

**SECTION 600**  
**RESPONSIBILITIES OF CONTRACTOR IN CONDUCT OF WORK**

**600.1 SUPERVISION**

The contractor shall designate and keep on the work at all times during its progress a competent superintendent, who shall not be replaced without written notice to the District's representative. The superintendent will be the contractor's representative at the site and shall have authority to act on behalf of the contractor. All communications given to the superintendent shall be as binding as if given to the contractor. During periods when the work is suspended, the contractor shall make appropriate arrangements for any emergency work which may be required.

Whenever the contractor's superintendent is not present on any particular part of the work where the District's representative may desire to inform the contractor relative to interpretation of the plans and specifications or the disapproval or rejection of materials or work performed, the District's representative may so inform the foreman or other worker in charge of the particular part of the work in reference to which the information is given. Information so given shall be as binding as if given to the superintendent.

**600.2 NO PERSONAL LIABILITY**

The Board of Directors, an officer, an authorized assistant, or an agent, or employee of the District shall not be personally responsible for any liability arising out of the work performed.

**600.3 RESPONSIBILITY FOR DAMAGE**

The District shall not be answerable or accountable in any manner for any loss or damage that may happen to the work or any part thereof; or for any material or equipment used in performing the work; or for injury or damage to any person or persons, workmen, or the public; or for damage to adjoining property from any cause whatsoever during the progress of the work or at any time before final acceptance.

**600.4 LEGAL RELATIONS AND RESPONSIBILITY**

The contractor shall keep himself fully informed of all laws, ordinances, and regulations that in any manner affect those engaged or employed in the work or the materials used in the work, or that in any way affect the conduct of the work, and of all such orders and decrees of bodies or tribunals having any jurisdiction or authority over the same. If any discrepancy or inconsistency is discovered in the plans, drawings, specifications, or other documents in relation to any such law, ordinance, regulation, order, or decree, the contractor shall forthwith report the same to the District in writing. The contractor shall at the time observe and comply with all such existing and future laws, ordinances, resolutions, regulations, orders, and decrees and shall protect and indemnify the District against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order, or decree.

The owner and contractor shall hold harmless, indemnify, and defend the District from any and all liability claims, losses, or damages, including attorney's fees, arising or alleged to arise from the performance of the work, provided, however, that if the loss or damage is ultimately determined to be the proximate result of the sole negligence of one or more of the aforesaid, this indemnification shall not apply.

The owner and contractor shall also indemnify and hold the District harmless from all costs, losses, expenses, damages, attorney's fees, and other costs of defense that may incur with respect to the failure, neglect, or

refusal of contractor to faithfully perform the work and obligations under the contract. Such costs, expenses, and damages shall include all costs incurred by the District to defend against any claims, stop notices, or lawsuits based thereon in which any of them are made a party.

The contractor shall, in general, observe the rules and regulations of the State of California, Department of Industrial Relations Division of Industrial Safety (CAL/OSHA) and, in particular, rules and regulations relating to shoring of trenches and excavations and confined spaces.

#### **600.5 STORAGE OF EQUIPMENT AND MATERIALS IN PUBLIC STREETS**

Construction materials may not be stored in streets, roads, or highways for a period longer than that authorized by the agency having jurisdiction over said street, road, or highway.

Construction equipment shall not be stored at the worksite before its actual use on the work or for a period longer than that authorized by the agency having jurisdiction over said worksite, street, road, or highway.

#### **600.6 STREET CLOSURES, DETOURS, BARRICADES**

The contractor shall comply with all applicable state, county, and city requirements for closure of streets. The contractor shall provide barriers, guards, lights, signs, temporary bridges, flagmen, and watchmen advising the public of detours and construction hazards that may arise during construction and promptly remove all signs and warning devices upon completion of the work. The contractor shall also be responsible for compliance with additional public safety requirements that may arise during construction.

At least two working days, or per requirements of the agency having jurisdiction, before closing, partially closing, or reopening of any street, alley, or other public thoroughfare, the contractor shall notify the jurisdictional agencies involved and comply with their requirements. Deviations must first be approved in writing by the District Engineer with concurrence of the agency having jurisdiction. Traffic control shall generally be in accordance with the "Work Area Traffic Control Handbook" (WATCH). Local agency requirements shall govern.

#### **600.7 SAFETY**

The Contractor shall be solely and completely responsible for inspecting and correcting all onsite safety hazards during all aspects of construction. In addition, the Contractor's project manager or construction manager shall have primary, specific authority to order the correction of all onsite safety hazards during the construction period. The Contractor shall be considered the controlling employer or correcting employer having specific authority to correct any and all violative safety conditions which may exist at the job site during construction consistent with Labor Code section 6400, et. seq. The Contractor shall instruct any subcontractors that the Contractor's project manager or construction manager is the designated source of information regarding safety hazards which may exist at the job site.

##### **600.7.1 Safety Orders**

The contractor shall have at the worksite copies or suitable extracts of Construction Safety Orders, Tunnel Safety Orders, and General Industrial Safety Orders as issued by the State Division of Industrial Safety. The contractor shall comply with provisions of these and all other applicable laws, ordinances, and regulations.

##### **600.7.2 Use of Explosives**

Explosives may be used only when authorized in writing by the District Engineer. Explosives shall be handled, used, and stored in accordance with all applicable regulations.

The District Engineer's approval of the use of explosives shall not relieve the contractor from his liability for claims caused by blasting operations.

## **600.8 CAL OSHA REQUIREMENTS**

The following are Cal/OSHA requirements as of the printing of these District standard specifications. The requirements are listed for information purposes only; work must be in compliance with the current Cal/OSHA requirements. Requirements for construction work for Cal/OSHA are listed in Title 8, Division 1, Chapter 4, of the California Code of Regulations.

### **600.8.1 Trench Work**

Division of Occupational Safety and Health (DOSH) requires a DOSH permit for construction of trenches or excavations 5 feet or more in depth into which a person is required to descend.

Each employee in an excavation shall be protected from cave-ins by an appropriate protective system.

A competent person will make daily inspections of excavations, adjacent areas, and protective systems for potential cave-in, failure of protective systems, hazardous atmospheres, or other hazardous conditions.

A competent person must demonstrate:

1. Knowledge of current safety orders pertaining to excavation and trenching
2. Knowledge of soil analysis and classification
3. Knowledge of design and use of protective systems
4. Authority to take prompt corrective action when conditions change
5. Ability to recognize and test for hazardous atmospheres

Protective system design will be based on soil classification: Type A, B, or C soils (refer to Section 1541(b) Title 8).

Sloping or benching for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

Determine the location of underground utilities and notify the owners.

Inspect the area for hazards from moving ground.

Inspect the excavation after every rainstorm, earthquake, or other hazard-increasing occurrence.

Inspect the face, banks, and top daily when workers are exposed to falling or rolling material.

Shore, bench, slope, shield, or use equivalent methods to protect workers in excavations 5 feet deep or more.

Locate spoil, materials, and equipment at least 2 feet from the edge of excavation.

In trenches 4 feet deep or more, provide safe access within 25 feet of any work area.

Install walkways or bridges with standard guardrails when employees or equipment are required or permitted to cross over.

Do not excavate beneath the level of adjacent foundations, retaining walls, or other structures until a qualified person has determined that the work will not be hazardous.

Shore, brace, or underpin structures when their stability is threatened. Inspect structures daily.

Erect barriers around excavations in remote work locations. Cover or barricade all wells, pits, shafts or caissons.

Note: Upon District's request, a shoring detail shall be designed by a registered professional engineer.

### **600.8.2 Confined Space**

A confined space has the following characteristics:

1. Its size and shape allow a person to enter it
2. It has limited openings for workers to enter and exit
3. It is not designed for continuous occupancy

All entries into or work within confined spaces to be conducted in accordance with the U.S. Department of Health and Human Services/National Institute for Occupational Safety and Health [DHHS (NIOSH)] Publication No. 87-113, A Guide to Safety in Confined Spaces.

The contractor shall notify in writing the District inspector 48 hours prior to performing work in a District facility classified as a confined space.

### **600.8.3 Permit-required Confined Space**

A permit-required confined space has one or more of the following characteristics:

1. Contains or has potential to contain a hazardous atmosphere
2. Contains a material that has the potential for engulfing an entrant
3. Has an internal configuration such that the entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section
4. Contains any other recognized serious safety or health hazard

All entries into or work within permit-required confined spaces to be conducted in accordance with the U.S. Department of Health and Human Services/National Institute for Occupational Safety and Health [DHHS (NIOSH)] Publication No. 87-113, A Guide to Safety in Confined Spaces.

No one shall enter a District facility that is classified as a permit-required confined space without a District inspector being present. The contractor shall submit the permit to the District inspector 48 hours prior to doing work in a District confined space facility.

An entry permit is a written or printed document that is provided by the contractor to allow and control entry into a permit-required confined space and that contains, but is not limited to, the following information:

1. Specific permit space identification
2. Purpose and date of entry
3. Duration of authorization
4. Authorized entrants by name
5. Names of authorized attendant and entry supervisor
6. Actual hazards of the identified space
7. Control and isolation methods to be used
8. Acceptable entry conditions
9. Results of initial and periodic atmospheric testing
10. Rescue and emergency services to be summoned
11. Communication procedures authorized between attendant and entrants
12. Equipment to be provided
13. Other information as necessary
14. Other permits, such as hotwork

An example of a confined space entry permit is shown in the California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 7, Group 16, Article 108, Appendix D-2. The contractor may use this permit or any other permit adequate for the work being done.

**END OF SECTION**