-owned, and hired Automobile Liability insurance indicated below, including property damage, covering all owned, non-owned, borrowed, leased, or rented vehicles operated by the Vendor. Minimum limits are as follows:

Vehicle Class	Curb Weight Max	Coverage Requirement
Light-Duty Vehicle:	<6,000 lbs.	\$100,000
Medium-Duty Vehicle	6,001 – 8,500 lbs.	\$500,000
Light Heavy-Duty Vehicle	8,501 – 26,000 lbs.	\$750,000
Heavy-Duty Vehicle (CDL required)	>26,001 lbs.	\$1,000,000

Description of Operations/Locations/Vehicles (Additionally Insured):

"The Fairfax County Park Authority and the County of Fairfax, their officers, employees and volunteers are included as an additional insured with respects to the Liability Policies as required by written contract. Insurance provided is primary and non-contributory with respect to the liability policies as required by written contract. The certificate holder will receive 30 days' notice of cancellation for any reason except non-payment of premium. Waiver of subrogation applies as per policy language."

****PLEASE NOTE -- we cannot accept an insurance certificate unless this exact additionally insured line is added. Please present this contract to your insurance agent to ensure they are able to provide the additionally insured coverage****

Certificate Holder (Farmers Market Coordinator)

Green Spring Gardens, 4603 Green Spring Road, Alexandria, VA 22312

Please upload a copy of your Insurance Certificate to your Farmspread vendor application. If necessary, you can also email or fax a copy directly to the Farmers Market Coordinator. Fax (703)653-6605. **All Vendor paperwork must be on file or risk being denied a space in the market.** Please contact our office if you are having trouble adding the additionally insured line to your insurance certificate.

Contact the Community Horticulture Supervisor with questions.

Community Horticulture Supervisor
Pamela H. Smith
Pamela_Smith2@fairfaxcounty.gov
703-642-0128

www.fairfaxcounty.gov/parks/farmersmarkets

Contact the Fairfax County Risk Management team regarding additionally insured wording.

Risk Manager
Randy F. Jouben
Randy.Jouben@fairfaxcounty.gov
703-324-3599



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/07/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: IF THE CERTIFICATE HOLDER IS AN ADDITIONAL INSURED, THE POLICY(IES) MUST HAVE ADDITIONAL INSURED PROVISIONS OR BE ENDORSED. IF SUBROGATION IS WAIVED, SUBJECT TO THE TERMS AND CONDITIONS OF THE POLICY, CERTAIN POLICIES MAY REQUIRE AN ENDORSEMENT. A STATEMENT ON THIS CERTIFICATE DOES NOT CONFER RIGHTS TO THE CERTIFICATE HOLDER IN LIEU OF SUCH ENDORSEMENT(S).

PRODUCER [Redacted]	CONTACT NAME PHONE NO. FAX NO. EMAIL ADDRESS [Redacted]
ALEXANDRIA VA 22304-7206	INSURER B: Progressive Insurance Co 30620
INSURED Fairfax VA 22032	INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

LINE	TYPE OF INSURANCE	ADDITIONAL INSURED	POLICY NUMBER	POLICY EFF. DATE	POLICY EXP. DATE	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	X X	CL1921744B	03/21/2021	03/21/2022	EACH OCCURRENCE \$ 2,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Per occurrence) \$ 100,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-FACT <input type="checkbox"/> LOC					MED EXP (Any one person) \$ 5,000
	OTHER:					PERSONAL & ADV INJURY \$ 2,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY	X X	03487945-0	04/07/2021	04/07/2022	GENERAL AGGREGATE \$ 3,000,000
	<input checked="" type="checkbox"/> ANY AUTO					PRODUCTS - COMPOP AGG \$ included
	<input checked="" type="checkbox"/> OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Per accident) \$ 500,000
	<input checked="" type="checkbox"/> RENTED AUTOS ONLY					BODILY INJURY (Per person) \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> EXCESS LIAB					PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> RETENTION \$					\$
	<input type="checkbox"/> CLAIMS-MADE					\$
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	N/A			E.L. EACH ACCIDENT \$
	<input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/ MEMBER EXCLUDED? (Mandatory in NH)					E.L. DISEASE - EA EMPLOYEE \$
	<input type="checkbox"/> If yes, describe the user					E.L. DISEASE - POLICY LIMIT \$
	<input type="checkbox"/> DESCRIPTION OF OPERATIONS BELOW					\$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The Fairfax County Park Authority and the County of Fairfax, their officers, employees and volunteers are included as an additional insured with respects to the Liability Policies as required by written contract. Insurance provided is primary and non-contributory with respect to the liability policies as required by written contract. The certificate holder will receive 30 days' notice of cancellation for any reason except non-payment of premium. Waiver of subrogation applies as per policy language

CERTIFICATE HOLDER Green Springs Gardens 4603 Green Spring Road Alexandria VA 22312	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE [Redacted]
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Managing Liability

- Publication from VCE



Managing Liability

Legal Liability in Agritourism and Direct Marketing Operations

Jesse J. Richardson Jr., Associate Professor,
Urban Affairs and Planning, Virginia Tech

Virginia
Cooperative
Extension

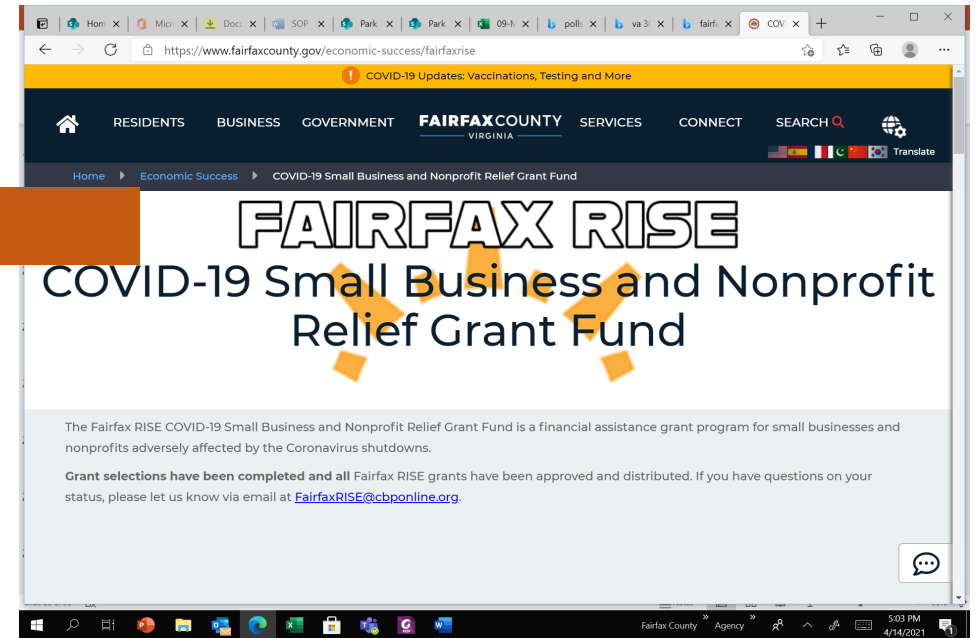


VirginiaTech
Invent the Future

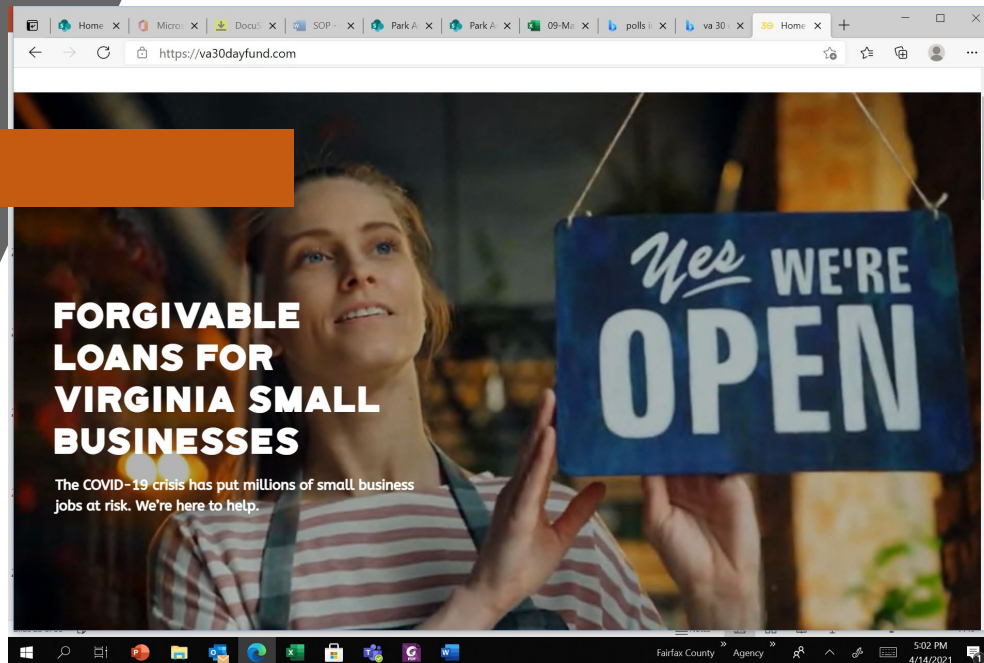


Grant opportunities

Fairfax Rise Grant



VA 30 Day Fund





Questions



Thank you!

- We are looking forward to working with you and serving our market customers
- For insurance questions, please email Randy Jouben,
randy.Jouben@fairfaxcounty.gov
- For all other market questions, please email Jessica Nassif:
jessica.nassif@fairfaxcounty.gov
- Or Kylie McLatchy:
Kylie.mclatchy@fairfaxcounty.gov