

# CITY OF LOS ANGELES

CALIFORNIA



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MAYOR

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May 29, 2013

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City Council  
Room No. 395  
City Hall

**Subject: AMENDMENT AND ADDITIONS TO SECTION 62.02 ARTICLE 2, CHAPTER VI OF THE LOS ANGELES MUNICIPAL CODE STRENGTHENING REQUIREMENTS FOR UTILITY CONTRACTORS WORKING IN THE PUBLIC RIGHT-OF-WAY**

As recommended in the accompanying report of the Directors of the Bureaus of Contract Administration and Engineering, which this Board has adopted, the Board of Public Works hereby transmits for your approval the Amendment and Additions to Section 62.02 Article 2, Chapter VI of the Los Angeles Municipal Code Strengthening Requirements for Utility Contractors Working in the Public Right-of-Way, for the reasons set forth in the accompanying report. This is a result of a Council Motion (CF 11-1935) dated November 16, 2011, presented by Councilmember Mitchell Englander.

Respectfully submitted,

Arleen P. Taylor, Executive Officer  
Board of Public Works

APT/TS:mp





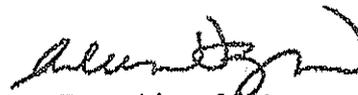
DEPARTMENT OF PUBLIC WORKS

BUREAU OF CONTRACT ADMINISTRATION  
BUREAU OF ENGINEERING  
JOINT REPORT NO. 3

May 29, 2013

C.D. No. All

ADOPTED BY THE BOARD  
PUBLIC WORKS OF THE CITY  
of Los Angeles California  
AND REFERRED TO THE CITY COUNCIL  
MAY 29 2013



Executive Officer

Honorable Board of Public Works

AMENDMENT AND ADDITIONS TO SECTION 62.02 ARTICLE 2, CHAPTER VI OF  
THE LOS ANGELES MUNICIPAL CODE STRENGTHENING REQUIREMENTS FOR  
UTILITY CONTRACTORS WORKING IN THE PUBLIC RIGHT-OF-WAY

RECOMMENDATIONS

1. Adopt this report.
2. Authorize Bureau of Contract Administration to transmit this report to City Council pursuant to its direction.

TRANSMITTALS

1. Motion (Englander) November 16, 2011, [C.F.11-1935]
2. Sample Utility Permit (Excavation "U" Permit).
3. Process flow charts addressing current and proposed permit issuance and inspection methods.
4. City Administrative Officer "Track4LA Website."
5. Amendment Language as recommended to City Council.
6. Authorized Utility Permittee/Contractor Affidavit.

DISCUSSION

On April 18, 2012, following a November 16, 2011, motion by Hon. Mitchel Englander, (Transmittal No. 1), the Bureau of Contract Administration was directed by City Council to research and propose solutions for strengthening of the City's authority in gaining compliance from utility contractors operating in the City right-of-way.

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While the Department's permitting process is clear, and while requirements for working on permitted work in the right-of-way are published and well defined for permittees and contractors alike, a growing number of instances where these requirements are not met has caused a deterioration in the quality of our streets as well as effectiveness of enforcement.

Several main causes of these infractions have direct consequences on both quality of work, public convenience and safety. With an average of between nine and ten thousand utility permits issued yearly, the City can no longer rely simply on the cooperation of all individuals operating in the City right-of-way.

### **Common Issues Involving Non-Compliance**

Among other requirements printed on the permit itself (Transmittal No. 2), the following have always been stated clearly:

**(Note 4) Notify the Bureau of Contract Administration prior to noon the day before work commences.**

Utility Contractors who are unaware, or indifferent, to the necessity of informing the Bureau when they wish to operate in the right-of way jeopardize this agency's ability to carry out necessary steps that ensure proper safety standards for work in the street. Informing the Bureau's dispatch center in the proper time period before work, provides the permittee/contractor the initial contact with inspection personnel who have knowledge of the current status of the permit, any latest intelligence on conditions at the site, and whether or not they may indeed proceed. It is at this time also, that the utility inspector for the project is assigned and is aware that activity will occur in the right-of-way. Without this required notification, Bureau field personnel are not able to function at the level needed for public safety or quality assurance.

**(Note 5) Notify the Bureau of Contract Administration prior to noon the day before permanent resurfacing.**

Permanent resurfacing of excavations comes only after the inspector has verified that the right-of-way has been properly backfilled and re-compacted to support traffic again. Materials used in restoration of the right-of-way are also strictly monitored with regard to City materials standards. Permittees/contractors who return to temporarily re-surfaced work and complete the work without inspection create seven potential problems:

1. No verification that proper traffic controls were in place during the work or that proper hours were observed
2. No verification that proper materials were applied to the work.
3. No verification of Trench Backfill Compaction
4. No work-quality control by the City (which is a condition of the permit)
5. No opportunity for Inspector to enforce "Medallion" requirement.
6. No final acceptance, hence no permit closure.
7. Inability of agency to account to the community for the activity.

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**(Note 11) Maximum time stipulated for permanent resurfacing (3 Weeks)**

When permanent resurfacing is not completed in an acceptable timeframe, the unfinished work can present a public hazard, and a liability to the City for damage to property or personal injury. When this is compounded by activities for which there has been no notification, the results can have serious consequences and unfinished work can linger indefinitely providing an opportunity for injury.

**(Note 12) Approved marker required on permanent trench paving ("Medallion")**

Approved markers ("Medallions") are devices which identify the company owning the utility. This identification is important since it provides immediate information on the trench for city agencies. These devices show the company name and the date the permanent paving was completed. Such data is pertinent since utilities warranty their work in the right-of-way for 5 years, during which time, should there be a failure of the trench, they are required to restore the paving for the City at no charge. The absence of these medallions inhibits City agencies in matters where the identification of a utility installation is critical.

**Additional Administrative Permit Matters**

Another important requirement for any permitted work in the right-of-way is that permittees must positively identify their authorized representative (contractor) who is performing the work on their behalf. In cases where the scope of work is large, such as privately financed development ("B" Permit), permittees are notified in writing by the Bureau of Contract Administration at the initial issuance of their permit, that they must provide this information.

Such documentation affords City inspectors the authority to issue orders to the acknowledged representative of the permittee, therefore ensuring that the permittee has been served officially with the instruction. It also affords that permittee added assurance that it is being made aware of any pertinent developments concerning its project.

Enabling City agencies to control the transmission of their instructions back to the principle entity ensures that communication lines with the parties ultimately responsible for the conduct and performance of their contractors are continuous and that they are empowered to act if need be.

In the case of utility permits, utility companies often apply for numerous permits simultaneously owing to their project or program schedules, and, then, bid groups of these out to contractors as a package. The consequence is that quite often, the operative name on the

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permit, is not the actual entity that is working in the street. In cases where there is either property damage, or personal injury, the City's ability to deal with eventual litigation is compromised.

A further complication is that, in the private sector, contractors are not so strictly regulated as to whom they sublet their contracts. Many contractors, after being awarded a private utility contract, will sublet the contract to another firm exacerbating the City's inability to accurately track and hold responsible, the parties representing the permittee.

More stringent requirements on documenting those who are authorized to work in the public right-of-way, have proven to be necessary. The requirement for a permittee to have on file with the Bureau of Contract Administration a valid and current list of any contractor employed on utility work, will provide more control for enforcement. Affidavits consisting of a declaration of authority and demonstrating a concrete relationship between a utility/permittee and its contractor will strengthen the Bureau's role in managing work in the City right-of-way. If a contractor cannot present such an affidavit at the site, or if the Bureau of Contract Administration has not been provided one by the utility company, the contractor may not proceed.

### **Mitigation and Deterrence**

In cases where private developers or utility companies subcontract their right-of-way projects to independent firms, a good number of these firms are not adequately familiar with the requirements for such work. Others simply do not care to observe them. In addition, many developers are not completely familiar with such requirements and rely heavily on their contractors' expertise to fulfill their obligations.

It is therefore necessary to enhance the requirements for performance of such contractors and their crews, rather than re-adjust specification and codes that are already in effect. Ignorance or disregard for such requirements causes behavior that results in the problems previously discussed, thus transferring the liability for such conduct to the City and its constituents.

When activities in the right-of-way go undiscovered, and unfinished, or when finished, are performed without the proper quality control services from City staff, the consequences of litigation and claims for injury or property damage are born by the constituency, not the wrong-doer. Incentives must be put into place to compel wrongdoers to pay more attention, and also to discourage those who would hire them. In addition, a deficient repair or restoration of public property presents a "real-time" public hazard that should not wait on cumbersome administrative remedies for resolution.

Further, when illegal activities in the right-of-way are discovered, there should be tangible consequences which will produce an environment of deterrence. More energetic enforcement of existing codes must be put forth.

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[1] Liability Insurance for Utilities and Their Contractors.

Many types of public construction overseen by this Board have presently mandated insurance requirements which must be adhered to by contractors and permittees prior to permit issuance and actual work commencing.

A current exception to this is the exemption from liability insurance for any utility company regulated by the California Public Utilities Commission, or the utility's contractors.

*(Excerpted here)*

Subsection (f) of Section 62.02 of Article 2 of Chapter VI of the Los Angeles Municipal Code currently reads as follows:

*(f) Liability Insurance.*

*1. Insurance Required. A permit to excavate issued pursuant to the provisions of this Section shall not be issued until the applicant has filed with the City Engineer a policy of protective liability insurance naming the City as an insured or a co-insured with the permittee. The policy of insurance shall insure the City and its departments, officers and employees, while acting with the scope of their duties, against all claims arising from or in connection with the operations of the permittee, or any contractor or subcontractor of the permittee, undertaken pursuant to the provisions of the permit.*

*2. Exception. The provisions of this Subsection shall not apply to the Federal Government, the State of California, any county, city or county, municipal corporation, irrigation district, school district, district established by law, any political subdivision of the Federal Government or State of California, any public utility regulated by the Public Utilities Commission of the State of California, or any contractor or subcontractor while performing work under contract to any such entity pursuant to a permit issued under the provisions of this Section.*

Section 62.02(f)2., Article 2, Chapter VI of the Los Angeles Municipal Code shall be amended as follows (Transmittal No. 5):

*2. Exception. The provisions of this Subsection shall not apply to the Federal Government, the State of California, any county, city or county, municipal corporation, irrigation district, school district, district established by law, any political subdivision of the Federal Government or State of California, ~~any public utility regulated by the Public Utilities Commission of the State of California,~~ or any contractor or subcontractor while performing work under contract to any such entity pursuant to a permit issued under the provisions of this Section.*

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*Notwithstanding the provisions of the section in reference to municipal corporations, the Los Angeles Department of Water and Power and its contractors, and subcontractors are bound by the requirements set forth in this code.*

By this removal of exemption for utilities and their contractors, the City places a higher standard of performance upon those who work in the public right-of-way. Contractors and utilities will be required to carry the same liability insurance as set forth in the ordinance. This insurance shall be registered with the City's Risk Manager at the office of the City Administrative Officer, and the data shall be accessible to both the Bureau of Engineering for the issuance of permits, and Contract Administration for the purposes of verifying coverage for work in the right-of-way.

By this, the City enhances its self-protection with the assurance that those working in its streets are backed by responsible carriers in the event of a claim.

[2] Authorized Representative Affidavit

Utility companies often subcontract their right-of-way work to private contractors. This means that, should the utility apply for a permit itself, there is no guarantee that the party listed on the permit will be the one working in the street. Conversely, contractors often pull permits for developers or property owners, and the legal relationship between who is responsible for the work is obscure. To further complicate the issue, contractors obtaining work from utilities, often sublet these contracts to other parties unbeknownst to the original client.

The result is that, often there is no formal establishment of the relationship between the permittee and who is actually in the right-of-way. Utilities themselves have been victimized by this problem, not to mention the public being affected. Often, a utility company will pay the contractor without first checking to see if the prescribed work performed on their behalf has even been completed acceptably.

In cash contracts issued by this and other city departments, all City awarding authorities carry in their contracts and agreements, the specific requirement that no prime contractor may sublet any portion of the work without that awarding authority's knowledge and approval. In the private sector, this is not always enforced. Hence no utility can be absolutely certain if the work is performed by those they hire.

Requiring permittees to submit an affidavit formally naming those who represent it in the right-of-way would strengthen the City's ability to manage such contractors while providing an additional layer of protection for utilities. This process already exists and is applied uniformly during the issuance of a privately financed public improvement ("B") Permit. A letter is issued from the Bureau of Contract Administration informing the permittee of several primary requirements for the conduct of their operations throughout the work. One of these requirements is for the permittee to submit to the Bureau in writing, the name of the party that will be their authorized representative at the project site. Any communications or directions given to that party by BCA field inspectors are considered delivered to the permittee.

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Establishing this direct link between the owner and the City by using the party stipulated by the owner affords the permittee protection as well as enhances the efficiency with which enforcement can be performed. In this new program for utility permit work, such a system will be implemented with the Bureau of Contract Administration keeping, on file, an active list of written authorizations to work, submitted by the various utility partners in the City.

Some utility companies may have quite a few contractors listed as authorized, - some may have only a handful. However a BCA field inspector will have the authority to stop work in the right-of-way if a contractor appears at a permit site, for which the utility has not provided written recognition. While this adds another step in the course of doing business with the City, it also affords major utilities with a significant degree of protection because it will assist them in controlling who, in fact, is operating on their behalf.

This list of documents will reside with BCA Administrative and Field dispatch staff for reference and as public record. Contractors who do not have formal authorization to represent a utility company will not be allowed to proceed. The utility company will also be informed of the issue.

[3] Fines and Penalties for Misconduct

The Los Angeles Municipal Code is clear in both its intent to discourage scofflaw behavior and the means available to City personnel to deal with such.

In particular; L.A.A.C. §62.61., known commonly as the "Peak Hours" Ordinance, is actually entitled WORK WITHIN OR ON A PUBLIC STREET OR RIGHT-OF-WAY, OBSTRUCTION OF A PUBLIC STREET OR RIGHT-OF-WAY - PERMIT REQUIRED, REGULATIONS, PENALTIES FOR NON-COMPLIANCE.

This ordinance, while defining "emergency work", and setting strict requirements for the times of operation in the streets, is also a robust tool for addressing many permit violations.

§§(d)1.A of the ordinance states: "...the violation of any special condition or requirement of a valid construction permit issued pursuant to the Los Angeles Municipal Code, shall subject the violator to administrative penalties as follows: (1) For each violation listed on the initial citation, \$250.00; (2) For each violation on a second citation, issued to the same person or entity, if the violations occurred within 12 months of the first citation date, \$500.00; (3) For each violation on a third citation, issued to the same person or entity, if the violations occurred within 12 months of the first citation date, \$1,000.00."

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Working in the Right-of-way without a permit, or failing to notify the Bureau of Contract Administration prior to work commencing and closing a traffic lane without approval, are all violations of this code, and punishable under the provisions of L.A.M.C. 80.06.1.

While citation for offenses is not the best of all solutions, and since it does not necessarily serve to prevent bad behavior before the behavior creates problems, it is still a tool which should be expanded upon in the future. With more stringent penalties in place the Department can exercise more stringent control over the community's streets in the interest of public safety.

### **Operational Methodology**

#### [1] Liability Insurance for Utilities and Their Contractors.

Following amendment of the abovementioned Municipal Code to require liability insurance for all utility contractors (Transmittal No. 5), these contractors and their brokers will submit such documentation to the City Administrative Officer's (CAO) Risk Manager. The process for monitoring whether or not a particular contractor is insured will be jointly administered by the Bureau of Engineering during the permit process, and the Bureau of Contract Administration at time of Notification (Transmittal 3). The CAO will post this information on its Track4LA interactive website (Transmittal 4). Such information can be viewed by both Bureau of Engineering for permit issuance criteria, and Bureau of Contract Administration Field Dispatch personnel for right-of-way control.

Permit applicants not fulfilling the insurance requirements, (therefore not listed on CAO Track4LA) will not be issued a permit at all by the Bureau of Engineering.

Contractors/permittees calling for inspection will be checked by Contract Administration Field Dispatch, and if not listed on Track4LA, will not be allowed to work in the street.

#### [2] Authorized Representative Affidavit

Following program implementation, outreach will be conducted by Contract Administration to communicate the requirements for these forms and to coordinate their submittal, collection and maintenance.

Contractors (not the permittee's workforces) calling for permit inspection will be checked by Contract Administration Field Dispatch, and if not found to be authorized by the utility owner, will not be allowed to work in the street. (Transmittal 6).

Individuals or companies unable to show authentication as a legitimate representative of the permit owner will not be allowed to perform work in the right-of-way.

Utility companies that employ independent contractors on their right-of-way projects will be required to register those contractors with the Bureau of Contract Administration. The BCA

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will then, in turn, make such information available to any City agency with inquiries pertaining to such work. Such affidavits will also be treated as Public Information.

[3] Fines and Penalties for Misconduct

The operational models for expanding patrols, inter-Bureau communications, and citation processing already are in existence and are tested thoroughly by 6 years of field experience. While budgetary and staffing issues have severely affected coverage, the Bureau still maintains a dedicated and highly motivated cadre of Code Enforcement Officers who work hand in hand with BSS Street Use Investigators.

The Bureau has already issued 8 citations for failure to notify Dispatch personnel in the past 3 months, and has deployed Code Enforcement inspectors in trouble areas to mitigate problem activities. The Bureau will continue to aggressively address the issue of illegal work.

The combination of these three elements is intended by City Council to provide the Department practical tools with which to further ensure that the performance of contractors working in public streets is the best and most conscientious that we can achieve.

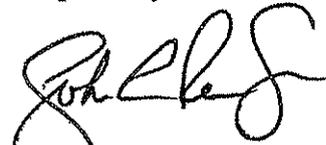
( MK - HRS )

Report prepared by:

R. Strazzella

Special Projects Division  
R. Strazzella  
Chief Construction Inspector  
213-847-2406

Respectfully submitted,



JOHN L. REAMER, JR.  
Inspector of Public Works



GARY LEE MOORE, P.E.  
City Engineer

NOV 16 2011

11-1935

PUBLIC WORKS

MOTION

Every year the City issues over 10,000 permits for utility installation and repairs. Many of these permits for work in the public right-of-way, conducted by outside contractors, result in the removal and repaving of large sections of City streets. The City requires that this work be inspected to ensure adherence to traffic safety and quality control standards. In addition, permittees are required to notify the City prior to commencing work.

The Bureau of Contract Administration advises that despite these requirements, work occurs and street resurfacing is completed without the City being properly notified. An unfortunate consequence with failure to notify the City is that completed work is not inspected and is often below City standards. Low quality repairs that are not performed to City standards compromise the integrity of the City's streets.

Similar problems regarding sewer construction have been mitigated through increased bonding requirements and regulation of contractors. As such, the City should consider similar actions to improve its regulation of private utility work performed in the public right-of-way.

I THEREFORE MOVE that the Bureau of Contract Administration, with the cooperation of the Bureau of Engineering, be instructed to report to the Public Works Committee with recommendations to ensure that all street repairs are completed to City standards.

PRESENTED BY:

*Mitchell Englander*  
MITCHELL ENGLANDER  
Councilmember 12<sup>th</sup> District

SECONDED BY:

*[Signature]*

ORIGINAL

*NMB*

NOV 16 2011

TRANSMITTAL 1

Excavation (U) Permits

Less than 100 sq. ft
ISSUED BY:

P = Proposed A=Actual

GENERAL CONDITIONS:

1. A COPY OF THIS PERMIT MUST BE ON THE JOB SITE AT ALL TIMES.
2. CALL UNDERGROUND SERVICE ALERT (U.S.A.) AT LEAST 48 HOURS PRIOR TO START OF WORK: 1-800-277-2600.
3. CALL THE FOLLOWING AT LEAST 48 HOURS PRIOR TO THE START OF WORK: BUREAU OF STREET LIGHTING: (213) 485-5824, DEPT. OF TRANSPORTATION, TRAFFIC SIGNAL CONSTRUCTION: (213) 847-2944

INSPECTION

<p>4. BUREAU OF CONTRACT ADMINISTRATION INSPECTION WORK MUST BE REQUESTED NO LATER THAN NOON OF PRECEDING WORK DAY. FOR INSPECTION, PLEASE CALL DISPATCH AT: (213) 485-5080. DISPATCH HOURS ARE 7:00 A.M. TO 3:30 P.M.</p>
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<p>5. CALL FOR INSPECTION OF PERMANENT RESURFACING NO LATER THAN NOON OF THE PRECEDING WORK DAY.</p>
--

6. ALL CHANGES IN SKETCHES AND PERMIT LIMITS MUST HAVE PRIOR APPROVAL BY THE CITY'S BUREAU OF ENGINEERING.
7. PEDESTRIAN AND VEHICULAR ACCESS MUST BE MAINTAINED AT ALL TIMES.
8. IF BARRICADES AND PROTECTIVE DEVICES ARE NOT FURNISHED BY THE CONTRACTOR AS REQUIRED, THE CITY OF LOS ANGELES MAY, AT ITS OPTION, PROVIDE THEM FOR A FEE TO THE CONTRACTOR.
9. TRAFFIC REQUIREMENTS: ALL TRAFFIC LANES IN MAJOR, SECONDARY AND COLLECTOR DESIGNATED STREETS SHALL BE UNOBSTRUCTED FROM 6 AM TO 9 AM AND 3:30 PM TO 7 PM. ONE TRAFFIC LANE MAY BE CLOSED AT ALL OTHER TIMES.
10. THE JOB SITE, INCLUDING TEMPORARY RESURFACING, MUST BE MAINTAINED BY THE PERMITTEE UNTIL PERMANENT RESURFACING IS COMPLETED.

<p>11. ALL PERMANENT RESURFACING MUST BE COMPLETED WITHIN 3 WEEKS OF THE TEMPORARY RESURFACING OR THE COMPLETION OF THE JOB.</p>
--

<p>12. ALL PERMANENT RESURFACING MUST BE IDENTIFIED BY AN APPROVED MARKER/TAG IDENTIFYING PERMITTEE AND THE YEAR THE WORK WAS COMPLETED. TAGS ARE TO BE PLACED AS CLOSE TO THE CURB AS POSSIBLE. FOR EXCAVATIONS LESS THAN 50' LONG, ONLY ONE TAG SHOULD BE PLACED IN THE MIDDLE. FOR LONGER EXCAVATIONS, TAGS SHOULD BE PLACED AT 50' INTERVALS AND AT BOTH ENDS.</p>
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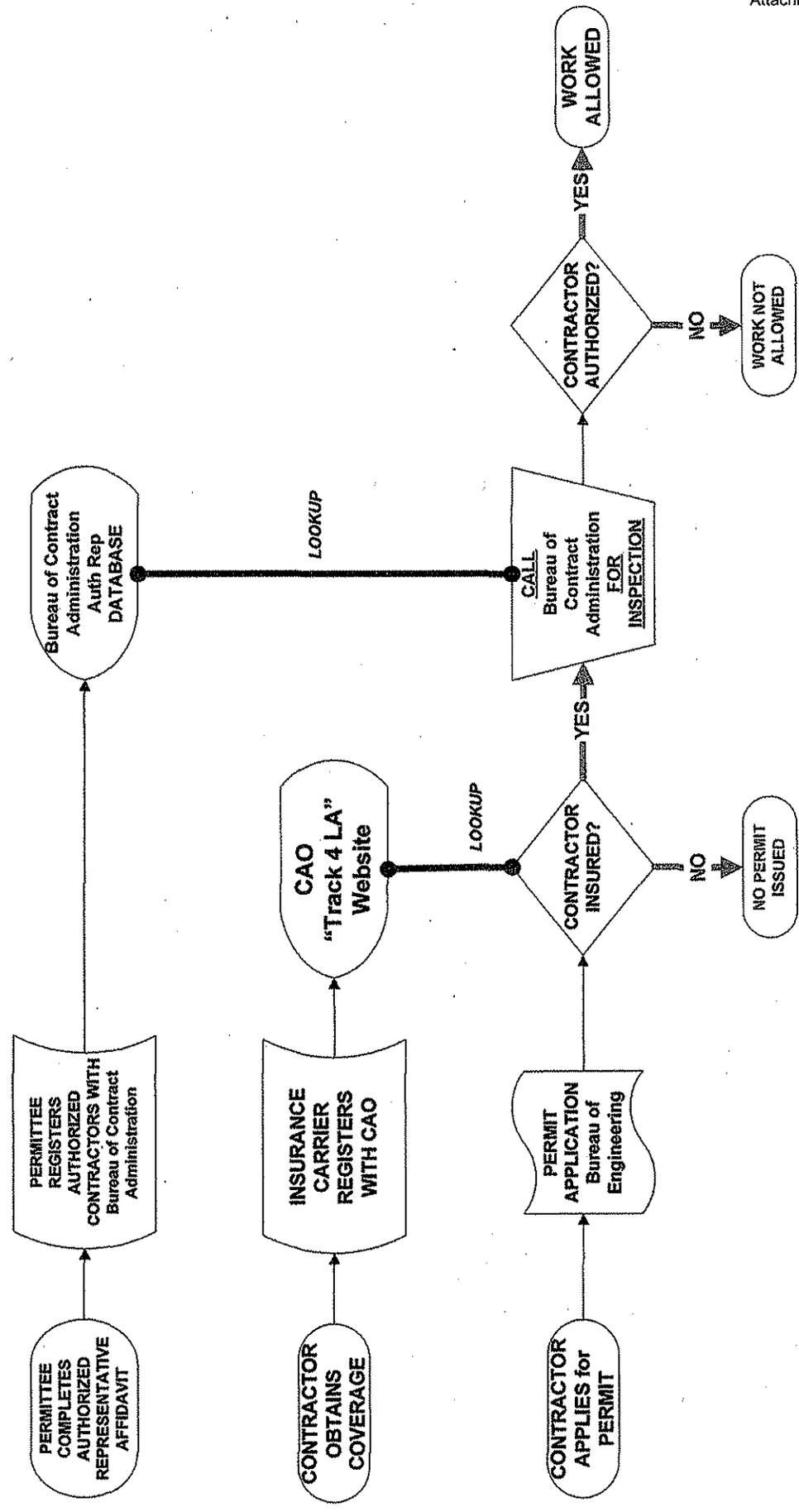
13. THIS PERMIT EXPIRES 6 (SIX) MONTHS FROM THE DATE OF ISSUANCE UNLESS WORK HAS COMMENCED (LAMC 82.02).
14. PERMITTEE SHALL STOP WORK AND CONTACT THE PERMITTING AGENCY PRIOR TO CUTTING OR EXCAVATING ANY DECORATIVE SIDEWALK, PAVEMENT, OR CROSSWALK.
15. ANY DAMAGE TO DECORATIVE SIDEWALK, PAVEMENT, OR CROSSWALK MUST BE REPAIRED IN KIND OR RECONSTRUCTED IN KIND BY THE PERMITTEE, AS DIRECTED BY THE PERMITTING AGENCY, IN A MANNER SATISFACTORY TO THE CITY ENGINEER AND THE INSPECTOR OF PUBLIC WORKS.
16. ISSUANCE OF A PERMIT DOES NOT INVALIDATE THE NEED TO GET APPROVALS OR PERMITS FROM OTHER GOVERNMENTAL AGENCIES THAT MAY HAVE JURISDICTION OVER A SPECIFIC LOCATION SUCH AS THE CALIFORNIA COASTAL COMMISSION

PERMIT REQUIREMENTS:

1. "SDRF" TO BE BILLED  
TOTAL SQ. FT. = 12.00 SQ. FT.  
TOTAL SDRF FEE = \$0.00  
1. MUST CALL FOR INSPECTION 213-485-5080 24 HOURS BEFORE START OF WORK.

TRANSMITTAL 2
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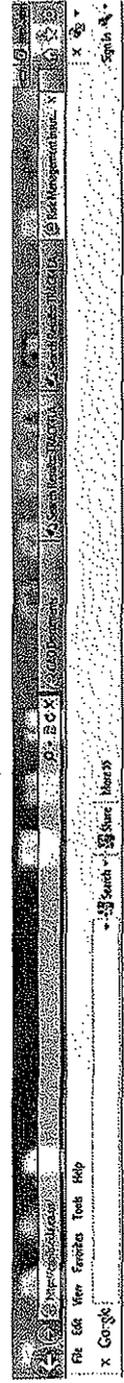
# PERMITTING PROCESS FLOW FOR UTILITY CONTRACTORS WITH LIABILITY COVERAGE AND PERMITTEE AUTHORIZATION



**TRANSMITTAL 3**

1

CITY ADMINISTRATIVE OFFICER – RISK MANAGEMENT -- “TRACK 4 LA”



<p><b>Search Insurance Information</b></p> <p>Search Using Insured Name, Certificate Approval Number, or Contract Number</p> <p>Issued Name: [ ] [ Search ]</p> <p>Certificate Approval Number: [ ] [ Search ]</p> <p>Contract Number: [ ]</p> <p>OR</p> <p>Search Using Other Names</p> <p>Other Name: [ ] [ Search ]</p>	<p><b>Search Bond Information</b></p> <p>Search Using Principal Name, Bond Number, or Certificate Approval Number</p> <p>Department: [ ]</p> <p>Principal Name: [ ] [ Search ]</p> <p>Certificate Approval Number: [ ] [ Search ]</p> <p>Bond Number: [ ] [ Search ]</p> <p>OR</p> <p>Search Using Other Names</p> <p>Other Name: [ ] [ Search ]</p>
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Examples are provided for the City of Los Angeles public records and are not intended to be used for public records and copying as requested by law.

For customer inquiries, please contact the City of Los Angeles Risk Management Department at (213) 480-1100.

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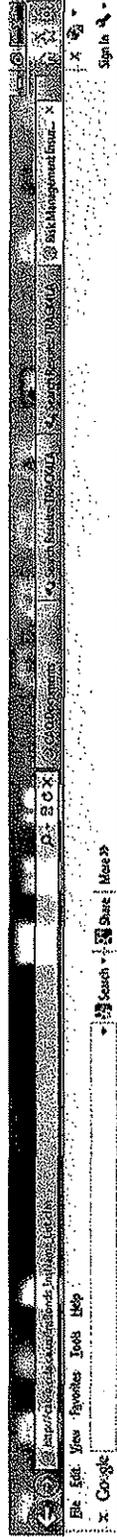
Page of 1

Search on Contractor Name

TRANSMITTAL 4

CITY ADMINISTRATIVE OFFICER – RISK MANAGEMENT -- "TRACK 4 LA"

2



Track4LA Search Results:

Insured Name	CA No.	Cancel/Reinstate Status	Cancel/Reinstate Letters
John T Malloy Incorporated	8634		
John T Malloy Inc	8126		

Search Results:

Records 1 to 2 of 2

Insured Name	Document	CA No.	Contract No.	Cancel/Reinstate Status	Coverage Type	Limits	Effective Date	Expiration Date

Records 1 to 0 of 0

Required Documentation

TRANSMITTAL 4



*Section 62.02(f)2., Article 2, Chapter VI of the Los Angeles Municipal Code shall be amended as follows:*

**2. Exception.** The provisions of this Subsection shall not apply to the Federal Government, the State of California, any county, city or county, municipal corporation, irrigation district, school district, district established by law, any political subdivision of the Federal Government or State of California, or any contractor or subcontractor while performing work under contract to any such entity pursuant to a permit issued under the provisions of this Section.

Notwithstanding the provisions of this Subdivision, the Department of Water and Power, and its contractors and subcontractors, are subject to the provisions of this Subsection.

*62.04(d) (Permits kept on jobsite) is amended as follows:*

§§ (e – m) shall be re-designated as §§ (s – n), and a new §§ “e” is added.

*(e) Contractors and subcontractors employed by any utility provider or private developer shall present to the Bureau of Contract Administration, and have available at their permit worksite, a City-approved affidavit from the utility owner authorizing that contractor/subcontractor to perform work in the City Right of Way on its infrastructure. No contractor shall perform work in the City Right-of-Way without such authority from the utility or the private developer to whom they are contracted.*

*This applies not only to utility company workforces and their contractors, but any party performing construction work in the public Right-of-Way.*

**Section to be determined**

In the event a utility/permittee fails to respond to all *warnings and notices* made by the City, to gain compliance in restoring the right of way, the utility/permittee will receive a written FINAL notice from the Inspector of Public Works (Bureau of Contract Administration). Such Final Notice shall advise the utility/permittee of the necessary actions for acceptance of the permit work, and provide the utility/permittee 5 calendar days with which to comply with the order.

The Final Notice shall also provide for the Inspector of Public Works to notify the utility's liability insurance carrier of a pending claim against the insured. This action shall include the suspension of all rights to reside on the City's CAO Risk Manager's list and shall exhaust all administrative remedies.

The decision of the Inspector of Public Works or his/her duly authorized representative will be *final, and no further appeal is provided.*

TRANSMITTAL 5



**CITY of LOS ANGELES DEPARTMENT OF PUBLIC WORKS  
INSPECTOR of PUBLIC WORKS**

**BUREAU of CONTRACT ADMINISTRATION  
PERMITTEE'S AUTHORIZED REPRESENTATIVE AFFIDAVIT**

[Empty box for Utility/Developer Name]

DATE

[Empty box for Date]

UTILITY/DEVELOPER NAME

[Empty box for City Permit Number]

City Permit Number

[Empty box for Work Order]

Work Order (if applicable)

[Empty box for Utility Program or Various-Location Project]

Utility Program or Various-Location Project

[Empty box for Job Address]

Job Address as shown on permit (Not Applicable on Program or Project authorization)

*The contractor listed here is either contracted or authorised by this utility provider for performance of utility work for the address or programs described herein:*

[Empty box for Contractor Name]

CONTRACTOR NAME

Numeric Field

[Empty numeric field box]

CALIFORNIA CONTRACTORS' STATE LICENSE #

Text

[Empty text field box]

CLASSIFICATION

*We have solely authorized this contractor to represent our interests and to prosecute the work to completion. We understand that Full Final Acceptance of the work by the Bureau of Contract Administration is predicated upon compliance with all conditions of this permit.*

[Empty box for Signature]

Signed (Permittee)

This form must be submitted to the Bureau of Contract Administration Dispatch Center prior to requests for inspection of the work. A copy of this document along with a copy of the permit application must be presented on demand of any City personnel. This form may be faxed or mailed to the address at the bottom of this affidavit.

Print Form

**BUREAU OF CONTRACT ADMINISTRATION**  
1149 South Broadway St., Suite 300 (Public Works Building)  
Los Angeles, California 90015  
ph 213/485-5080  
FAX 213/847-2711

TRANSMITTAL 6



