

CO-MANUFACTURER / CO-PACKAGER – SMALL

REQUIRED COVERAGE		
<u>Commercial General Liability</u> Including products/completed operations and blanket contractual liability.	Each Occurrence / General Aggregate Personal & Advertising Injury	\$5,000,000 \$2,500,000
<u>Business Automobile Liability</u> Including owned, hired and non-owned automobiles	Each Accident Limit	\$5,000,000
<u>Workers' Compensation and Employer's Liability</u>	Workers' Compensation Employers Liability / Each Accident	Statutory Limits \$1,000,000
<u>Pollution</u>	Each Claim / Aggregate	\$5,000,000
<u>Fidelity / Crime Insurance</u>	Each Claim	\$1,000,000
<u>Recall</u>	Each Claim	\$5,000,000

TERMS & CONDITIONS

General Liability, Automobile Liability and Employer's Liability limit recommendations may be met with an Umbrella Liability policy in which coverage is as broad as the underlying/primary insurance.

Property insurance is required for all "All Risk" (Special Cause of Loss form) Property Insurance, including, without limitation, Flood, Earthquake, Fire, Theft, Vandalism, sprinkler leakage covering Vendor's business personal property and interests located at the location, including any losses associated with business interruption and extra expense. Vendor hereby waives its right of recovery against The Hershey Company for any claim, damage, loss, to the Vendor's business personal property, such as equipment, software, etc., including any losses associated with business interruption and extra expense. In the event of a loss, such insurance shall be for the full replacement cost of the business personal property without application of depreciation.

Total policy limits must be available and cannot be limited. Neither the requirement of Vendor to maintain insurance nor Hershey's acceptance of evidence of insurance will limit the liabilities and obligations assumed by Vendor under the agreement. Hershey has no duty to confirm the existence of insurance.

The Vendor is solely liable for all insurance costs, including deductibles and premiums. Insurance must be with companies licensed to do business in the United States and have an A. M. Best's Financial Strength rating of A and Financial Category Size of VII, or better. Claims made policies must have a retroactive date that precedes the commencement of this agreement, shall extend coverage for any claims relating to this agreement and allow for an extended reporting period of 3 years following termination of agreement or warranty period thereof, whichever is greater.

The insurance policies shall not contain any cross suits exclusions, cross liability exclusions, insured versus insured exclusions, any classification exclusions purporting to deny coverage for any work to be performed by Vendor, including supervisory activities or any of its subcontractors or independent contractors. Vendor shall ensure the activities of its subcontractors and independent contractors or require each of its subcontractors and independent contractors to maintain insurance as specified herein.

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Vendor must provide a certificate of insurance within 10 days and renewal certificates shall be provided 10 days prior to policy expiration. Certificates should be sent to CertFocus via email (hersheys@certfocus.com) or FAX (1-877-237-8560) and meet the following requirements:

- All Certificates of Insurance received should include the following wording:
 - “The Hershey Company, its parents, subsidiaries, divisions, affiliates, directors, officers and assigns are included as **additional insureds** for Commercial General Liability and Automobile Liability. This coverage shall be primary and non-contributory over any and all other applicable coverage including Hershey’s insurance program. General Liability, Automobile Liability and Workers’ Compensation policies grant a Waiver of Subrogation in favor of The Hershey Company, its parents, subsidiaries, divisions, affiliates, directors, officers and assigns. 30 Days Advanced Notice of Cancellation is granted.”
- The **certificate holder** shall read:
 - The Hershey Company – Co-Manufacturer / Co-Packer (Small)
 - c/o CertFocus
 - P.O. Box 140528
 - Kansas City, MO 64114