



**IRMI**<sup>®</sup>

**Preconference Workshop 1**

***WRAP-UPS:  
COVERAGE AND ADMINISTRATION  
CONSIDERATIONS***

Presented by

**Christopher T. Smith  
National CCIP Technical Director  
Turner Construction Company**

***Monday, November 8, 9 a.m.–noon and 1:30–4:30 p.m.***



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**Christopher T. Smith**  
**National CCIP Technical Director**  
**Turner Construction Company**

Mr. Smith is a copresenter for Monday's Preconference Workshop 1, "Wrap-Up Documents: Read before You Sign." He is national CCIP technical director for Turner Construction Company in Woodcliff Lake, New Jersey. He has worked in insurance for 14 years and exclusively in underwriting and risk management of construction and wrap-up accounts for the last 11. Over the past 3 years at Turner Construction he has held positions as insurance manager and national CCIP technical director, where he has combined his underwriting skills acquired during his tenure at Liberty Mutual with those of risk management while working for Turner Construction. As the national CCIP technical director he has seen Turner Construction's rolling CCIP program grow to be one of the largest programs in the country. In this position he is also responsible for business unit support in reviewing all owner controlled insurance programs and assists in facilitating project-specific placements. As a portfolio and account underwriter with Liberty Mutual he underwrote some of the largest construction accounts in the country. In addition to his work with CCIPs, some with construction volumes in excess of \$250 million, he was also instrumental in helping to put together cohesive rolling wrap-up programs for several Fortune 500 companies. His experience includes extensive knowledge of all types of risk management programs including risk financing, insurance coverage, CCIP administration, claim management, and contractor operations.

## ***Notes***

This file is set up for duplexed printing. Therefore, there are pages that are intentionally left blank. If you print this file, we suggest that you set your printer to duplex.

# **WRAP-UPS: COVERAGE AND ADMINISTRATION CONSIDERATIONS**

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***Christopher T. Smith  
Turner Construction Company***

This section will provide information about insurance coverage and potential coverage gaps provided by the various wrap-up programs. It will also discuss various administrative requirements that may result in additional administrative costs as a result of enrollment in a program. This section will address portions of contract language and CIP manuals related to insurance coverage and program administration.

**1. Contract and CIP Manual**

These are the two most important documents a contractor/subcontractor needs to review. This section will review why these documents are important to understand and what should be considered when reviewing them.

**2. Eligibility Requirements**

Will discuss the following:

Who will be included and excluded from the wrap-up program?

Are there volume or payroll requirements?

What are the certificate of insurance requirements and can you and your subcontractors meet them?

**3. Which Employees are Covered?**

The section will discuss the difference between on- and off-site coverage and how it relates to coverage for your employees.

**4. Program Coverage Review**

The section will review the key items any contractor should be looking at when reviewing the insurance coverage included under a wrap-up.

Are you properly insured under the wrap-up?

Are there sufficient limits?

Are there deductible considerations?

Will your corporate policy cover on a differences in conditions (DIC) basis?

## **5. Completed Operations Exposure**

This section will define the completed operations exposure. Particular attention will be paid to how the wrap-up completed operations exposure affects a contractor's/sub-contractors corporate insurance coverage.

## **6. Program Termination Provisions**

This section will discuss how project termination can affect a contractor's corporate insurance coverage.

## **7. Wrap-up Administration**

This section will discuss the need to understand and clarify the roles that the broker/contractor/subcontractor will follow with regard to CIP administration. Particular attention will be paid to the following wrap-up activities:

- Bid Documents
- Payroll Reporting
- Tracking Certificates of Insurance
- Safety Requirements
- Claim Requirements including reporting and return to work programs
- Close out documents

## **8. Checklist Review**

This section will review the checklist and discuss any remaining items.

Time will also be allowed for questions from the audience.

# **WRAP-UPS: COVERAGE AND ADMINISTRATION CONSIDERATIONS**

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*Christopher T. Smith  
Turner Construction Company*

## Agenda

- I. Overview
- II. Participation/Eligibility
- III. Wrap-Up Coverage
- IV. Rules, Responsibilities & Procedures
- V. Bid Considerations

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## What Should You Expect From A Wrap-Up?

- Clear Information & Direction
- Cost Neutral
- Enhanced Coverage
- Clear Administrative Responsibilities
- Effective Safety Measures
- Effective Medical Treatment

## Typical Wrap-Up Documents

- Instructions to Bidders/Invitation to Bid
- Proposal Form
- Contract Documents, Addendums and/or Attachments
- Wrap-Up Manual
- Frequently Asked Questions Handout
- Other-Notice of Award Letter, etc.

## Wrap-Up Document Review

Basis for Understanding Program:

- Bid Procedures
- Insurance Coverage under Program
- Rules, Responsibilities & Procedures

- I. Overview
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## Participation/Eligibility Requirements

- Mandatory Participation
- Eligibility
  - Contract Value
  - Duration of Contract
- Excluded Subcontractors/Vendors
  - Fabricators
- Lower tier subcontractors

## Participation/Eligibility Requirements

- Office/clerical
- Field supervision
- Corporate employees
- Drivers, delivery employees
- Shop/fabrication employees
- Sole proprietors (Lower Tier Contractors?)

- I. Overview
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## Do You Have A Copy Of The Wrap-Up Policies?

- Necessary to truly understand coverage
- Keep for files
  - ✓ May be needed for future claims

## Does The Wrap-Up Have Enough Limits?

- Since limits are shared by every subcontractor, higher liability limits are required
- Typical Guidelines
  - 1) Limits at least equal to the construction volume of the project
  - 2) Limits at least equal to 2M for every subcontractor enrolled

## Are The Wrap-Up Limits Project-Specific?

- Sharing limits with other projects can limit the total amount of overall coverage for the program
  - ✓ Find out what other projects are included in the wrap-up
  - ✓ Stage of construction
  - ✓ Construction type

## Are The Wrap-Up Limits Reinstated Annually?

- Reinstating limits assures that claims from prior periods do not erode coverage
  - ✓ You don't "enroll" into a project that already has reduced limits
  - ✓ Equates to the same amount of coverage you would see with traditional insurance since traditional insurance is renewed annually

## A- XII Rated Insurance Companies?

- Insurance companies that are highly rated means that you will be supported throughout the life of the project
  - ✓ What happens if the insurance companies' rating falls below an A-?
  - ✓ What is the insurance companies' experience with wrap-ups?

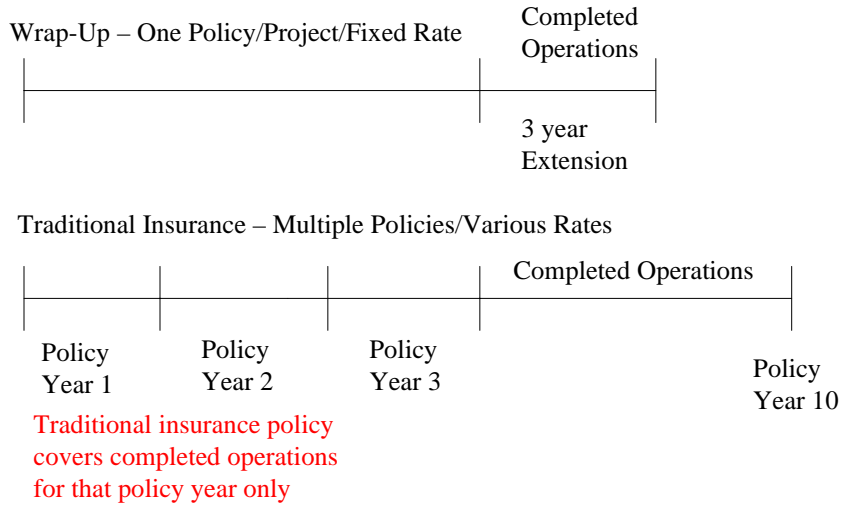
## Start and End Dates?

- Will you have coverage for the entire period of work?
  - ✓ What happens if the project is delayed?
  - ✓ Many sponsors will terminate wrap-up coverage to Certificate of Occupancy
    - ❖ Make sure your traditional insurance picks up after termination
  - ✓ Some wrap-ups are renewed annually
    - ❖ Constant communication/flexibility needed in order to maintain proper coverage

## Completed Operations Extension?

- How long will the policy remain active?
  - ✓ Proper risk assessment depends on individual state statute of repose, and:
  - ✓ Individual state legal environment
  - ✓ How does my insurance carrier treat completed operations claims?

## Completed Operations Illustration Traditional vs. Wrap-Up



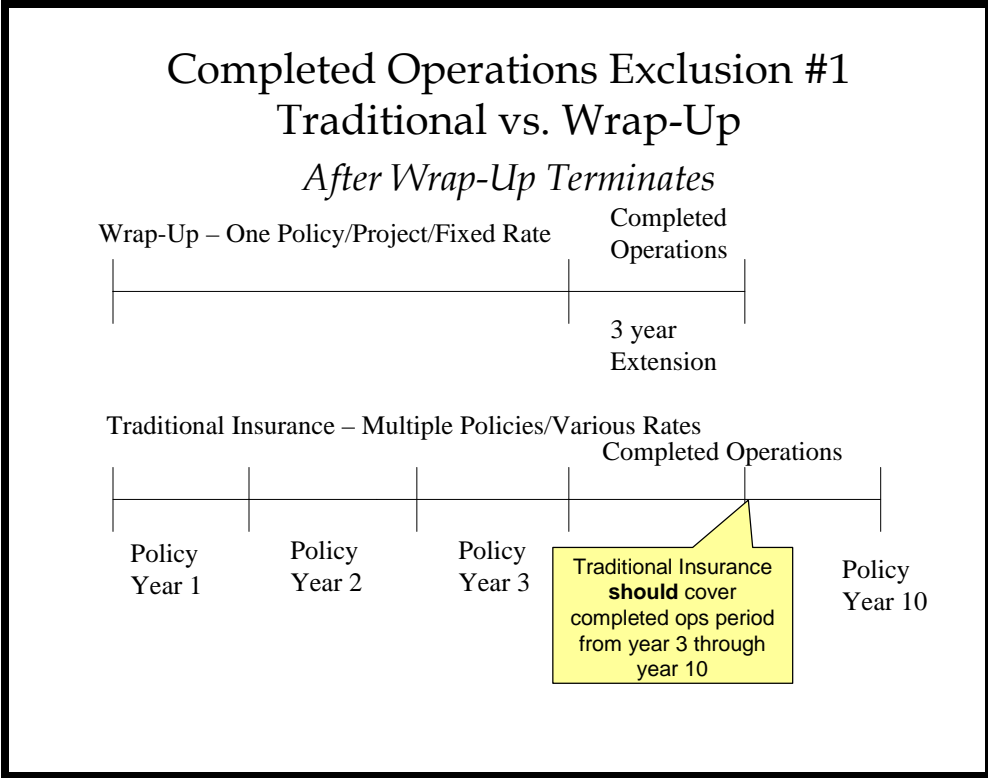
## Completed Operations – Potential Coverage Gap

- Does your Traditional GL policy include a wrap-up exclusion endorsement?
  - ✓ Does the endorsement(s) exclude each wrap-up project by name?
  - ✓ What happens when the wrap-up coverage is no longer valid?

## Wrap-Up Exclusion Endorsement #1

➤ “This insurance does not apply to ‘bodily injury’ or ‘property damage’ arising out of either your ongoing operations or operations included in the ‘products-completed operations hazard’ ....as a consolidated insurance program has been provided.”

✓ **After the completed operations extension period has ended, the wrap-up is no longer in place?**

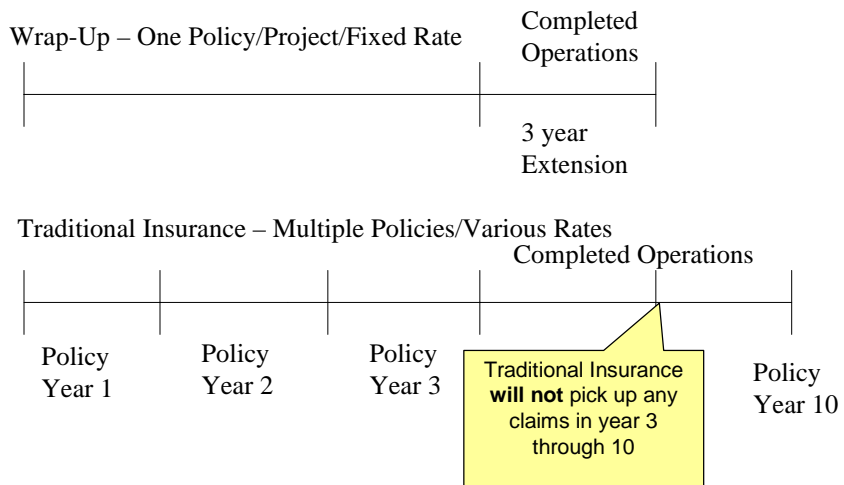


## Wrap-Up Exclusion Endorsement #2

➤ “This insurance does not apply to ‘bodily injury’ or ‘property damage’ arising out of any wrap-up that you are or ever were involved in.”

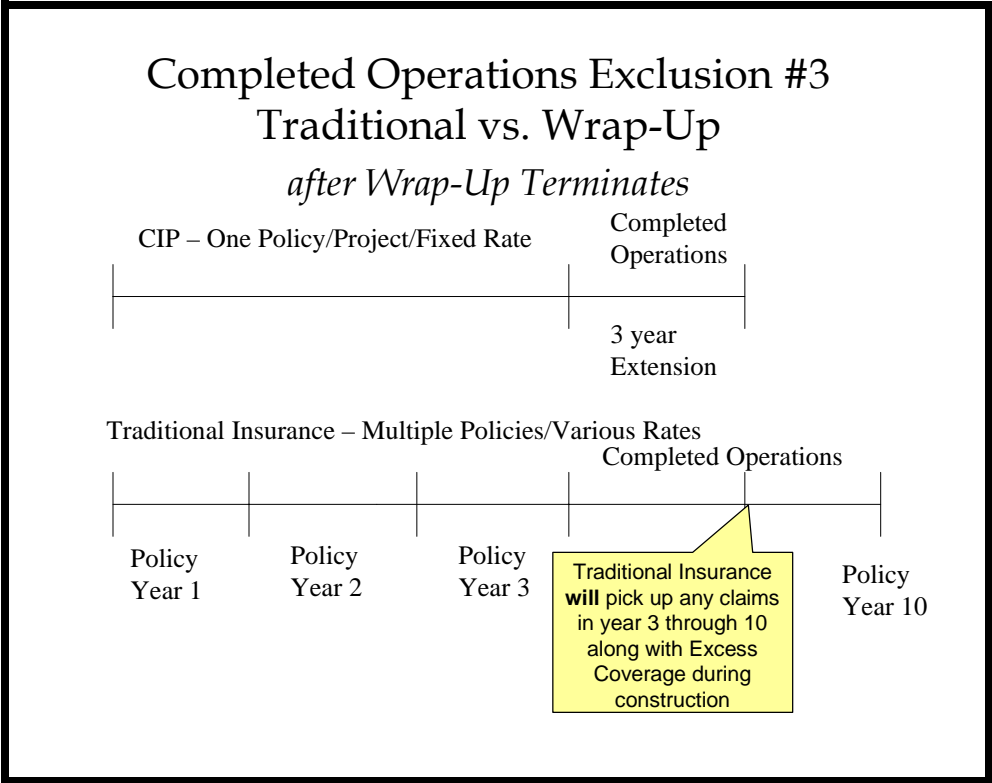
✓ **No coverage will ever be provided with this endorsement**

## Completed Operations Exclusion #2 Traditional vs. Wrap-Up *after Wrap-Up Terminates*



### Wrap-Up Exclusion Endorsement #3

- “This insurance is excess to a ‘wrap-up insurance program’ in which you are, were, or became a participant”
  - ✓ Best coverage possible
  - ✓ Can be underwritten by insurance company
  - ✓ Provides coverage on a DIC basis



- I. Overview
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Wrap-Up Endorsements
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### Designated Workplace Endorsement

- Does it cover all of the areas of work under contract?
  - ✓ Are there specific lay down areas?
  - ✓ Staging facilities?

### Sole Agent/Premium Determination Endorsement

- Endorsement that assigns premiums, losses, cancellations to Wrap-Up Sponsor
  - ✓ Protects contractor from being held responsible for paying premiums or losses

## Knowledge and Notice of Occurrence

- Endorsement that states that knowledge of an occurrence by an employee of an insured shall not constitute knowledge of the insured unless the Risk Manager is notified.

## Unintentional Failure to Disclose

- Endorsement that protects you the insured from being denied coverage from a claim that occurs from an undisclosed hazard.

## Blanket Waiver of Subrogation

- Endorsement that allows for blanket Waiver of Subrogation as long as it is in writing

## Blanket Additional Insured

- Endorsement that allows for blanket Additional Insured Coverage as long as it is in writing.

## Typical Wrap-Up Exclusion Endorsements

- **Asbestos and Nuclear**
- **EIFS**
- **Architects & Engineers E&O**
- **Pollution except Hostile Fire**
- **Property in Care, Custody and Control**
- **Automobile Liability**
- **Off-Site Exposures**

## Wrap-Up Deductibles

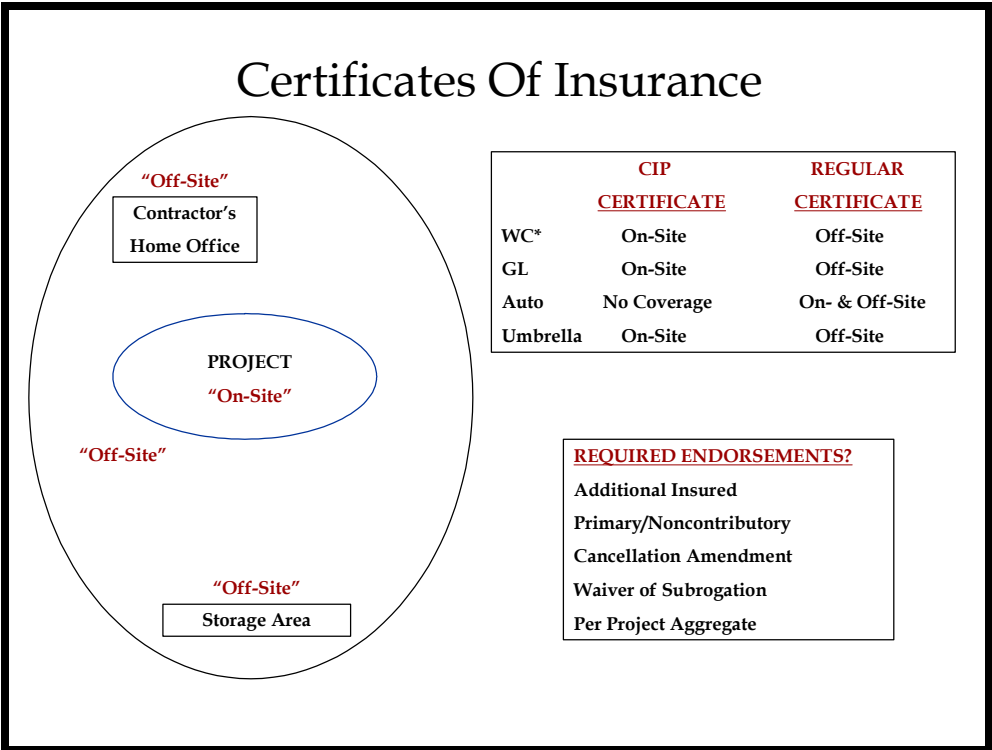
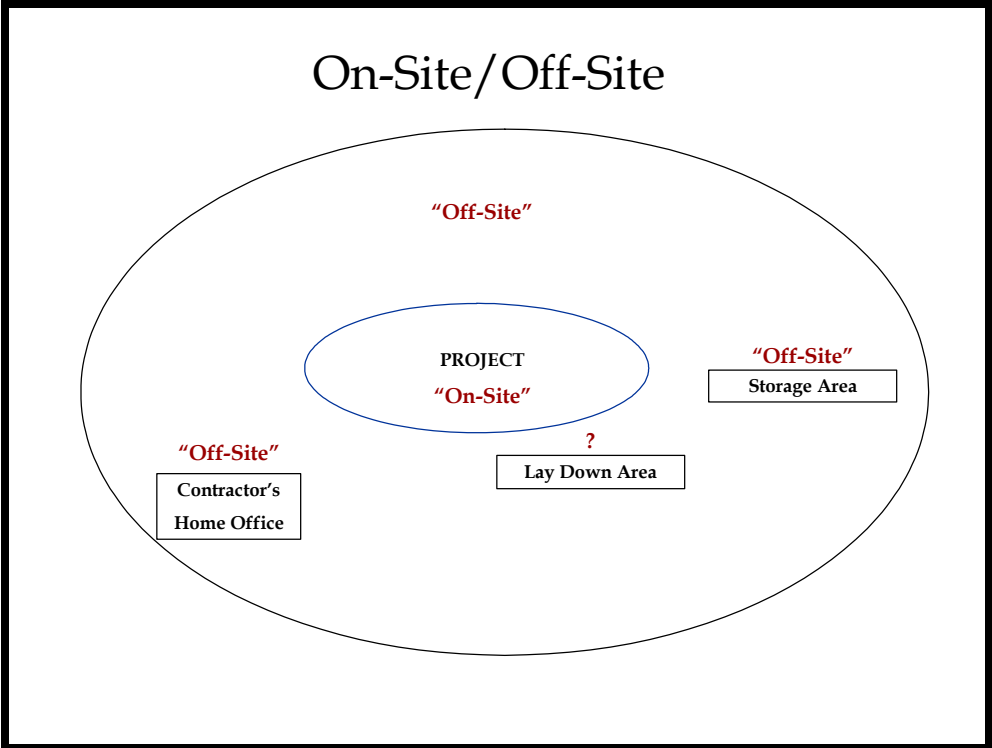
- Are there any applicable deductibles in the program?
  - General Liability Deductible:
  - Builders Risk Deductible:
- How do deductibles compare to your program?
- Do you need to make any adjustments to your bid to compensate for increased deductibles?
- Who decides on the applicability of program deductibles?



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& Procedures
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## Coverage Provided By Enrolled Contractor

- Coverage for Off-Site Exposures  
including
  1. Workers' Compensation
  2. General Liability
- Automobile Liability
  - ✓ **Confirm that requirements match your own  
corporate coverage**



## Enrolled Contractor Responsibilities

- Follow Procedures for Bid Calculations
  - ✓ Are the directions clear?
- Supply Wrap-Up Manual, etc., to Sub-tiers
  - ✓ Incorporate wrap-up language into all subcontracts
- **Submit Wrap-Up Documents Timely**
  - ✓ Payrolls, COI's
- **Follow Claim Procedures**

## Enrolled Contractor Responsibilities

- Closeout Procedures
  - ✓ Will the insurance company audit payrolls?
  - ✓ Will the Sponsor make an adjustment?

- I. Overview
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- IV. Rules, Responsibilities  
& Procedures  
Claims & Safety  
Requirements
- V. Bid Considerations

## Claim Reporting Procedures

- Are they Clear and Concise?
  - ✓ Claim Forms?
  - ✓ Contacts?
  - ✓ 1-800 Reporting?
  - ✓ Access to Loss Information?
  - ✓ Return to Work Program?

## Safety Requirements

- Are they Clear and Concise?
  - ✓ Exceed OSHA standards?
  - ✓ What resources will be provided?
  - ✓ Full-time site safety requirements?

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- Make sure documents are reviewed before a commitment is made
- Familiarize yourself with the bidding requirements
- Understand insurance coverages – both wrap and your own corporate insurance
- Understand the administrative responsibilities

## Disclaimer, etc.

*Each wrap up project is unique with differing jurisdictions and program participants. The information provided by this presentation is to be used as a reference only. This presentation contains samples of contract language used in wrap ups. Some of the language samples provided are samples of inadequate or confusing language to illustrate the need for clear and concise language. All contract language utilized in connection with a wrap up insurance program should be carefully reviewed by and approved by a qualified attorney before use. In consideration of the above, it shall be understood by the recipient that the author(s) and/or publisher(s) of this information are not providing any legal or accounting advice and are not responsible or liable for any damages due to any reliance of the information contained in this presentation. Additionally, this presentation is a tool to be used to stimulate discussion with your broker or customers. This presentation does not identify or intend to identify all possible coverage gaps and problems that may be encountered as a result of participation in a wrap-up program.*

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## Wrap-Up Pre-Bid Checklist

Project Name:	Wrap-Up Sponsor:
Owner:	Wrap-Up Administrator:
GC/CM:	Project Start Date:

**1) Do you have copies of any or all of the documents below that may be needed to for you to thoroughly review the Wrap-Up program?**

*May be available before bidding*

- INVITATION TO BID—Instructions to bidders, information from pre-bid meetings, FAQ Documents, etc.
- PROPOSAL FORM—Proposal form to be used for bidding. (May be found with specifications.)
- OWNER CONTRACT—Owner to GC or CM contract (often incorporated by reference)
- SUBCONTRACT AGREEMENT—GC or CM subcontract agreement
- SUB-SUBCONTRACT AGREEMENT OR PURCHASE ORDER—YOUR subcontract agreement or purchase order
- CONTRACT ADDENDUMS
- PROJECT INSURANCE MANUAL—Wrap-Up Manual/Handbook
- SAFETY AND/OR CLAIM MANUAL
- PROJECT INSURANCE POLICIES

*May be available after bidding*

- Other—Notice of Award Letter, Letters from Wrap-Up Administrator, etc.

**2) Participation/Eligibility Questions. Any “Uncertain” responses should be addressed to the Wrap-Up broker/administrator or your own agent/broker.**

Yes	No	Uncertain	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are you contractually required to participate in the Wrap-Up?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there eligibility requirements that apply to you or your subs? (contract value?, payroll amounts?, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are certain trades specifically excluded from the Wrap-Up? If yes, does this affect you or your subcontractors?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If you will be using subcontractors, have you been notified them about the Wrap-Up?

**3) How are you supposed to prepare your bid? Only one will apply. If uncertain, contact the Wrap-Up broker/administrator**

- The base bid should not include insurance. No insurance cost identification required.
- The base bid does not include insurance. The insurance cost that you removed from the bid is identified with your bid in either the proposal form or elsewhere.
- The base bid does not include insurance. An add alternate is required on the proposal form or with the bid to represent the cost to add insurance back into the bid if the Wrap-Up does not apply.
- The base bid should include your cost of insurance and you must provide a deduct alternate for the insurance cost to be deducted from your bid if you are enrolled in the Wrap-Up.
- Other method. Describe:

**4) What kind of additional documentation is required with your bid documents (or later) to support your ins. Cost/Credit estimate? If uncertain, contact the Wrap-Up Broker/Administrator.**

- None
- Insurance cost calculation worksheet (WORKSHEET)
- Workers' compensation rates from policy page & premium calculation policy page
- General liability rates and premium calculation from policy page
- Umbrella rate documentation/flat or adjustable
- Labor wage rate
- Schedule of values
- Other

**5) How are your Change Orders for the contract to be quoted? Only one will apply.**

- To include insurance
- To exclude insurance
- To exclude insurance and identify estimated associated payroll or submit form

*Note: If change orders are to be quoted net and the Wrap-Up is adjustable, there must be a tracking mechanism in place so you are not overcharged at close out if the Wrap-Up is "adjustable."*

**6) Is the Insurance Cost/Credit submitted with your bid subject to further adjustment (aka: Close out calculation)? If so, how:**

- Recalculated using reported payroll for each applicable class code(s) with rate(s) submitted with original bid
- Composite Payroll Rate per \$1 OR \$100 of payroll (*Insurance Cost/Credit divided by Payroll*)  $\$30,000/\$200,000 = .15$  Composite Rate OR (*Insurance Cost/Credit divided by Payroll times 100*)  $\$30,000/\$200,000 \times 100 = \$15.00$  Composite Rate
- Composite Work Hour Rate (*Insurance Cost/Credit divided by work hours*)  $\$30,000/12,000 = \$2.50$  per hour

- Composite Contract Value Rate (*Insurance Cost/Credit divided by Contract Value = Rate*)
- Rate assigned by Wrap-Up
- Other method

**7) How are your Subcontractor’s “Adjustments” (Close out calculations) calculated?**

- Their premium is recalculated using each of their applicable class codes and rates.
- They have a separate composite rate
- Their adjustment is based on my composite rate
- There is a flat percentage applied to either their payroll or contract value (*i.e. 3.5% of Contract Val.*)
- Other

**8) Additional Questions/Considerations about your bid preparation. Any “Uncertain” responses should be addressed with the Wrap-Up Broker/Administrator or your own agent/broker.**

Yes	No	Uncertain	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Should <u>your</u> subcontractor insurance costs be included in your bid?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are you responsible for the “Adjustments” due from your subcontractors?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will you and any of your subcontractors, if applicable, be subject to a general liability deductible? If yes, what is the amount? \$_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there any safety requirements over and above your regular program? If yes, will these add to the cost of your bid? (Over and above OSHA, fines, mandatory attendance at meetings, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there any claim requirements over and above your regular program (i.e. Return to Work programs)? If yes, will these add to the cost of your bid?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will you be able to get a credit from your regular insurance company(ies) for your participation in the Wrap-Up?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do you know how much payroll you will have onsite and off-site? (Reminder- only onsite payroll should apply to your Wrap-Up insurance Cost/Credit.)

**9) Questions/Considerations about Wrap-Up insurance coverage. Any “Uncertain” responses should be addressed to the Wrap-Up broker/administrator or your own agent/broker.**

Yes	No	Uncertain	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do you have a copy of the general liability and excess liability policy(ies)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If you don’t have a copy of the policies, do the manual or other contract documents clearly spell out what coverage is provided by the Wrap-Up?

<b>Yes</b>	<b>No</b>	<b>Uncertain</b>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the general liability/excess liability limit of coverage at least equal the total construction volume of the project?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are the limits of the Wrap-Up project specific?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the general liability limits reinstate annually?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the policy written by an insurance company with a Best rating of A- or higher and licensed to do business in the state where the work is performed?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Can you determine what will be the start date and end date of your coverage under the Wrap-Up?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the general liability limits extend for at least three years beyond the termination of the project?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will all of the policies be in place for the entire duration of the work?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there a premium determination endorsement that clarifies that the sponsor is responsible for all premium payments and losses?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	What is the completed operations extension period? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do you have excess Wrap-Up coverage under your own insurance policies that will cover claims that extend beyond the completed operations extension period?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the Wrap-Up program provide coverage for losses "emanating" from the project site?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the Wrap-Up documents clearly spell out what insurance coverages are not provided by the Wrap-Up?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there any coverage exclusions in any of the policies/coverage provided by the Wrap-Up program that <i>are</i> covered under your own insurance policies? If yes, you should consider this when you prepare your bid.

**Notes about coverage:**

**10) Questions/Considerations about rules, responsibilities and procedures mandated by the Wrap-Up documents (Manual, Contract Documents, etc.)**

**Any "No" or "Uncertain" responses should be addressed with the Wrap-Up broker/administrator or your own agent/broker.**

<b>Yes</b>	<b>No</b>	<b>Uncertain</b>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the Wrap-Up documents clearly spell out what services will be provided by the Wrap-Up Administrator?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the documents clearly spell out the responsibilities of the Subcontractor/Wrap-Up Participant?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the documents clearly spell out the claim reporting and handling responsibilities and procedures?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the documents clearly spell out Safety responsibilities and procedures for the project?

<b>Yes</b>	<b>No</b>	<b>Uncertain</b>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the documents provide insurance company and Wrap-Up administrator contact information?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the documents clearly spell out certificate of insurance requirements? (This is to provide evidence of the insurance I must provide that is not covered by the Wrap-Up. For instance automobile coverage and workers' compensation and general liability coverage for my operations off-site.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is a sample certificate of insurance provided?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are you required to submit monthly payroll reports?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will you be provided loss runs on a regular basis?

**Any "Uncertain" responses should be addressed with the Wrap-Up broker/administrator or your own agent/broker.**

<b>Yes</b>	<b>No</b>	<b>Uncertain</b>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the Wrap-Up manual considered a contract document?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will you be subject to a physical audit by the Wrap-Up insurance company(ies)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the documents allow for your payments to be withheld if you do not comply with the Wrap-Up requirements?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are you required to incorporate or reference any or all of the Wrap-Up language/documents into your subcontract agreements?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are you required to provide a copy of the Wrap-Up manual to your subcontractors?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will you be allowed to report your own claims to the Wrap-Up insurance company(ies)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the wrap allow for onsite enrollment or payroll reporting?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do you have to complete separate forms for each contract?

**Notes about the rules, responsibilities and requirements:**

**Wrap-Up reviewed by:**

**Date:**