

## ORIGINATION FORM

Date: **9-10-13**

Originator: **Juanita Moore**

Contact Information: **4010**

Specification Title: **007**

Specification Section, Article, or Subarticle Number: **7-7.1, 7-13.2 and 7-13.3**

Why does the existing language need to be changed? **To update the language in the current Special Provision to the current requirements for Commercial General Liability insurance and provide limits for smaller Department Contracts. Also to update the language to active voice.**

Summary of the changes: **Update language in 7-7.1 and 7-7.2 and delete 7-7.3.**

Are these changes applicable to all Department jobs? **Construction contracts \$250k and less and all Maintenance contracts.**

If not, what are the restrictions? **N/A**

Will these changes result in an increase or decrease in project costs? **N/A**

If yes, what is the estimated change in costs? **N/A**

With who have you discussed these changes? **Ted Avellone, CO General Counsel**

What other offices will be impacted by these changes? **Construction and Maintenance**

Are changes needed to the PPM, Design Standards, SDG, CPAM or other manual? **No**

Is a Design Bulletin, Construction Memo, or Estimates Bulletin needed? **No**

Contact the State Specifications Office for assistance in completing this form.

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## *Florida Department of Transportation*

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**ANANTH PRASAD, P.E.**  
SECRETARY

### **MEMORANDUM**

**DATE:** October 9, 2013

**TO:** Specification Review Distribution List

**FROM:** Daniel Scheer, P.E., State Specifications Engineer

**SUBJECT:** Proposed Specification: 0070701DC Legal Requirements and Responsibility to the Public

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change.

The changes are proposed by Juanita Moore of the State Contracts Administration Office to update the language in the current Special Provision to the current requirements for Commercial General Liability insurance providing limits for smaller Department Contracts. Also to update the language to active voice.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or to my attention via e-mail at SP965DS, or [daniel.scheer@dot.state.fl.us](mailto:daniel.scheer@dot.state.fl.us). Comments received after **November 6, 2013**, may not be considered. Your input is encouraged.

DS/ft  
Attachment

District Let Contracts less than \$250,000 and all Maintenance Contracts.

## LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC.

(REV ~~8-22-129-6-13~~) (1-14)

SUBARTICLE 7-7.1 is expanded by the following:

~~The Contractor's equipment on Department right of way shall clearly and legibly identify the Contractor.~~ *Clearly and legibly identify all equipment on the Department's right-of-way.*

SUBARTICLES 7-13.2 and 7-13.3 (Page 70) are deleted and the following substituted:

~~7-13.2 Contractors' Public Liability and Property Damages~~ **Commercial General Liability Insurance:** *Carry Commercial General Liability insurance providing continuous coverage for all work or operations performed under the Contract.- Such insurance shall will be no more restrictive than that provided by the latest occurrence form edition of the standard Commercial General Liability Coverage Form (ISO Form CG 00 01) as filed for use in the State of Florida. -Cause the Department to be made an Additional Insured as to such insurance. -Such coverage shall must be on an "occurrence" basis and shall include Products/Completed Operations coverage. -The coverage afforded to the Department under as an Additional Insured shall must be primary as to any other available insurance and shall not be more restrictive than the coverage afforded to the Named Insured.- The limits of coverage shall must not be less than \$1,000,000250,000 for each occurrence and not less than a \$5,000,000500,000 annual general aggregate, inclusive of amounts provided by an umbrella or excess policy. -The limits of coverage described herein must apply fully to the work or operations performed under the Contract, and may not be shared with or diminished by claims unrelated to the contract. The policy/ies and coverage described herein may be subject to a deductible, which shall will be your sole responsibility.- No policy/ies or coverage described herein may can contain or be subject to a Retention or a Self-Insured Retention.- Prior to the execution of the Contract, and at all renewal periods which occur prior to final acceptance of the work, the Department shall be provided with an ACORD Certificate of Liability Insurance reflecting the coverage described herein. -The Department shall must be notified in writing within ten days of any cancellation, notice of cancellation, lapse, renewal, or proposed change to any policy or coverage described herein. -The Department's approval or failure to disapprove any policy/ies, coverage, or ACORD Certificates shall will not relieve or excuse any obligation to procure and maintain the insurance required herein, nor serve as a waiver of any rights or defenses the Department may have.*—~~7-13.3 Contractors' Protective Public Liability and Property Damage Liability Insurance:~~ **Insurance:** *Furnish evidence to the Department that, with respect to the operations performed by subcontractors, regular Contractors' Protective Public Liability Insurance providing for a limit of not less than \$\_\_\_\_\_ for all damages arising out of bodily injuries to, or death of, one person and, subject to that limit for each person, a total limit of \$\_\_\_\_\_ for all damages arising out of bodily injuries to, or death of, two or more persons in any one occurrence; and regular Contractors' Protective Property Damage Liability Insurance providing for a limit of not less than \$\_\_\_\_\_ for all damages arising out of injury to, or destruction of, property in any one occurrence and, subject to that limit per occurrence, a total (or aggregate) limit of*

District Let Contracts less than \$250,000 and all Maintenance Contracts.

~~\_\_\_\_\_ for all damages arising out of injury to, or destruction of, property during the policy period is carried.~~

~~\_\_\_\_\_ Cause the Department to be an additional insured party on the Contractor's Protective Public Liability and Property Damage Liability Insurance policies that insure the Contractor for the described work that it performs under the Contract.~~