
California Special Districts Association

SAMPLE POLICY HANDBOOK

POLICY TITLE: Developer Requirements

POLICY NUMBER: 6040

6040.1 The District's goal is for its service facilities to have a maximum useful life, to reduce overall maintenance costs and to provide dependable service to existing and future customers. Toward that end, and to ensure orderly development and the use of high-quality materials, proper installation and acceptable project management, developers of residential, commercial, industrial or other type projects shall obtain approval from the District prior to:

6040.1.1 Construction of associated [*service(s) provided*] facilities which they proposed to connect to the District's system; or,

6040.1.2 Relocation of existing District facilities.

6040.1.3 "Project" shall be defined as the proposed construction of any development involving the District's [*service(s) provided*] system and/or alterations to provide additional capacity in existing facilities in order to obtain [*service(s) provided*].

6040.2 The developer initiates a request for project approval by submitting, to the District Engineer [*General Manager, Consulting Engineer, etc.*], plans for the proposed improvements. The initial plan submittal shall be prepared by a registered civil engineer. The District Engineer [*General Manager, Consulting Engineer, etc.*] shall review the project plans and related information to insure their conformance with the Improvement Standards, District policies, good engineering judgment and the best interests of the District.

6040.3 The project shall be submitted by the District Engineer [*General Manager, Consulting Engineer, etc.*] to the Board of Directors for approval consideration when the following have been accomplished:

6040.3.1 The improvement plans satisfy the requirements of the Improvement Standards and the District Engineer [*General Manager, Consulting Engineer, etc.*];

6040.3.2 The developer and project-property owner have executed a development agreement (see Policy #6050) as prepared by the District Engineer [*General Manager, Consulting Engineer, Legal Counsel, etc.*]; and,

6040.3.3 The project site has been annexed to the District.

6040.4 Upon written request from the project developer and/or project engineer, the Board will review the requirements specified by the District Engineer [*General Manager, Consulting Engineer, Legal Counsel, etc.*] for the involved

improvement plans, development agreement, or other related items, to determine if they are in keeping with the Improvement Standards, District policies, and/or the best interests of the District. If the subject of the request involves general engineering judgment, the Board may request an impartial opinion of another professional engineer (one who is not involved with the project or its principals).

6040.5 Upon approval of the project by the Board of Directors, the President of the Board shall be authorized to execute the development agreement on behalf of the District, and the District Engineer [*General Manager, Consulting Engineer, etc.*] shall be authorized to affix his/her signature of approval on the project's improvement plans.

6040.6 Approval of a project by the Board of Directors is valid for one year. If significant construction of the project has not commenced by the end of one year from the date of approval, or if construction commences and then is halted for more than one year, project approval shall expire.

6040.7 Developer's Responsibility. The Developer is responsible for compliance with the regulations and implementation of these requirements. This includes responsibility for the preparation and content of the plans and specifications, construction of the facilities, and fulfillment of the terms of the Conveyance Agreement. The Developer is responsible for overseeing and directing the Developer's engineer and contractor. The District or its employees shall not act as, nor shall the Developer rely upon same to act as, an agent or protectorate of the Developer.

6040.8 Plans and Specifications. The plans and specifications must be prepared by a civil engineer registered in the state of California. These documents will be reviewed by District staff for compliance and must be approved by the District's engineer.

6040.8.1 Facility Design. Design of the facilities will be governed by District regulations. The District's engineer will determine broad design concepts. District system master plans will be consulted. The Developer's design engineer shall employ sound design using current standards to achieve a reliable, long-lasting facility with operational flexibility. The plans and specifications shall include all applicable District standard specifications and details.

6040.8.2 Environmental Requirements. The Developer is responsible for preparing environmental documents per the California Environmental Quality Act (CEQA). Approved environmental documents must be delivered to the District's engineer for review prior to the signing of the Improvement Plans.

6040.8.3 Improvement Plans. The improvement plans must incorporate the following:

- Plan sheet size: 24" x 36", inked on Mylar (or Mylar second original).
- Minimum printing size: 1/8" (for CAD drawings: 1/10").
- Elevation data: USGS (stated on plans).
- Plan Cover Sheet with signature blocks and a 200-scale map of the area or subdivision.
- Plan view: minimum scale of 50' per inch.
- Profile: horizontal scale same as plan view and a minimum vertical scale of 10' per inch.
- Profile and vertical alignment data, including all other utilities and structures.
- All applicable property and easement lines.
- Limits of pipeline material, size, and class.
- All other improvements, existing or proposed, affecting the water facilities.
- Details of fittings and joint configurations.
- All appropriate District standard details.

- All other necessary details and instructions.
- Quality: Plans must be microfilmable and scanable such that reproductions, full-sized and reduced, are easily readable. Provide sharp contrast between line work and background.

6040.8.4 Standard Specifications and Details. The District has prepared Standard Specifications and Details governing construction of the [district's utility] system. These Standards are administered in accordance with District regulations. They include Special Conditions and Technical Provisions and are augmented by Standard Details. They are available to engineers and suppliers working with the District at an appropriate fee.

All system expansions must comply with District Standard Specifications and Details. Project specifications must include all applicable Standards. The Developer is responsible for preparation of the remaining contract documents such as Bid Forms and General Conditions and any Special Conditions or Technical Provisions required for the project that are not included in the District Standards.

Items not included in the District Standard Specifications or Details must be designed by the Developer's engineer and plans and specifications prepared for the District's engineer's approval.

District Standard Specifications and Details may not be revised without a written request and prior District approval.

The Developer shall provide prospective bidders, contractors, and subcontractors copies of the Standard Specifications and Details and shall not rely on the District to provide copies.

District Standard Specifications and Details will require periodic revisions to assure use of the most current and acceptable construction materials and methods and changes in construction law and regulations. Updates will be administered according to District regulations. The most current revisions will apply.

6040.9 Construction. The facilities called for in the approved plans and specifications must be constructed by a contractor with a valid California Class A or C-[appropriate number for specialty contractor] license. The Developer's engineer shall act as a project manager during construction to ensure compliance with the plans and specifications and shall be available to provide technical assistance when required. The Developer shall identify, in writing, the project manager if different than the Developer's design engineer.

6040.9.1 Construction Management. The Developer must maintain control over their contractor's activities by providing effective construction management. To help ensure proper control of the work and materials, compliance with applicable laws, and acceptable prosecution and progress, the Developer shall include in the General Conditions of the construction contract or shall otherwise provide for or ensure that the Developer's contractor will:

- Designate in writing his authorized field representative on a current basis. (Copies to be sent to the District's engineer).
- Comply with field surveys and construction staking provided by the Developer or Developer's engineer.
- Cooperate with District forces on and off the job site.

- Prohibit work on any part of the system facilities before 7 a.m. and after 5 p.m. and further prohibit such work on Saturdays, Sundays, and adopted District holidays. (Note: Work performed during these prohibited times may be rejected.)
- Maintain a set of plans and specifications at the job site for use by the District's engineer and/or inspector.
- Observe all applicable laws including, but not limited to, hours of labor, equal opportunity, contractor's licensing, vehicle code, worker's compensation, air pollution, water pollution, use of pesticides, Clean Air and Water acts, protection of underground infrastructure, payment of taxes, permits and licenses, and patent infringements.
- Observe and practice all applicable safety regulations and laws.
- Provide for and maintain public convenience and public safety.
- Provide for and practice safe and legal use of explosives.
- Provide for and practice fire prevention measures.
- Salvage District facilities from the job as directed by the District's engineer, and protect and deliver same to the District's corporation yard at [address], California.
- Remove promptly from the work site all work or materials having been rejected or deemed unauthorized or unsuitable by the District's engineer.
- Dismiss and remove from the job site employees of the contractor or subcontractors who, in the opinion of the District's engineer, are incompetent, intemperate, unsafe, abusive, threatening, or otherwise unsatisfactory.
- Suspend work due to unfavorable weather, unsafe act or acts, or other conditions as directed by the District's engineer.
- Cease all construction operations at the location of the discovery of surface or subsurface cultural resources and secure the services of a qualified archeologist to make recommendations to the State Historical Preservation Officer and comply with further directions of the State Officer or the District's engineer.

6040.9.2 Submittals. All materials and equipment not in conformance with the District-approved plans and specifications that are delivered to the work site and all work incorporating such nonconforming materials and equipment will be rejected. Preapproval of materials and equipment through the submittal process may avoid delays in the work.

The Developer shall provide or perform, or cause the Developer's contractor to provide or perform, the following for all submittals:

- Coordinate submittals so that related items are provided in groups. (Uncoordinated submittals will be returned without consideration.)
- Describe in writing any variations from the specifications.
- Review submittals for legibility, accuracy, completeness, and compliance with the specifications.
- Route through Developer's engineer for comments.
- Indicate Developer's contractor and engineer's approval on each copy of individual submittals.
- Provide at least two conforming copies (three copies if one is to be returned).
- Allow at least 30 days for review by the District's engineer.
- Prohibit work incorporating materials or equipment requiring approved submittals until a favorable review from the District's engineer has been received.

6040.9.3 Inspection. Each phase of the work, as defined in the technical provisions of the standard specifications, must pass inspection by the District's engineer before commencing work on the next phase. The Developer shall cause the Developer's contractor to comply with the following:

- Notify the District's engineer two working days prior to the start or restart of any construction that might affect or deal directly with the water system facilities.
- Cooperate with the District's engineer during inspection activities including, but not limited to, furnishing facilities, labor, material, or equipment reasonably needed to perform safe and convenient inspections and tests.
- Ensure that each phase of work, as identified in the technical provisions of the specification, passes inspection prior to attempting the next phase of work.

(Note: Failure to pass inspection may cause rejection of subsequent phases of work.)

6040.9.4 Clearing and Grubbing. The Developer must dictate to the contractor provisions governing the clearing and grubbing phase of the work. The Developer shall include in the technical provisions of the construction contract, or shall otherwise provide for and ensure that the Developer's contractor will:

- Remove all stumps and roots left by the clearing operation if within ten feet of a District facility or within the work area, whichever is greater.
- Backfill and properly compact to the original ground elevation, prior to starting work in the area, all depressions created by the removal of the stumps and roots.
- Dispose of all debris within the work area resulting from the clearing, grubbing, or demolition work.

6040.9.5 Measurement and Payment. Each section of the Technical Provisions in the District Standard Specifications includes a subsection governing measurement and payment to the contractor. Use of these subsections by the Developer is optional. The Developer is responsible for making all measurements for payment and making all payments to the contractor for the work.