



COACHELLA VALLEY WATER DISTRICT

INSTRUCTIONS TO APPLICANT ENCROACHMENT PERMIT/ NONINTERFERENCE REVIEW LETTER (NIRL)

1. Applicant shall provide one (1) set of approved CVWD Drawings or comprehensive exhibit including plan and profile, if applicable.
2. Applicant shall submit a completed Encroachment Permit/Noninterference Review Letter (NIRL) application and obtain an executed Encroachment Permit or NIRL (“Permit”) prior to construction. Permit will be released by the Inspection Division during the preconstruction meeting, if applicable*.
3. Applicant shall have insurance carrier provide an Acord certificate including required endorsements as stated in the Coachella Valley Water District Insurance Requirements, if applicable.
4. If permit is for stormwater discharging into a CVWD facility, an MS4 letter is required from the City or County.
5. Applicant shall pay a \$346 non-refundable permit processing fee at the time of submitting the application (*Applicant will be given instructions to pay via credit card*).
6. Processing can take up to thirty (30) days from the receipt of all required documents (application, approved CVWD Drawings, exhibits, insurance forms with endorsements, and all applicable fees).

NOTE: The contractor performing the work will be required to obtain a separate Construction Encroachment Permit prior to the start of construction.

**CVWD WILL NOT PROCESS THE PERMIT/NIRL UNLESS
THE PACKAGE SUBMITTED IS COMPLETE.**

APPLICATION FOR ENCROACHMENT PERMIT/NONINTERFERENCE REVIEW LETTER (NIRL)

(Use separate application for each project)

Permission is requested to encroach on CVWD right-of-way as indicated below. Complete all items; insert N/A if not applicable. Application may be returned if all required attachments are not included.

Location: City _____ County _____ Date _____

CVWD/USBR Facility _____ APN(s) _____

Nearest Cross Streets _____

(NE) (NW) (SW) (SE) Quarter(s) of Section _____, Township _____ South, Range _____ East

Work to be performed by:

____ Own forces _____ Contractor, Name _____ Both

FULLY DESCRIBE WORK AND PERMANENT IMPROVEMENTS WITHIN CVWD/USBR RIGHT-OF-WAY. Attach approved CVWD drawings (one 11" x 17" set), exhibit, specifications, calculations, maps, etc., if applicable.

Estimated Dates: Start _____ Complete _____

Application shall be submitted a minimum of 30 days before construction is scheduled to start.

PERMIT FEE: There shall be a \$346.00 non-refundable processing fee paid at the time this application is submitted. *(Applicant will be given instructions to pay via credit card).*

CONSTRUCTION INSPECTION: Will be performed by CVWD at the Permittees expense as required by CVWDC 3.05.210. (Ord. 1399.13 § 8-1, 2019) when applicable.

PERFORMANCE WARRANTY: Bond may be required of the Permittee whenever in the judgment of CVWD it becomes necessary or advisable to guarantee performance.

INSURANCE REQUIREMENTS: Must be met at the time this application is submitted.

THE UNDERSIGNED AGREES THAT THE WORK WILL BE DONE IN ACCORDANCE WITH CVWD ENCROACHMENT PERMIT AND NIRL GUIDELINES AND SUBJECT TO INSPECTION AND APPROVAL.

Applicant / Company Name

Authorized Name and Title (print)

(_____) _____
Phone Number

Authorized Signature

Mailing Address

Email Address

City, State, and Zip Code

If you have any questions in regard to the preparation of this application or if you need any information, please contact the Right-of-Way Division at (760) 398-2651.

COACHELLA VALLEY WATER DISTRICT
INSURANCE REQUIREMENTS

MINIMUM SCOPE AND LIMIT OF COVERAGE. Prior to and at all times after executing the Permit, Permittee shall procure and maintain, at its sole cost, for the duration of Permittee's obligations hereunder, not less than the following coverage and limits of insurance, with insurers and under policy forms satisfactory to CVWD.

(a) **Commercial General Liability Insurance** written on an occurrence basis of at least \$1,000,000 per occurrence/\$2,000,000 aggregate including ongoing operations, products and completed operations, property damage, bodily injury, personal and advertising injury, and premises/operations liability.

(i) Coverage for Commercial General Liability insurance shall be at least as broad as Insurance Services Office Commercial General Liability coverage form (Occurrence Form CG 00 01) or exact equivalent.

(ii) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products and completed operations liability; or (4) contain any other exclusion contrary to the Permit.

(iii) The policy shall be endorsed to name Coachella Valley Water District, its employees, directors, officers, agents, and volunteers as additional insureds using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage.

(b) **Commercial Automobile Liability Insurance** written on a per occurrence basis of at least \$1,000,000 per occurrence for bodily injury and property damage.

(i) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto)

(ii) The policy shall be endorsed to name Coachella Valley Water District, its employees, directors, officers, agents, and volunteers as additional insureds.

(c) **Workers' Compensation Insurance/Employers Liability** as required by the State of California with statutory limits or be legally self-insured pursuant to Labor Code section 3700 *et seq.* along with Employer's Liability limits of no less than \$1,000,000 per occurrence for bodily injury or disease. The workers compensation insurer shall agree, using form WC 00 03 13 or the exact equivalent to waive all rights of subrogation against Coachella Valley Water District, its employees, directors, officers, and agents.

OTHER INSURANCE PROVISIONS. All of Permittee's policies shall meet the following requirements and contain all specified provisions/endorsements noted hereunder.

(a) Insurers shall provide CVWD at least thirty (30) days prior written notice of cancellation of any policy required by this Permit, except that insurers shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. In the event any insurer issuing coverage hereunder does not agree to provide notice of cancellation to CVWD, Permittee shall assume such obligation and provide written notice of cancellation in accordance with the above. If any of the required coverage is cancelled or expires during the term of this Permit, Permittee shall deliver renewal certificate(s) including endorsements to CVWD at least ten (10) days prior to the effective date of cancellation or expiration.

(b) The Commercial General Liability Policy and Automobile Policy shall each contain a provision stating that Permittee's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by CVWD or any additional insureds shall not be called upon to contribute to any loss.

(c) All required insurance coverages shall contain a provision, or be endorsed, to waive subrogation in favor of the Coachella Valley Water District, its employees, directors, officers, and agents or shall specifically allow Permittee to waive its right of recovery prior to a loss. Permittee hereby waives its own right of recovery against Coachella Valley Water District, its employees, directors, officers, and agents.

(d) If at any time during the life of the Permit, any policy of insurance required under this Permit does not comply with these specifications or is canceled and not replaced, CVWD has the right but not the duty to obtain the insurance it deems necessary and any premium paid by CVWD will be promptly reimbursed by Permittee. In the alternative, CVWD may cancel this Permit.

(e) CVWD may require Permittee to provide complete copies of all insurance policies and endorsements in effect for the duration of the Permit.

(f) The general liability and automobile liability programs may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by CVWD, and provided that such deductibles shall not apply to CVWD as an additional insured.

(g) Claims made policies are not acceptable

(h) Permittee shall not allow any of its contractors, consultants, subcontractors or subconsultants to commence work under this Permit until Permittee has required and verified that contractors, subcontractors, consultants, or subconsultants have secured all insurance required under this Section, including waivers of subrogation and other endorsements. Policies of commercial general liability insurance provided by such contractors, consultants, subcontractors or subconsultants shall be endorsed to name Coachella Valley Water District, its employees, directors, officers, and agents as additional insureds using ISO form CG 20 38 04 13 and CG 20 10 11 85, or an endorsement providing the exact same coverage. If requested by Permittee, CVWD may approve different scopes or minimum limits of insurance for particular contractors, consultants, subcontractors or subconsultants.

VERIFICATION OF COVERAGE. Prior to execution of the Permit, Permittee shall file with CVWD evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance. All policies required shall be issued by acceptable insurance companies, as determined by CVWD. Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

LIABILITY NOT LIMITED. Defense costs shall be payable in addition to the limits set forth herein. Requirements of specific coverage or limits contained herein are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve Permittee from liability in excess of such coverage, nor shall it limit Permittee's indemnification obligations to

CVWD and shall not preclude CVWD from taking such other actions available to CVWD under other provisions of the Permit or law.

AVAILABLE LIMITS. Notwithstanding the minimum limits set forth above, any available insurance proceeds in excess of the specified minimum limits of coverage shall be available to the parties required to be named as additional insureds.

RESERVATION OF RIGHTS. CVWD reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

INSURANCE SUBMISSION**

It is **IMPORTANT** to know that CVWD requires that **ENDORSEMENT FORMS** be attached behind the Certificate of Insurance. A statement on an insurance certificate will not be accepted in lieu of the actual endorsement forms.

INSURANCE BROKERS should contact their insurance company UNDERWRITERS if they have questions. Every underwriter, regardless of the insurance company, has great knowledge of what endorsement forms are and can provide the forms to the broker. The endorsement forms are necessary and required.

Please use the **CHECKLIST** below to verify that you have obtained and attached each of the proper items. Please submit the insurance as one (1) packet.

- General Liability** Insurance Certificate in the amount of \$1,000,000
- Additional Insured Endorsement Form**
- Waiver of Subrogation Endorsement Form**

- Automobile Liability** Insurance Certificate in the amount of \$1,000,000
- Additional Insured Endorsement Form**
- Waiver of Subrogation Endorsement Form**

- Workers' Compensation** statutory limits, Employers liability \$1,000,000
- Waiver of Subrogation Endorsement Form**

Additional insured: Coachella Valley Water District, its employees, directors, officers, and agents.

**This document is a short synopsis of CVWD's insurance requirements and is not intended to limit CVWD's liability in any way.

COACHELLA VALLEY WATER DISTRICT
INSPECTION

*An estimated inspection deposit will be collected at the preconstruction meeting. Construction inspection will be performed by CVWD at the Applicant's expense as required by Coachella Valley Water District Code (CVWDC) 3.05.210. (Ord. 1399.13 § 8-1, 2019)

Inspection charge -

- A. Amount. The charge for inspection of Construction Encroachment Permits, as provided in CVWDC 3.05.330(B), is based on an hourly rate. See Appendix P. A deposit is required as described below.
- B. Deposit. The Applicant shall deposit the estimated cost of the inspection prior to the start of construction. When the inspection charges exceed 90 percent of the deposit, the Applicant shall make additional deposits prior to any additional inspection.
- C. Refund. CVWD will refund any excess funds within 30 days of acceptance of the facilities by CVWD. All outstanding invoices need to be paid prior to release of the deposit. (Ord. 1399.13 § 5-8, 2019)