

SMALL CELL FACILITY INSURANCE REQUIREMENTS

Insurance Certificate as per Conditions of Approval No. D in accordance with City of Montclair's Adopted Ordinance No. 19-980.

Two (2) Separate Insurance Certificates are required:

- 1) Life of the Pole and all associated small cell technology equipment, AND
- 2) General Contractors. (Please see Engineering/Public Work's Construction Permit for coverage requirements for the construction of the small cell facility equipment.)

Below is information for the Life of the Pole, including all associated small cell technology equipment:

- 1) The applicant shall be responsible for ensuring that the required Liability Insurance policy and bond remain in effect for the life of the subject small cell technology facility, including all of its associated equipment and mounting structure/pole within the public right-of-way.
 - a) Coverage shall be renewed or replaced with equivalent coverage, as approved by the City, every year prior to the expiration date.
 - b) If the ownership or right to operate the subject small cell technology and its associated equipment within the right-of-way is transferred, assigned, leased and/or sold, the applicant shall ensure that the transferee satisfies the Certificate of Liability Insurance and bond requirements as a condition of any such transfer or sale.
- 2) The Insurance Certificate for the **LIFE OF THE POLE AND ALL ASSOCIATED SMALL CELL TECHNOLOGY EQUIPMENT** must clearly include the following:
 - a) The named insured on the certificate must be the owner/operator of the facility as shown on the current City permit.
 - b) The certificate's description of operations/locations/vehicles must include language specifying the nature of the insured facility, the work to be performed, the location of the facility and the City permit number for the specific location:

Any and all work related to installation, maintenance, repair and operation of wireless communication facilities located at (EXAMPLE: 5401 SCA BENSON AVE), pursuant to City of Montclair Permit No. (EXAMPLE: CASE NO.2020-01)."

3) Below are the City's coverage requirements for the **LIFE OF THE POLE AND ALL ASSOCIATED SMALL CELL TECHNOLOGY EQUIPMENT.**

Types of Required Coverages

Without limiting the indemnity provisions contained in the Permit, the Permittee shall procure and maintain in full force and effect while the Permit is in effect, or during the period of time the small cell technology is located within the public right-of-way, or during any period of construction related thereto, the following policies of insurance. If the existing policies do not meet the insurance requirements set forth herein, Applicant agrees to amend, supplement or endorse the policies to do so.

1. Commercial General Liability: Commercial General Liability Insurance which affords coverage at least as broad as Insurance Services Office "occurrence" form CG 00 01, including products and completed operations, property damage, bodily injury, and personal & advertising injury with limits no less than \$3,000,000 per occurrence, and \$6,000,00 aggregate.

2. Automobile Liability Insurance: Automobile Liability Insurance with coverage at least as broad as Insurance Services Office Form CA 0001 covering "Any Auto" (Symbol 1), including owned, non-owned and hired autos, or the exact equivalent, with minimum limits of \$2,000,000 for bodily injury and property damage, each accident. If Permittee owns no vehicles, auto liability coverage may be provided by means of a non-owned and hired auto endorsement to the general liability policy.

3. Workers' Compensation: Workers' Compensation Insurance, as required by the State of California and Employer's Liability Insurance with a limit of not less than \$1,000,000 each accident for bodily injury and \$1,000,000 each employee for bodily injury by disease.

Endorsements

Insurance policies shall not be in compliance if they include any limiting provision or endorsement. The insurance policies shall contain, or be endorsed to contain, the following provisions:

1. Commercial General Liability:

Additional Insured: The City, its elected officials, officers, employees, volunteers, boards, agents and representatives shall be additional insureds with regard to liability and defense of suits or claims arising out of the work or operations performed by or on behalf of the Contractor including materials, parts or equipment furnished in connection with such work or operations. Coverage for the additional insureds shall apply to the fullest extent permitted by law.

Additional Insured Endorsements shall not:

1. Be limited to "Ongoing Operations"
2. Exclude "Contractual Liability"
3. Restrict coverage to the "Sole" liability of Permittee
4. Exclude "Third-Party-Over Actions"

Additional Insured Endorsements shall be at least as broad as ISO Forms CG 20 10 11 85; or CG 20 and 10 and CG 2037.

2. Primary Insurance: This insurance shall be primary and any other insurance whether primary, excess, umbrella or contingent insurance, including deductible, or self-insurance available to the insureds added by endorsement shall be in excess of and shall not contribute with this insurance. Coverage shall be at least as broad as ISO CG 20 01 04 13.

a. Auto Liability

Additional Insured: The City, its elected official, officers, employees, volunteers, boards, agents and representatives shall be additional insured within regard to liability and defense of suits or claims arising out of the work or operations performed by or on behalf of the Permittee.

Primary Insurance: This insurance shall be primary and any other insurance whether primary, excess, umbrella or contingent insurance, including deductible, or self-insurance available to the insureds added by endorsement shall be in excess of and shall not contribute with this insurance.

1) Workers' Compensation

Waiver of Subrogation: A waiver of subrogation stating that the insurer waives all rights of subrogation against the indemnified parties.