DESIGN BULLETIN # 71/13

Engineering Consulting Guidelines for Highway, Bridge, And Water Projects Volume 1- 2011 
Appendix H Update

Summary
This Bulletin is issued to inform all consultants and department staff of the update of Appendix H, Utility Adjustment Agreement Samples of the Engineering Consulting Guidelines (ECG) Volume 1, 2011.

The department regularly has projects that require location of underground pipelines, and a common method to locate these lines has been through hydrovac excavation. The ECG describes the use of a hydrovac agreement between the parties, but in the past few years some pipeline companies have refused to use the standard agreement previously provided in the ECG unless it is signed by the department; disputes about the use of the standard form (signed by the consultant) has resulted in delay of the commencement of projects.

In order to resolve this issue and to assign the appropriate level of risk to each party involved, the department has recently worked with Albert Justice and Risk Management to develop and complete the AT standard hydrovac agreement called “Roadway Upgrading Pipeline Crossing Agreement for Locating (Hydrovac) Underground Pipelines”

Key Changes
In the event hydrovac activities are required by the Consultant for the Engineering Design, the department would use and sign off this AT standard agreement. The Consultant acts as the Agent for the department and the Consultant shall:

a) ensure that the hydrovac Contractor maintains a valid safety Certificate of Recognition (COR). A Small Employer’s Certificate of Recognition is not considered acceptable. The Consultant will ensure that the hydrovac Contractor will provide a valid Safety Certificate of Recognition to the Minister prior to commencing the work.

b) ensure that the hydrovac Contractor obtain and maintain General Liability, in accordance with the Alberta Insurance Act, in an amount not less than $5,000,000 inclusive per occurrence, insuring against bodily injury, personal injury and property damage including loss of use thereof. Such insurance shall include but not be limited to:
   • Products and completed operations liability;
   • Owner’s and contractor’s protective liability;
   • Blanket written contractual liability;
   • Contingent employer’s liability;
   • Non-owned automobile liability;
   • Cross liability with respect to additional insureds;
• Employees as additional insureds;
• Broad form property damage endorsement;
• Operation of attached machinery; and
• Sudden and accidental pollution as per IBC 2313 or similar wording,

c) ensure that the hydrovac Contractor has Automobile Liability insurance in accordance with the Alberta Insurance Act, in an amount not less than $2,000,000. Evidence of such insurance, in a form acceptable to the Minister, shall be provided within three (3) business days of the Minister’s request.

d) ensure that the hydrovac Contractor has appropriate experience in the hydrovac field, with a minimum of 3 years related experience; and

e) Clearance of Worker Compensation Board (WCB).

Effective Date
Immediately

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