



Program endorsed by



ASSOCIATION OF CONSULTING  
ENGINEERING COMPANIES | CANADA



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Engineers Canada is the business name  
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# Guidelines

## For the Completion of Your Professional Liability Insurance Application Form Architects and Engineers in Private Practice

### THE FORM

Please ensure that you complete the application form to your particular requirement. There are seven types of application forms:

- Form 1 is for Consultants in Private Practice;
- Form 2 is for the Renewal of an existing policy;
- Small Firm is for Consultants in Private Practice where fees are less than \$500,000;
- Application for Single Project, Group or Joint Venture is for insurance for a specific project;
- Application for Individual Engineers and Architects is for personal coverage for individuals employed by other than consulting firms.
- Design-build application is for construction firms who undertake design/build projects.
- Project Managers application is for consultants solely providing project management services on construction projects.

All applications are available on our web site at [www.encon.ca](http://www.encon.ca).

**THESE GUIDELINES ARE DESIGNED SPECIFICALLY FOR USE WHEN COMPLETING FORM 1 AND FORM 2 APPLICATIONS.**

### THE APPLICANT (Q. 1)

The name or names you enter here will become the Named Insured(s) shown on the Declarations of the policy and will be the only entities for which coverage will be provided.

### FORMER FIRMS (Q. 5 Form 1)

The policy may be extended to provide coverage for your liability arising from former or predecessor firms, provided these firms are no longer active. If you require this coverage, please indicate the name of the firm(s) and the date(s) they ceased to operate.

### PERSONNEL (Q. 6 Form 1) (Q. 3 Form 2)

For the purpose of this question, "professional personnel" includes only registered architects and engineers; "technical personnel" includes draftsmen, field personnel and specification writers.

### LIMITS AND DEDUCTIBLES (Q. 11 Form 1) (Q. 5 Form 2)

The policy shows two limits. One is a per claim limit and the other is an aggregate limit which is the maximum amount payable by the Insurer in any one year. Policies with per claim limits of \$250,000 and \$500,000 have annual aggregate limits of twice these amounts respectively. For limits of \$1,000,000 or more, the per claim annual aggregate limits are the same limits, up to \$25,000,000 are available.

The limit is the amount of insurance protection which the policy will afford. When deciding what limit is appropriate for your firm, it may be appropriate to consider:

- the nature of the services your firm provides and their relative importance to projects;
- the size and type of projects with which your firm is involved;
- insurance requirements placed upon your firm by current and prospective clients; and
- any legislated insurance requirements present in the jurisdictions in which you practice.

You are encouraged to discuss appropriate limits with your insurance broker.

The minimum deductible is \$2,000. Choosing a higher deductible will reduce the cost of insurance. It is important to keep in mind that, in most circumstances, the policy will provide "first dollar defence" coverage whereby the Insured will be required to pay the deductible only if the Insurer pays damages on a claim. The deductible does not apply to costs incurred by the Insurer for the investigation and defence of claims. The deductible should be an amount which your firm is financially capable of absorbing.

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**FEES**  
(Q. 13 Form 1)  
(Q. 6 Form 2)

Gross fees include all fees received by the applicant in a 12 month period including those subsequently paid to subconsultants. However, they **DO NOT INCLUDE** amounts billed to your clients as “disbursements” such as traveling, hotel costs, etc. or GST. If the firm has received non-monetary compensation in lieu of fees, please provide details. You may report fees on the basis of calendar or fiscal year, but should be consistent in doing so on successive years’ applications.

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**TOTAL CONSTRUCTION VALUE**  
(Q. 14 Form 1)  
(Q. 7 Form 2)

Only show an approximate figure reflecting the amount of construction value for which you have rendered professional services during the course of the year.

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**DESIGN/BUILD**  
(Q. 17, 18, 19 Form 1)  
(Q. 10, 11, 12 Form 2)

If the answer to any of these three questions is in the affirmative, the applicant is requested to provide a full description of activities which are not of a traditional consulting nature.

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**SIGNATURE**

It is essential that the application be signed and dated by an authorized representative of the applicant.

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**USEFUL TIPS**

You can reduce the cost of your professional liability insurance coverage by providing the Insurer with additional information which you feel reduces your exposure to claims. If some of the gross fees you have reported were billed for a project which has been cancelled and will in no event be constructed, this should be indicated. You may also wish to send the Insurer copies of contracts with your clients wherein you were successful in limiting your liability.

Professional liability insurance covers your liability at law and excludes liability assumed contractually by the Insured beyond that imposed by law. If you are insured with the program, ENCON provides a contract review service and encourages Insureds to submit contracts for comments whenever there is any doubt that the contract wording may jeopardize the Insured’s coverage.

ENCON and the Insurers also provide a **TOLL FREE HELPLINE** (1-800-267-6684) service to Insureds. This allows for prompt consideration of questions relating to contractual matters and early attention to situations in which an Insured is seeking advice regarding the handling of disputes or potential claims.

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**PROGRAM FEATURES**

**POLLUTION** - The professional liability insurance policy does not contain an exclusion for claims arising from pollution risks. A supplementary ENCON application for pollution liability must be submitted with your completed application.

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**SMALL FIRM**

If your firm generates fee income of \$300,000 or less annually, you may qualify for ENCON’s Small Firm Program which provides coverage at reduced premiums. Please contact your broker for details.

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**IMPORTANT**

This document is provided for the purpose of assisting you in the preparation of an application for insurance. It does not constitute any form of insurance. Should you proceed to purchase coverage, the insurance provided will be strictly in accordance with the terms and conditions of your policy.

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