

**CHAPTER 10**

**PERMIT PROCEDURES**

**AND**

**BONDING REQUIREMENTS**

**FOR CONTRACTORS**

**CHAPTER 10**  
**PERMIT PROCEDURES AND BONDING REQUIREMENTS**  
**FOR CONTRACTORS**

**INDEX**

<b>Section</b>	<b>Topic</b>	<b>Page</b>
10.1	Application Requirements and Procedures	10.1
10.2	Permit Standards and Conditions	10.3
10.3	Refunds	10.3
10.4	Bonds and Insurance Required for Contractor	10.3
10.5	Specifications, General	10.7
10.6	Road Closings	10.7
10.7	Stop Work Orders	10.7
10.8	Utility Installations	10.8
10.9	Applicability	10.8
10.10	Forms	10.8
10.11	Fees	10.8
10.12	Licensing	10.8

## CHAPTER 10 – PERMIT PROCEDURES AND BONDING REQUIREMENTS

### 10.1 APPLICATION REQUIREMENTS AND PROCEDURES

- 10.1.1 A permit shall be required for any construction or installation within the public right-of-way or for any substantial modification of existing construction or use in the right-of-way. Application for such permits shall be made at the office of the Douglas County Engineer, Douglas County Department of Public Works, 3030 North Industrial Way, P.O. Box 1390, Castle Rock, CO 80104. Telephone: 660-7490.

The Permit holder must call for a County inspection by calling the Engineering Division Inspection Dept. (660-7490) at least 24 hours, but not more than 120 hours, in advance of commencing work, or penalties of the "Stop Work" order may apply, see Section 10.7. If an inspection is scheduled with the Engineering Division Inspection Dept., and, for ANY reason, work is not performed as scheduled, the Permit holder must call and cancel the inspection as soon as possible. Failure to cancel the County inspection may result in a rescheduling fee of \$50.00 levied against the licensed Permit holder, revocation of the Permit holders license, or both.

The minimum charge for any Right-Of-Way Use Permit shall be \$55.00.

**Application for permits will be accepted during normal County working hours at the Public Works building.**

- 10.1.2 No permit shall be issued to any person or corporation except as set forth herein.

- 10.1.3 The two (2) operational permits are:

- 10.1.3.1 Right-of-way use permit, which governs the construction, removal, repair, or maintenance of utilities, cable TV, signs and other facilities in the public right-of-way.

This permit also governs the installation or replacement of County maintained public improvements, including sidewalk, curb and gutter; roadway subbase, base and wearing surface, drainage and flood control structures, piping, or channels, signs and traffic signals; and the construction of new utility mains or extension of existing mains (non-maintenance items).

- 10.1.3.2 The Access Permit which governs new access points from private property to County streets and roads.

Samples of the two (2) permits are included in these Standards in Chapter 16.

- 10.1.4 The work of installing range boxes, surveying monuments, adjusting manhole rings and service boxes, or any similar work undertaken solely for the convenience of and at the order of Douglas County shall require a permit; however, the permit will be issued on a "no fee" basis.

- 10.1.5 These permits shall apply to Emergency Repair. An Emergency Cut shall be defined as a roadway excavation required to restore an essential service which has been disrupted or failed, or where delay of repair would cause further damage to the public right-of-way.
- Essential service shall be defined as Electric, Telephone, Gas, Water, and Sanitary Sewer, or other such service needed to ensure the health, safety, and welfare of the public.
- 10.1.6 All utilities shall obtain a street cut permit or construction permit (as applicable) prior to beginning work in Douglas County R.O.W., except as allowed under Section 10.1.4. The practice of utilities using their own work order or job order to proceed with work in the R.O.W., in lieu of obtaining a County permit, is prohibited. After obtaining a permit, the utility shall notify the Douglas County Inspection section at least 24 hours, but not more than 120 hours in advance of commencing work, or penalties of the "Stop Work" order may apply, see Section 10.7.
- 10.1.7 Any permit issued shall pertain only to excavating or constructing within the County right-of-way or County drainage easement and is in no way to be considered a permit to enter on any private property adjacent to such right-of-way or easement or to alter or disturb any facilities or installations existing within the right-of-way and which may have been installed and are owned by others.
- 10.1.8 Unless otherwise provided in the Special Provisions, the Street Cut or R.O.W. Use Permit shall be in effect for sixty (60) days from and after the date issued (however, a sixty (60) day extension may be granted upon request), unless sooner revoked by the County Engineer or his designated representative for failure of the applicant to abide by the terms and conditions of the permit, or by operation of the law, or at the time the utility for which the permit is issued ceases operation.
- 10.1.9 Failure of the applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit and may result in removal of the utilities, approaches, or other facilities by the County at applicant's expense.
- 10.1.10 The permit, the privileges granted herein, and the obligations of the applicant created thereby shall be binding upon the successors and assigns of the applicant.
- 10.1.11 If the applicant fails to complete installation of the facility covered by the permit within the period specified in the permit, said permit shall be deemed null and void and all privileges and fees thereunder forfeited, unless a written extension of time is obtained from the County Engineer or his designated representative.
- 10.1.12 Permits shall be issued only to a person (or his authorized representative) who is licensed by Douglas County to perform work on public property. See Section 10.12 for licensing information.

## **10.2 PERMIT STANDARDS AND CONDITIONS**

- 10.2.1 This section describes the requirements for plans and other information necessary for approval of a permit application.
- 10.2.2 Permits are issued subject to the approval of city, state or other governmental agencies having either joint supervision over the section of road, or authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to determine the necessity of and to obtain any such easements and approvals which may be required.
- 10.2.3 Granting of a permit is conditioned upon replacement or restoration of the road and right-of-way to a satisfactory condition by the applicant. Satisfactory condition shall be deemed a repair made in conformance to Sections 8.2.1 and 9.2.6 of these Standards.
- 10.2.4 The Owner/Developer of the site adjacent to the area where the permitted work is being done agrees to be responsible for maintenance of landscaped areas between the property line and adjacent public roadway(s).
- 10.2.5 The applicant shall be responsible for relocating or adjusting any utility facilities located on the road right-of-way as required to accommodate the road approach or other facility applied for. Construction of the utility, road approach or other facility by the applicant, his agent or contractor, will be permitted only after the applicant has furnished the Douglas County Engineer evidence that satisfactory arrangements for said relocation or adjustments have been made with the owner of the affected utility facility.
- 10.2.6 When construction plans and specifications are required, they shall be submitted in accordance with the requirements of Chapter 2 of these STANDARDS prior to issuance of any permit. For maintenance projects involving street cuts, the applicant shall submit his request in the form of the Street Cut or R.O.W. Use Permit. This permit shall be accompanied by a sketch plan showing type, size and location of the proposed installation or repair.
- 10.2.7 Applicant shall pay required fees and provide insurance and bonding, if required, prior to approval of the permit.
- 10.2.8 Repairs of damage caused to existing facilities as a result of work carried out under a valid permit shall be the responsibilities of the permittee.

## **10.3 REFUNDS**

No refunds shall be made on any permit fee.

## **10.4 BONDS AND INSURANCE REQUIRED FOR CONTRACTOR**

These Bonding and Insurance requirements are for the Contractor obtaining permits. The Owner/Developer must provide security and insurance according to the Subdivision Improvement Agreement (S.I.A.).

#### 10.4.1 **Bonds**

A non-cancelable permit bond in the amount of the cost of the Public Improvements, however, not less than \$20,000 per permit, payable to the County of Douglas, shall be required in the name of the permittee prior to issuance of any permit. Said bond shall assure that the permittee will comply with all County standards and specifications and shall assure recovery by the County of any expense incurred, within a period of 365 days, following the expiration date of a permit, to the amount of said bond, due to failure of the permittee to comply with the provisions of these Standards or to otherwise cause expense to the County as a result of the work performed. The above permit bond is not required in the following cases: **NOTE: Owner/Developer may not use the permit bond method in lieu of a subdivision improvements agreement as collateral for their development.**

1. The proposed work is included in the scope of an updated Subdivision Improvements Agreement (S.I.A.).
2. The proposed work is to be performed for a Local Improvement District, Metropolitan District, etc., where an Intergovernmental Agreement has been executed.
3. The proposed work is to be performed for Douglas County and the contractor has provided the County with a Performance/Payment Bond.

NOTE: Owners/Developers may not use the permit bond method in lieu of a subdivision improvements agreement as collateral for their developments.

10.4.2 Any permit determined to be without an adequate bond as required, shall be subject to immediate revocation by the County.

10.4.3 Municipalities, quasi-governmental agencies, special districts, mutual companies, electric, gas and communication utilities, may provide a Letter of Responsibility in lieu of posting the required bond. Subject Letter of Responsibility shall be in the format of Figure 10.1.

10.4.4 It shall not be acceptable to the County to receive cash deposits, certified checks or similar security in lieu of a bond. Bonds, Letters of Credit and Letters of Responsibility shall be filed in the office of the County Engineer.

#### 10.4.5 **Insurance**

The applicant shall obtain and carry a liability and property damage insurance policy or policies, for the period of time required for complete installation of facilities authorized by the permit, including the repair and restoration of the road facilities, and also, during such future periods of time when operations are performed involving the repair, relocation or removal of said facilities authorized by the permit. Coverage shall be provided against any claim, demand, suit, or action for property damage, personal injury, or death resulting from any activities of the applicant, his officers, employees, agents or contractors in connection with the construction, installation, repair or removal of the said facilities authorized by the permit. The said policy or policies shall include as named insureds: Douglas County, its Board of County Commissioners, its officers, agents and employees, except as to claims against the applicant, for personal injury to any members of the Board or its officers, agents and employees, or damage to any of its or their property. The said insurance shall provide coverage of property damage insurance, public liability

insurance, and bodily injury insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000.00) each, or such other maximum amount as may be specified in the Colorado Governmental Immunity Act, and protecting the County against any and all claims for damages to persons or property resulting from construction and/or installation of any required improvements pursuant to this Agreement. The policy will provide that the County shall be notified at least thirty (30) days in advance of any reduction in coverage, termination or cancellation of the policies. Such notice shall be sent to the Director of Public Works by certified mail, return receipt requested. Contractor agrees that any subcontractors engaged by or for Contractor to construct the required improvements shall maintain public liability coverage in limits not less than those mentioned above.

Board of County Commissioners  
Douglas County Administration Building  
301 Wilcox  
Castle Rock, CO 80104

**LETTER OF RESPONSIBILITY**

THIS IS TO CERTIFY THAT \_\_\_\_\_

Agrees that, in lieu of posting the required performance bonds, the following practices will be adhered to:

1. That no road cuts, in any unincorporated Douglas County road, street, highway or other right-of-way, for any purposes, except for emergency repairs, will be made without having secured the proper Street Cut Permit or Construction Permit.
2. That any road cut made by the above will be backfilled and compacted in accordance with the current requirements of Douglas County, and the surface restored to a condition equal to or better than that condition which existed prior to the making of the cut.
3. The responsibility for the maintenance of the restored cuts shall rest with the above for a period of one year after the cut has been filled and resurfaced.
4. That, in the event repairs are not made or maintained, to the satisfaction of the Douglas County Engineer, the Douglas County Engineer shall first notify the permittee in writing of the deficiency, and secondly; after fifteen (15) working days thereafter the necessary repairs may be made by the County at the expense of the above named organization.

Subscribed to this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_

Attest:

\_\_\_\_\_

By:

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title

**NOTE:** This document is to be filed in the office of the County Engineer.



## **10.5 SPECIFICATIONS, GENERAL**

- 10.5.1 Work done under a permit shall result in a repair being made to the street or other County property involved. Said repair shall cause the street or other property to be returned to a condition equal to or better than original, within the limits of careful, diligent workmanship, good planning, and quality materials. Said repair shall be accomplished in the least possible time and with the least disturbance to the normal functioning of the street or other property.
- 10.5.2 All backfill material, compaction, and resurfacing of any excavation made in the County R.O.W. will be done in accordance with specifications and standards in this manual.

## **10.6 ROAD CLOSINGS**

- 10.6.1 Normally, only one side of a street may be blocked at any given time. Traffic must be provided a minimum lane width of 10 feet in the construction area. Any plan for traffic control during construction that indicates a complete closure must show detour routes and must be approved by the BCC at least one week prior to issuance of permit.
- 10.6.2 The applicant must get written permission from the fire protection district, the County Sheriff's Office, the D.C. Schools, and Public Works before requesting B.C.C. approval in public hearing to temporarily close a public road. Then, after B.C.C. approval, the applicant will notify the appropriate fire protection district, the County Sheriff's Office, and the Colorado State Patrol concerning exact location of street barricades and dates traffic will be impeded.
- 10.6.3 Barricades shall be maintained by the responsible contractor.

## **10.7 STOP WORK ORDERS**

Any person, corporation, quasi-governmental agency, special district, mutual company, electric, gas or communication utility corporation, who without first having obtained a permit and/or who having made a cut in a public right-of-way which has settled, has failed, or which has not been repaired in conformance with established County standards, shall be subject to a "Stop Work Order" issued by the County whereupon that person, corporation, or utility shall, except for emergency repair work, discontinue all work within public rights-of-way within Douglas County until such time as the required repair has been satisfactorily completed. No further permits will be issued until the repair has been made, or the County reimbursed for their expenses. Douglas County, may, on its own initiative, make required repairs and bill the responsible contractor. Minimum charge shall be a \$300.00 administrative charge, plus costs for labor, materials and equipment on a portal to portal basis.

## **10.8 UTILITY INSTALLATIONS**

### **10.8.1 Underground**

All utility lines and Cable TV, shall be installed to minimum as outlined in Figure 12.3. This requirement is applicable throughout the County right-of-way, including ditch lines and/or borrow pits. Exceptions may be granted by the County Engineer where warranted and upon prior written request and approval.

### **10.8.2 Overhead**

A minimum ground clearance of 18 feet 6 inches shall be provided where overhead utility lines cross public roads and streets. The clearance shall be measured at the lowest point where the line crosses the traveled portion of the roadway.

10.8.3 Exploratory test holes made to determine location of existing utilities in an intersection shall be charged the fee as set forth in the fee schedule. A maximum of five (5) test holes, not to exceed eight (8) square feet (i.e. 2' x 4' hole) each per intersection shall be permitted by a single fee.

## **10.9 APPLICABILITY**

The requirements of this Chapter shall apply to any person, corporation, municipality, quasi-municipality agencies, mutual companies, electric, gas or communication utility, who for any reason cuts, disturbs, or otherwise defaces any County road for the purposes of installing or repairing, or for any reason pertaining to the presence of, an underground utility or structure.

## **10.10 FORMS**

The various application forms required to perform work in County right-of-way can be found in Chapter 15, Forms.

## **10.11 FEES**

10.11.1 Fees shall be assessed for permits and inspection at the time of issuance of the permit in accordance with the schedule in force. A copy of this fee schedule may be obtained from the Douglas County Engineer's office.

10.11.2 Any person or corporation commencing any work without prior valid written authorization, shall be required to pay a penalty fee. The penalty fee shall be three (3) times the permit fee which would have otherwise been collected. The penalty fee includes the normal inspection fee.

## **10.12 LICENSING**

### **10.12.1 Licensing**

Any person or person representing a corporation, governmental or quasi-governmental agency, special district, mutual company, utility or communication company, who must obtain a permit for work on or under property owned by Douglas County, must be licensed by Douglas County to be knowledgeable of the specifications, testing, inspection, and procedures required by Douglas County. To become licensed, a person must take, and pass, a written test given by the Douglas County Public Works Department.

#### 10.12.2 **Testing**

A written test will be conducted by the Public Works Department to ensure that every person responsible for work performed on County property is knowledgeable of the requirements of Douglas County for that work. The person being licensed may pick one or all of the three following areas of testing: 1) earthwork, 2) concrete work, and 3) asphalt work.

The test will be timed, and a minimum grade will be required before a license is issued.

#### 10.12.3 **The License**

Each person who is issued a license may designate six (6) other persons who are authorized to obtain permits on behalf of the license holder. The license holder is still responsible for the permitted work even though the permit is obtained by his authorized representative.

The license holder, or one of his six authorized representatives, must be on the site of the permitted work at all times during construction. If a license holder or one of his authorized representatives is not present at the construction site, a stop work order for all work on the site may be issued until a responsible person arrives on site.

This license is good for a period of two (2) years. At the end of two years, the license holder must take, and pass, another test and be issued a new license.

#### 10.12.4 **Revocation of License**

If it is found that work performed under the permit obtained by a licensed person is repeatedly substandard according to the requirements and specifications of Douglas County, the County may call a hearing to determine if the license holder should:

- a. retain his license;
- b. be given a probationary period; or
- c. have his license revoked.

A person's license cannot be revoked unless the Director of Public Works determines that allowing the licensed person continue to obtain permits and perform work on public property would be detrimental to the health, safety and welfare of the general public.