

Cooperative Agreement for Right-of-Way Encroachments & Pavement Restoration

Request for Extension 2025 | Required Elements in 2024 Agreement

1. Term & Extension Process

- **Initial Term:** 1 year “proving period” starting on the Effective Date (Sept. 4, 2024).
 - **Extension Criteria:**
 - Periodic meetings to evaluate effectiveness.
 - City Council must be satisfied that BCVWD complied with **California Water Code §22431** (restore streets to prior condition).
 - First extension: 1 year, approved by City Council, executed by City Manager.
 - After first extension: Possible automatic one-year renewals if both parties agree and City is satisfied.
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2. Scope of Work

- Annual permit issued for BCVWD to perform:
 - Maintenance, minor repairs, emergency repairs, installations, removals.
 - Must comply with **BCVWD Paving Restoration & Trench Repair Standard** (Attachment 3).
 - Traffic control per MUTCD/WATCH standards.
 - Weekly notification to City Public Works Department.
 - Advance notification to BUSD for work near school zones.
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3. Warranty & Restoration

- BCVWD provides warranty for trench and pavement repairs (with defined exceptions).
 - Restoration required within 60 days of work completion.
 - Must meet compaction and material standards (90% pipe zone, 95% base, Greenbook standards for asphalt).
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4. Moratorium Streets

- Special notification and restoration requirements when cutting into streets within the City’s 3- or 5-year moratorium period.
 - BCVWD Standard allowed as alternative to City’s default restoration standard.
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5. Inspections

- City may inspect and test backfill compaction.
 - BCVWD responsible for inspections and testing to ensure standards.
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6. Fees & Payment

- Annual Permit Fee: \$3,660 (adjusted annually by CPI-U).
 - Additional charges possible for failed repairs.
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7. Insurance & Liability

- Commercial general liability: \$2M per occurrence, \$5M aggregate.
 - Auto coverage: \$1M per accident.
 - Workers' compensation coverage required.
 - Indemnification clause protecting the City from claims arising from BCVWD's work.
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8. Termination

- Either party can terminate with 10 days' written notice.
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Steps to Extend the Agreement

1. Performance Review

- Collect documentation of compliance:
 - Restoration timelines met.
 - Inspection/test results.
 - Warranty claims addressed.
 - Communication logs with City and BUSD.

2. Meet with City Staff

- Discuss overall effectiveness.
- Provide proof of compliance with §22431 and BCVWD standards.

3. City Council Consideration

- Formal presentation or report to City Council.
- Request Council's approval for extension.

4. City Manager Execution

- If approved, City Manager signs 1-year renewal.

5. Prepare Documentation

- Draft and send formal letter requesting extension.