



# Controlling Contractor Liability

## Before, During & After the Job



**ABAG PLAN is sponsoring a 3.5-hour seminar for public entities on controlling liability when using contractors**

**Did you know** that your City can be fined for the unsafe acts committed or the unsafe conditions created by your contractor's as a result of the CalOSHA Multi-Employer Worksite Safety Standard?

**Did you know** that the California Courts have ruled that CalOSHA citations are admissible in third-party lawsuits?

**DO you know** if your contracts are awarded to the Lowest **RESPONSIBLE** Bidder?

This seminar will explain how the legal framework for public contracting in California provides opportunities for local agencies to fine-tune their public works contracting practices to help ensure their projects are performed by experienced contractors with good safety records.

We will discuss how judicious use of such tools as prequalification can help agencies provide for safe job sites, and avoid liability, under Multi Employer Workplace requirements. In addition, we will explain other ways local agencies can tailor their contracting programs, such as through local legislation on bid protests and debarred contractors, and collaboration with other agencies, to maintain effective agency control over the contracting process.



### TOPICS INCLUDE:

- ✘ When is Indemnification Language Not Enough?
- ✘ Assembly Bill 574 – How and WHEN to Pre-Qualify Bidders
- ✘ Developing a Contractor Liability Control Program
- ✘ CalOSHA – What's Expected of Contract Owners?
- ✘ Multi-Employer Liability – Risks and Solutions
- ✘ CalOSHA Multi-Employer Worksite Safety Standard
- ✘ Building Your Defense Now – Due Diligence Tools
- ✘ What do the California courts and CalOSHA consider "due diligence?"

### Cal/OSHA Encourages Criminal Case in Milpitas Fatality

Jun 16, 2012

The California Department of Industrial Relations' Division of Occupational Safety and Health, known as Cal/OSHA, issued 14 citations totaling \$168,175 to a Fremont, Calif.-based construction and investment company, US-Sino Investments, Inc., and called for additional action in connection with the death of Raul Zapata, 37, a carpenter who died when an excavation wall at a Milpitas home construction site fell on him Jan. 28, 2012. The city of Milpitas had issued a stop work order at that site three days earlier, Cal/OSHA Chief...

### Speaker: David Patzer, DKF Solutions Group

David Patzer is the managing partner of DKF Solutions Group, a risk control consulting firm specializing in risk exposures facing public works and utilities. Mr. Patzer serves as the Risk Control Advisor to the California Sanitation Risk Management Authority and provides risk control services to over 100 cities and special districts throughout California.

**WHO SHOULD ATTEND:** This seminar is designed for Risk Managers, Contracts Managers, City Engineers, Construction Inspectors and anyone else responsible for helping your organization navigate multi-employer liability!

**DATE and TIME:** March 12, 2015 from 9:30 am -1:00 pm

**LOCATION:** Joseph Bort Auditorium, 101 Eighth Street, Oakland CA 94607

**COST:** No charge for PLAN Members, \$50 for non-PLAN ABAG Members.

**REGISTRATION:** Go to <http://www.abag.ca.gov/plan/training.html>

## **PARKING:**

The Joseph Bort Auditorium is located directly across from the Lake Merrit BART Station. We highly recommend utilizing BART to attend the workshop.

The on-street parking near the Joseph Bort Auditorium is extremely limited. The Bort Building also has virtually no parking available to non-employees. But there are nearby parking lots. Please see below.

### **Oakland Museum of California**

1000 Oak St. @ 10th Street.

Oakland, CA 94607

7:30 AM—6:00 PM

### **ALCO Parking Lot**

13th & Alice Streets

Oakland, CA 94604

### **Henry J. Kaiser Auditorium Parking Lot**

10 10th Street.

Oakland, CA 94607

### **Bay Area Parking Co.**

1000 Oak Street,

Oakland CA 94607

*Directions click here:* <http://goo.gl/maps/F05vC>