



...between the financial and insurance viewpoint



# **DSU WORKING PARTY CONCLUSIONS**

IMIA Conference 2013 – New Delhi





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o Background

o Working Party aims and activities

o What was achieved?

o Next chapter

o Question and answer session



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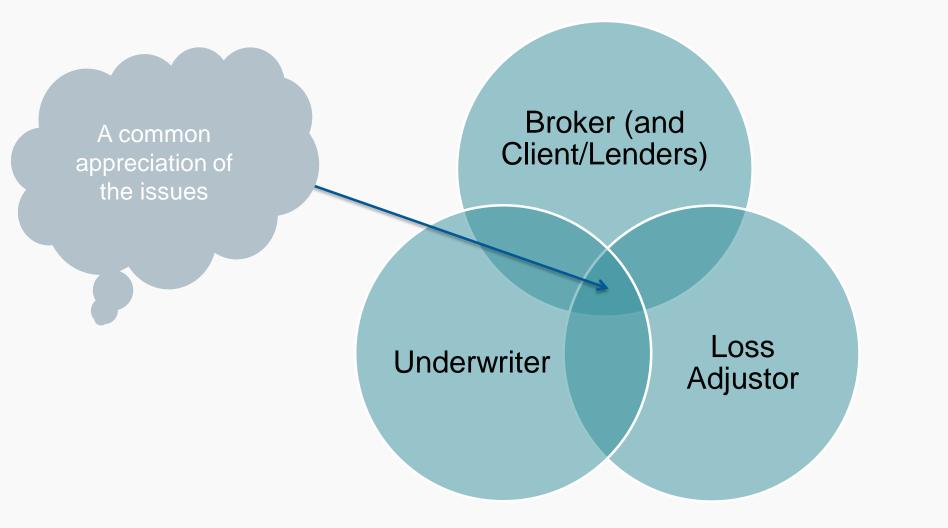
### WHY?

- o Historical difficulties
- High profile claims activity

- o Low DSU premium base
- Increasing exposures
- o Complexity
- Evolving accountancy practices

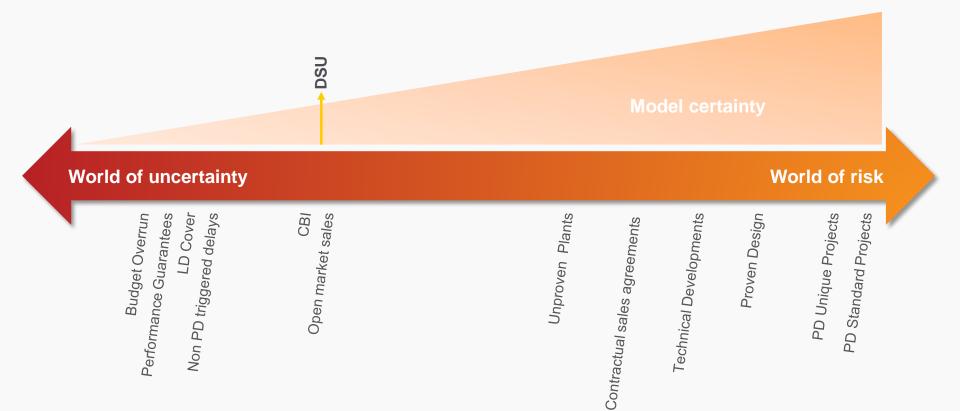
### MUTUAL AREAS OF UNCERTAINTY: A COLLECTIVE FEELING OF **UNEASE**

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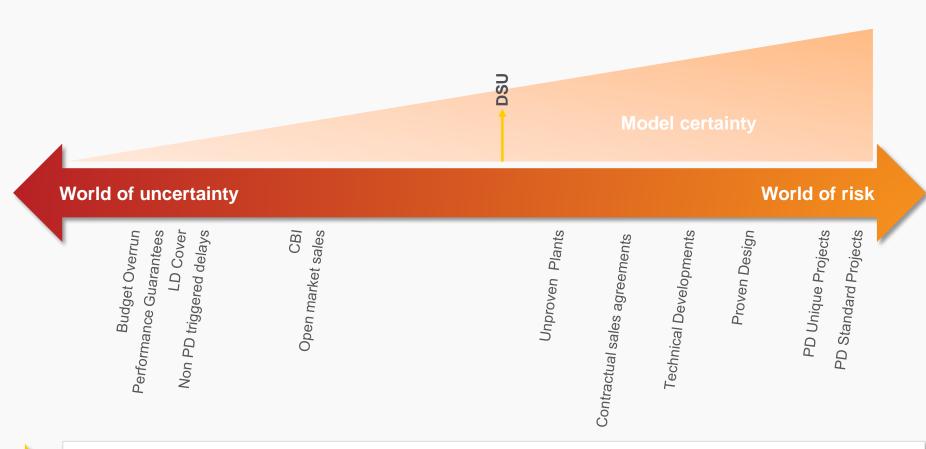
### UNCERTAINTY

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### FROM UNCERTAINTY TO CERTAINTY VIA IMPROVED TRANSPARENCY

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By sharing information systematically greater transparency can be achieved resulting in improved insurability.

To build upon the good work of prior publications:

- Global Reinsurer technical papers
- IMIA Working Group papers 6-53 (1996), 11 (2000), 25 (2002),
   48 (2006) and 63 (2009)

- Insurance of Revenue for Projects Under Construction ASG 254 (published 2003)
- Various Loss Adjustor, Lawyer, Broker and Insurer publications
- Numerous market presentations, working groups and discussions

### INTENTION TO PICK UP ON THE ISSUES RAISED AND FOCUS ON SOLUTIONS

# DSU WORKING PARTY PARTICIPANTS

- Munich Re
- Zurich
- XL
- Liberty
- Catlin
- Allianz

- Marsh
- JLT

- Aon
- Willis
- Matson Driscoll Damico (forensic accountants)
- Cunninghams and Integra also consulted

### Questionnaire

Sent out by each broker to

- o 2/3 selected Owners.
- o Lenders Insurance Advisers.

Results (non attributable) reported to Group and consolidated.

### **Discussion points**

- o Lack of transparency
- o DSU form versus accounting practice
- Lack of underwriting information
- Need for customisation
  - Wording by industry segment? No
  - Sum Insured against the Financial Model? Yes
- Lack of expertise
- Mismatch of expectations

### MISMATCH OF EXPECTATIONS

### **Client perspective**

The client's wish...

There is a delay – please indemnify us!

No. Then we need an extension...

We have a PD loss – please indemnify us under the DSU section

Yes – please indemnify us!

Yes – but that shouldn't matter....

Insurer perspective

and what has been purchased...?

Is it caused by insured property damage?

... there is no automatic extension. Please provide additional information.

.... is the PD loss covered at all?

Are there any other delays caused by uninsured events?

Are other delays reducina the indemnifiable period ?

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### RESULT

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"Closing the Gap"

- o DSU Principle Paper
  - o DSU overview for non experts
  - o Akin to a "key facts" document
  - o High level
  - o Concise
- DSU Sum Insured Worksheet

These are the "Lead in" for further discussion with the clients and brokers

### DSU PRINCIPLES PAPER

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### DSU Principle Paper outlining the basic intention/concept of DSU

æ	London Engineering Group	The amount payable under the policy will be expressed as both a monetary and a time limit - a sum insured and a indemnity packot. It may be further defined by a maximum daily indemnity amount, insurers will pay up to the amou effect the sum insured or the indemnity period, whicheven is exhausted first.	naximum nt stated as
Delay in Start Up Insurance		The maximum indemnity period purchased should ideally not be less than the maximum rebuild period envisaged, insured should be sufficient to reflect the financial exposure for the level of onverage purchased, during the indemn	
ondon Market Working Party 2012		8. Deductible	
upported by IMIA and The London Engineering Group	-0.11	Also referred to as a "waiting period" or "time excess", this is the period of the loss during which the delay is self ins	ured The
	14.4.1	deductible is usually expressed as a number of days and will be applied to the apprepated delay.	
An avantious		9. Appregate delay (insured and uninsured).	
An overview		The delays suffered by a project potentially from multiple physical damage events will be aggregated, leading to on delay period beyond the trigger date. Delays can also occur to a project from events that are not oovered by the ph	e overall vsinal
Introduction		damage insurance, such as slow progress or late supply of materials. Indemnity under the DSU policy will discount	time lost to
Delay in Start Up [DSU] is also referred to as Advanced Loss of Profits [A	LOP	such circumstances.	
DSU insures project owners for the financial consequences (as described		10. Reinstatement of cover.	
from an insured physical damage event. The cover is best purchased with (CAR/EAR) policy covering physical loss or damage to the project.	hthe Contractors All Risks/Erection All Risks	The DSU sum insured is invariably an apgregate limit. If DSU is triggend, it may be necessary to reinstate the sum indemnity period and deductible. The policy may contain provisions relating to the reinstatement of the DSU section noted that there is generally no obligation on insurers to extend the period of insures, to advance the trigger date	1. It should be
Key Facts		reinstate the sum insured.	
1. Insured Parties for DSU Insurance.		11. Key exclusiona.	
Typically, DSU is purchased for the project owner. Any project financiers DSU cover, where finance is on a limited recourse basis. For concession	(lenders to the project are likely to require purchase of contracts however contractors (as concessionaires)	OSU typically does not cover:	
may also be insured.		<ul> <li>Fines and penalties.</li> <li>Non damage delays (non performance, late delivery of materials etc.)</li> </ul>	
2. Claimants under DSU Insurance.		Periods of insured delay concurrent with those from uninsured events.	
The project owner, and where applicable the project financiers / lenders a entitled to claim.	nd contractors under concession contracts will be	<ul> <li>Delays due to redesigning, adding or improving the insured property.</li> <li>Inadequate funding to complete the project.</li> </ul>	
		12. The claims process.	
3. Contract of indemnity.		In the event of a claim under the DSU policy, insurers will usually seek to establish:	
The indemnity granted under a DSU policy will reimburse the owner only Any claim settlement will take into accounts easonal and market fluctuation the effect of any uninsured events (such as poor contractor performance, project completion.	ms in the actual business performance, and crucially	The actual status of the project a growth at the time of the strapical damage occurrence. Generally, the more trip project projects, the simplify the claims process will be . Project project projects are simplify and the same transmission of the instruction of the simplify the provided of the simplify and the same transmission of the instruction between the loss not occurred.	insparent the tedule
4. Material damage proviso.		<ul> <li>The as-in revenue situation of the insured cusiness had the loss not occurred.</li> <li>Forensic accountants may be used to assess the actual loss sustained.</li> </ul>	
The DSU cover is triggered only by a delay to project completion due to p cover.	hysical damage events insured under the CAR/EAR	Claim settlements will be subject to deduction of concurrent uninsured delays and the application of the policy deduction	ctible.
5. Scope of cover.		Delay in start up - example	
There are generally three levels of cover:		intraced datas	
<ul> <li>Gross profit. Loss of anticipated revenue, including debt service costs less variable costs.</li> </ul>	, fixed operating costs as well as anticipated net profit,	anured delay addentifiable delay	
Debt service and fixed costs.		Stall length of delay to construction programme	
<ul> <li>Debt service only.</li> </ul>		A months	
Increased cost of working is also insured under DSU to the extent that the	e increased expenditure reduces the insured loss.	central surfa period discussion of the mental surface of the menta	
Any indemnity will be limited to the Insured's actual loss sustained within	the policy parameters.	trigger datalieuparted data of commercian ant of commercial operations.	
6. Triggering a DSU claim.		indemnifiable delay in total length of delay to construction programme - uninsured delay - waiting period + 8-1-2 + 6 mothes	
The policy will contain a DSU trigger date. It is the agreed date the projec operations would begin. Such date may be linked to a contractually define claim.	t was anticipated to be complete and the commercial edterm. There are 3 key criteria for payment of a DSU	Your insurance adviser should be able to assist with the following: A detailed explanation of principles and the scope of cover.	
<ul> <li>An event indemnifiable under the physical damage policy.</li> </ul>		Insurance programme design, assessment of needs, selection of interest, insured, sum insured, maximum inde reinstatement needs.	nnity period.
A resultant delay exceeds the DSU deductible     A resultant loss of the interest insured (e.g. Gross Profit).		<ul> <li>Identification of potential loss scenarios with indemnity examples.</li> <li>Establishing a statement of intent from insurers on advancing the trigger date/extending the period of insurance</li> </ul>	
Variants to address specific operating regimes such as phased handover	and interim operations are also available.	Periodic reviews of project schedule.	

By explaining the intention of the cover, close the gap between differing expectations.

"Your insurance adviser should be able to assist with the following:

- A detailed explanation of principles and the scope of cover.
- Insurance programme design, assessment of needs, selection of interest.
   insured, sum insured, maximum indemnity period, reinstatement needs.
- o Identification of potential loss scenarios with indemnity examples.
- Establishing a statement of intent from Insurers on advancing the trigger date/extending the period of insurance.
- Periodic reviews of project schedule".

It does not provide all the answers, but should help start the conversation

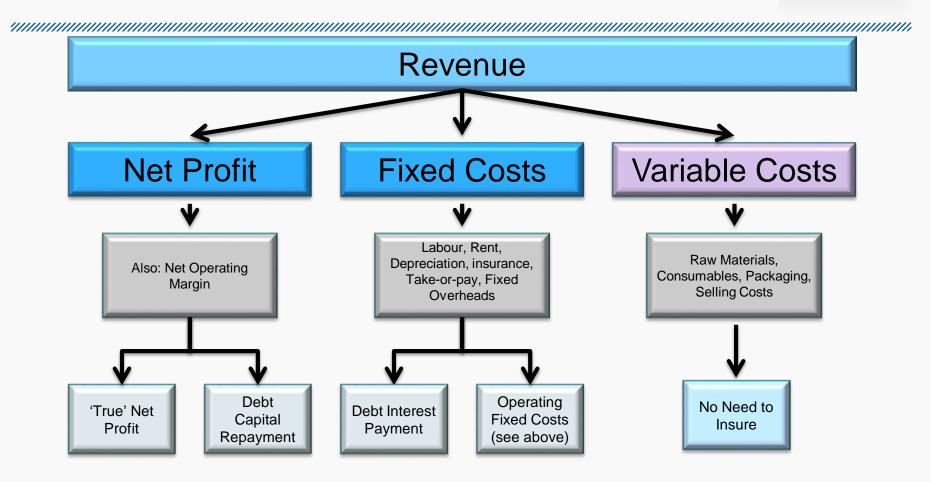
### DSU SUM INSURED WORKSHEET

📓 🤊 • (° • 🗋 💕 😫 🖨 • DSU-Worksheet09012013-final (2).xlsx [Read-Only] - Microsoft Excel 🕜 \_ 🗢 🗙 Home Insert Page Layout Formulas Data Review Σ AutoSum 27 品 \* -----Arial 10 Genera - 55 1 😺 Fill 🕆 Paste Conditional Format Cell Formatting \* as Table \* Styles \* Insert Delete Format Sort & Find & Filter \* Select \* B I U -Merge & Center 👻 1 Clear \* Editing Clipboard 🗣 Font Number Styles Cells B38 **v** (9 f<sub>x</sub> ¥ LEG London Engineering Group Delay in Start Up Insurance Insured Interest based on figures for "Undisturbed Operation" plus "Additional Costs" e Profit of Insured Busin fic standing charges Variable Staff / labour costs capital repayments interest payment / loan fees Fixed Staff / labour costs Re-Financing Re-Advertising loan fees Fixed Maintenance costs Variable Maintenance Costs Depreciation (unrelated to actual use) Depreciation (proportional to time of use) Cancellation Costs Take-or-pay costs for fuel or raw material Fuel (non take-or-pay) Trade Deficit Raw Materials Consumables H 4 + H Overview Gross Profit Graph 🖉 III II 80% 😑 Ready Page: 1 of 1 - 🕀 .

Obtain transparency of the sum insured and thereby close the gap of "what is intended to be insured"

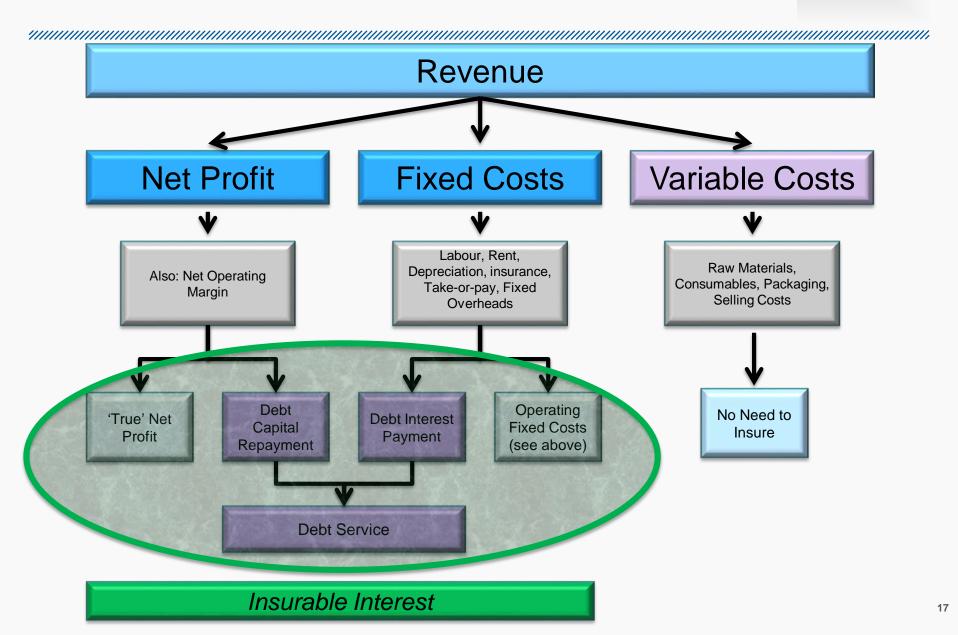
### DSU WORKSHEET- FINANCIAL COMPONENTS

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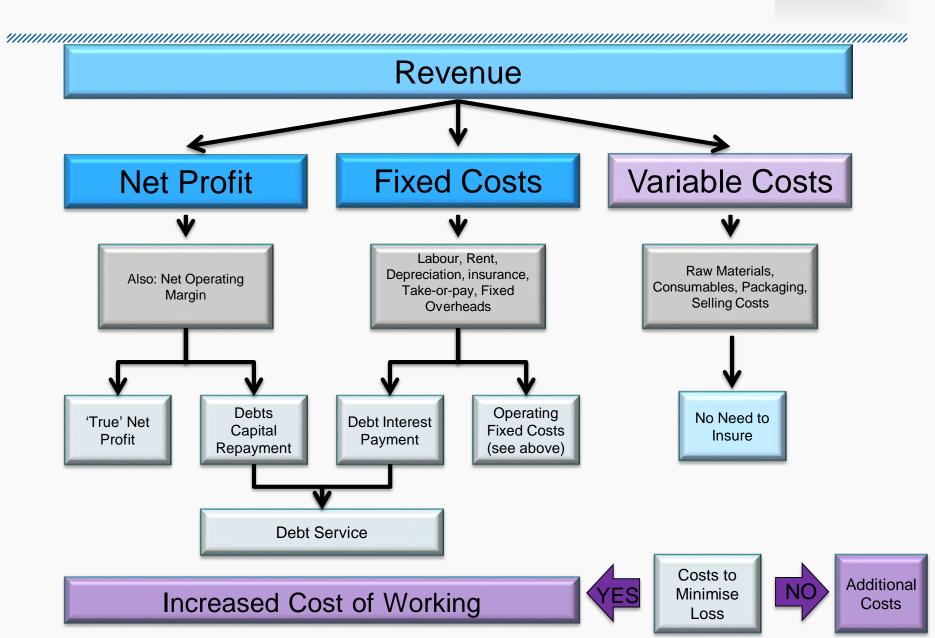
## DSU WORKSHEET – FINANCIAL COMPONENTS

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### DSU WORKSHEET – FINANCIAL COMPONENTS

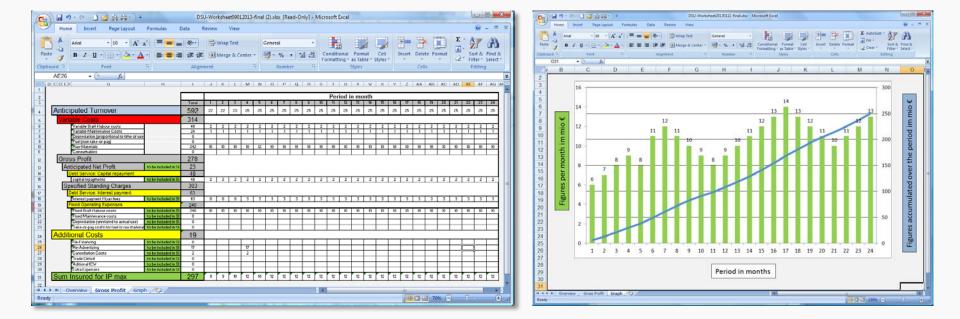
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# DSU WORKSHEET: PROVISION OF INFORMATION PRE-INCEPTION

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Provision of information prior to inception will promote improved transparency of the DSU sum insured value split

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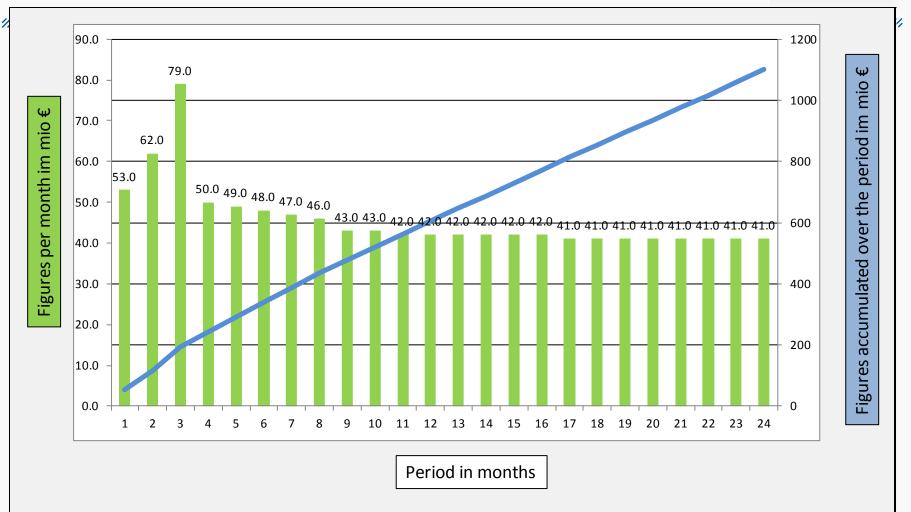
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roject name:		Period in month								
			Total	1	2	3	4		23	24
nticipated Turnover	1200.0	50.0	50.0	50.0	50.0		50.0	50		
Variable Costs			200.0							
Variable Staff / Labour Costs			32.0	1.0	1.0	1.0	1.0		2.0	2.
Variable Maintenance Costs			24.0	1.0	1.0	1.0	1.0		1.0	1.
Depreciation (proportional to time of use)	to be included in SI		24.0	1.0	1.0	1.0	1.0		1.0	1.
Fuel (non Take-or-Pay)	cover not requested		24.0	1.0	1.0	1.0	1.0		1.0	1.
Raw Materials			72.0	3.0	3.0	3.0	3.0		3.0	3.
Consumables			24.0	1.0	1.0	1.0	1.0		1.0	1.
Gross Profit			1000.0							
Anticipated Net Profit	to be includ	led in SI	100.0							
Debt Service: Capital repayment			84.0	Capita	l repayr	ment is	part of	the net	t profit a	and
Capital Repayments	cover not re	quested	84.0	2.0	2.0	2.0	2.0		5.0	5.
Specified Standing Charges			900.0							
Debt Service: Interest payment			300.0							
Interest Payment / Loan Fees	to be includ	led in SI	300.0	20.0	20.0	20.0	20.0		5.0	5.
Fixed Operating Expenses			600.0							
Fixed Staff / Labour Costs	to be includ	led in SI	360.0	15.0	15.0	15.0	15.0		15.0	15
Fixed Maintenance Costs	to be includ	led in SI	240.0	10.0	10.0	10.0	10.0		10.0	10
Depreciation (unrelated to actual use)	to be includ	led in SI	0.0							
Take-orPay Costs for fuel or raw material	to be includ	led in SI	0.0							
Iditional Costs			100.0							
Re-Financing	to be includ	led in SI	52.0	10.0	9.0	8.0	7.0			
Re-Advertising	to be includ	led in SI	0.0							
Cancellation Costs	to be includ	led in SI	38.0		10.0	28.0				
Trade Deficit	to be includ	led in SI	10.0	1.0	1.0	1.0	1.0			
Additional ICW	to be includ	led in SI	0.0							
Extra Expenses	to be includ	led in SI	0.0							
Im Insured for IP max			1100.0	53.0	62.0	79.0	50.0		41.0	41

Before using the sheet, please enable the macros !

Project name:														Peri	od ir	n mo	nth										
		<u> </u>	Total	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Anticipated Turnover			1200.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.
Variable Costs			200.0																								
Variable Staff / Labour Costs			32.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Variable Maintenance Costs			24.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0		1.0	1.0	1.0
Depreciation (proportional to time of use)			24.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0		1.0	1.0	1.0
Fuel (non Take-or-Pay)			24.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Raw Materials			72.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Consumables			24.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Gross Profit			1000.0	47.0																							
Anticipated Net Profit	to be inc	cluded in SI	100.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	2.0	2.0	2.0	2.0	2.0	2.0	7.0	7.0	7.0	7.0	6.0	6.0	11.0	11.0	11.0	11.0	11.0	11.
Debt Service: Capital repayment			84.0	Capital	repayı	ment is	part of	the net	profit a	nd can	be ins	ured if r	net profi	it is not	reques	ted. Ins	urable	amoun	t up to	max. tl	he amo	unt of r	net profi	t !			
Capital Repayments	cover no	t requested	84.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	3.0	3.0	3.0	3.0	3.0	4.0	4.0	4.0	4.0	4.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Specified Standing Charges			900.0																								
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Interest Payment / Loan Fees	to be inc	cluded in SI	300.0	20.0	20.0	20.0	20.0	20.0	20.0	15.0	15.0	15.0	15.0	15.0	15.0	10.0	10.0	10.0	10.0	10.0	10.0	5.0	5.0	5.0	5.0	5.0	5.0
Fixed Operating Expenses			600.0																								
Fixed Staff / Labour Costs	to be inc	cluded in SI	360.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.
Fixed Maintenance Costs	to be inc	cluded in SI	240.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.
Depreciation (unrelated to actual use)	to be inc	cluded in SI	0.0																								
Take-orPay Costs for fuel or raw material	to be inc	cluded in SI	0.0																								
Additional Costs			100.0	11.0	20.0	37.0	8.0	7.0	6.0	5.0	4.0	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Re-Financing	to be inc	cluded in SI	52.0	10.0	9.0	8.0	7.0	6.0	5.0	4.0	3.0																
Re-Advertising	to be inc	cluded in SI	0.0																								
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Trade Deficit	to be inc	cluded in SI	10.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0														
Additional ICW	to be inc	cluded in SI	0.0																								
Extra Expenses	to be inc	cluded in SI	0.0																								
Sum Insured for IP max			1100.0	53.0	62.0	79.0	50.0	49.0	48.0	47.0	46.0	43.0	43.0	42.0	42.0	42.0	42.0	42.0	42.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.
		se enable the macro		52.00	445	404		202	244	200	42.4					ll conte	oto	1	770					077	1010	1050	

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#### **Pre-inception Post-inception Post-loss** Understands what he buys

- Insured
- Correct SI  $\checkmark$

 $\checkmark$ 

Increased transparency  $\checkmark$ 

- Improved ability to secure  $\checkmark$ cover changes
- ✓ Policy delivers as expected
- ✓ Faster, more efficient loss

adjustment

///////////////////////////////////////	//////	Pre-inception	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Post-inception		Post-loss	
Insured	$\checkmark$	Understands what he buys	$\checkmark$	Improved ability to secure	$\checkmark$	Policy delivers as expected	
	$\checkmark$	Correct SI		cover changes	$\checkmark$	Faster, more efficient loss	
	$\checkmark$	Increased transparency				adjustment	
nsurer	✓	Increased model certainty	✓	Improved ability to handle	✓		
	✓	Increased transparency	nsparency changes mid term, e.g.	changes mid term, e.g. extensions		adjustment	
~	✓	Understands what he sells			~	Increased product credibility =	
					✓	Increased DSU take up / bigger premium pot	

"""""""""""""""""""""""""""""""""""""""	//////	Pre-inception	//////	Post-inception	,,,,,,,	Post-loss
Insured	$\checkmark$	Understands what he buys	$\checkmark$	Improved ability to secure	$\checkmark$	Policy delivers as expected
	$\checkmark$	Correct SI		cover changes	$\checkmark$	Faster, more efficient loss
	$\checkmark$	Increased transparency				adjustment
Insurer	$\checkmark$	Increased model certainty	$\checkmark$	Improved ability to handle	$\checkmark$	Faster, more efficient loss
	$\checkmark$	Increased transparency		changes mid term, e.g. extensions		adjustment
	$\checkmark$	Understands what he sells			$\checkmark$	Increased product credibility =
					$\checkmark$	Increased DSU take up / bigger premium pot
Adjuster					✓	Less need to discuss coverage aspects with client
					✓	Faster, more efficient loss adjustment
					1	Closer correlation with accounting practice

"	//////	Pre-inception	//////	Post-inception		Post-loss
Insured	$\checkmark$	<ul> <li>Understands what he buys</li> </ul>		Improved ability to secure	$\checkmark$	Policy delivers as expected
	$\checkmark$	Correct SI		cover changes	$\checkmark$	Faster, more efficient loss
	$\checkmark$	Increased transparency				adjustment
Insurer	$\checkmark$	Increased model certainty	$\checkmark$	Improved ability to handle		Faster, more efficient loss
	$\checkmark$	Increased transparency		changes mid term, e.g. extensions		adjustment
	$\checkmark$	Understands what he sells			$\checkmark$	Increased product credibility =
					$\checkmark$	Increased DSU take up / bigger premium pot
Adjuster					~	Less need to discuss coverage aspects with client
					$\checkmark$	Faster, more efficient loss adjustment
					$\checkmark$	Closer correlation with accounting practice
Broker	✓	Alignment of expectations	✓	Closer client relationship	✓	Faster, more efficient loss
	$\checkmark$	Adequacy of product	$\checkmark$	Can respond to client needs		adjustment
	$\checkmark$	Increased transparency			~	Happier client
	✓	More confidence to sell product			✓	Increased DSU take-up / greater earnings

### SUPPORTING DOCUMENTS

**DSU** Working Party

### **DSU Introduction**

# LEG London Engineering Group

London Market Working Party 2012 Supported by IMIA and The London Engineering Group

#### DSU Overview and Worksheet

#### Introduction

The shift to privately financed projects has greatly increased demand for Delay in Start Up Insurance (DSU), over the past 25 years.

More recently CEOs/CFOs have become increasingly accountable for poorly performing projects. This accountability can be mitigated by DSU where a delay in project completion has been caused by an indemnifiable event of physical loss or damage.

There has however often been a mismatch of expectation between insured, insurers, lenders and brokers, with regard to the key principles, the underwriting information required, scope of cover and proof of loss.

Recent high profile DSU loss events have further accentuated this mismatch.

During 2012 a group of insurers, brokers and loss adjusters considered how more closely to align the expectations of the interested parties. To this end they have prepared 2 documents (DSU Overview and DSU Worksheet respectively).

#### DSU Overview

This explains the fundamentals of DSU and is primarily aimed at Risk Managers, CFOs and Lenders.

#### DSU Worksheet

This seeks to translate the financial model of a project into the main heads of cover available under DSU. The document is designed to be completed by the insured with advice from their insurance broker, and will allow both the insured and insurers a transparent and shared understanding of what is, and is not, insured.

#### Advantages

These two documents will confer the following benefits on the interested parties:

- The insured: a greater understanding of what he has (and has not) purchased.
- The insurer will sell a more credible product.
- Lenders will have increased confidence in its efficacy
- The broker will continue to demonstrate his added value to all parties

All parties will enjoy a swifter and more certain claims process.

December 2012

### **DSU Working Party Presentation**



### What now?

• Market-wide distribution of the papers & presentation

- Share with peers and clients at every opportunity
- Use the Sum Insured worksheet
- Prompt for discussions on managing portfolio volatility

### What next?

- Extensions to the DSU Period of Insurance
  - LEG DSU Working Group plus guests
  - With & Without physical damage incidents
  - Explore market practice / existing wordings and clarify intent
- Project Progress Monitoring initiative
  - IMIA Group in progress 2013

### All documents are available to view and download:

- The International Engineering Insurance Association at <u>www.imia.com</u> under "Key topics"
- London Engineering Group at <u>www.londonengineeringgroup.com</u> under "DSU toolbox" please note LEG website is undergoing a refurb.

# THANK YOU FOR YOUR ATTENTION

DSU London Market Working Party IMIA Conference 2013 – New Delhi



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# QUESTIONS AND COMMENTS?

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