

# ENTERPRISE CONTRACTUAL RISK MANAGEMENT

RCM&D's Enterprise Contractual Risk Management (ECRM) service is a unique offering with an abundance of resources and an experienced, dedicated team (including in-house coverage counsel and outside coverage counsel on retainer) focused on reviewing and negotiating contracts and agreements, in collaboration with your team.

As a client, you will benefit from the deep, substantive knowledge of best-in-class insurance requirements and risk transfer provisions that we provide. Pairing this knowledge with important policy provisions from the review of white papers, trade journals, carrier notices and relevant case law, we are able to provide you with the best recommendations for your unique circumstances.

## Our ECRM Process

In addition to helping with substantive changes, we assist you to improve the process for managing risk in contracts.

Antiquated insurance language in contracts often leads to inefficient protection, breach of contract issues and costly litigation. While reviewing and updating language in contracts before execution is a start, there are several other steps that we take in the ECRM process to protect clients like you. These steps include:



**Closely reviewing** the contract's termination clause and extracting key dates.



**Setting a tickler system** so that we're in a position to push through new insurance requirements before renewing the contract. One of the most important things to remember about ECRM is that the best-in-class insurance requirements today may not be the best-in-class requirements tomorrow. Without a tickler system, the insurance language in your contracts can soon become antiquated again.



**Maintaining a database** of relevant certificates of insurance and policies to ensure we are able to tender a claim to a third-party carrier when the need arises. This reduces a client's exposure to loss and may help justify an alternative risk transfer approach (large retention or captive) depending on a client's risk tolerance. An alternative risk transfer approach could significantly reduce an insured's Total Cost of Risk.



**Tracking** insurance policy expiration dates in order to follow up for renewal certificates or coordinate with third-party vendors that can provide this service for you.



**Evaluation and advice** on existing contract review processes assessing criteria that trigger reviews and the efficacy of centralized or decentralized approaches.