construction coverage
EXPERT REVIEWS & GUIDES

Waivers of Subrogation Compliance Checklist

An action plan to help structure your insurance policies for common GC contract requirements, minimize mobilization delays, and secure jobsite access.

Phase 1: Pre-Bid & Contract Review

- [ ] Review the prime contract or subcontract for mutual waiver of subrogation clauses (e.g., standard flow-down provisions in AIA A201 agreements).
- [ ] Identify which insurance policies are commonly expected to include waivers for the project (General Liability, Workers' Compensation, Commercial Auto, Inland Marine).
- [ ] Confirm the state jurisdiction for the physical jobsite, as some states legally restrict or prohibit workers' compensation subrogation waivers.

  If YES to a potential restriction (e.g., in NH, NJ, or KY), consult a qualified professional regarding legal enforceability.

Phase 2: Policy & Endorsement Setup

- [ ] Evaluate your anticipated project volume to determine if requesting a blanket endorsement may be more cost-effective than scheduling specific endorsements per project.
- [ ] Request premium quotes from your insurance broker for potential endorsement fees or blanket surcharges to accurately factor them into your bids.
- [ ] Verify with your broker that actual policy endorsements (such as CG 24 04) can be formally executed and attached by the carrier.

  If NO, be aware that relying on a COI without an accompanying endorsement may expose you to a breach of contract.

Phase 3: COI Verification & Mobilization

- [ ] Review your drafted ACORD 25 Certificate of Insurance (COI) prior to submitting it to the general contractor or project owner.
- [ ] Confirm the "SUBR WVD" column is visually marked (typically with an "X" or "Y") for all relevant policy lines.
- [ ] Ensure the "Description of Operations" field contains the commonly required narrative (e.g., "Waiver of subrogation applies in favor of...").

  If YES, verify that the entities listed match the exact legal names requested in the contract.

- [ ] Obtain and maintain a master file of the actual executed endorsement forms from your insurance carrier to demonstrate definitive proof of coverage.

Phase 4: Sub-Tier Management & Ongoing Compliance

- [ ] Check sub-tier flow-down clauses to determine if you are contractually expected to secure matching waivers from lower-tier subcontractors or independent operators.
- [ ] Confirm whether waiver obligations are expected to survive substantial completion and extend into the completed operations period.
- [ ] Identify any un-enrolled material suppliers, transit operations, or off-site fabricators if the project utilizes a wrap-up program (OCIP/CCIP).

Interpreting Your Results

Checking off these steps can help minimize administrative bottlenecks and ensure your insurance documentation is positioned to meet typical general contractor expectations. Missing items—particularly failing to secure a formal policy endorsement or neglecting sub-tier flow-down agreements—can frequently lead to rejected COIs, mobilization delays, or unmitigated post-claim subrogation disputes.

This checklist provides general educational information, not insurance or legal advice. Construction Coverage is not a licensed insurance agency, agent, or broker. Confirm your specific requirements with a licensed insurance agent.