



HIRING THIRD PARTY SNOWPLOWING CONTRACTORS: A MUNICIPAL CHECKLIST

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Many municipal facility managers hire third party snowplowing contractors to maintain their parking lots and facility sidewalks and walkways. But hiring contractors doesn't mean that your liability no longer exists. You can be liable for the actions or inactions of your contractors.

Facility managers need to put into place a number of risk management controls to protect themselves. This document provides some risk mitigation issues to consider when entering into these business relationships.

Contract

- 1) Is there a formal written contract in place?
- 2) Does the contract clearly outline the work to be performed by the contractor?
- 3) Does the contract clearly outline the duties assumed by the municipality?
- 4) Does the contract reference materials such as snow clearing equipment; anti-icing materials; provision of these materials; storage of materials; application rates; application methods; re-ordering?
- 5) Does the contract address who makes the decision re: materials to be used?
- 6) Does the contract address snow dumping zones and their clearing protocol?
- 7) Does the contract address documenting work?
- 8) Does the contract address thaw/freeze cycles?

- 9) Is damage to your property and third party property addressed in the contract?
- 10) Have you included a Hold Harmless/Indemnification Clause in your favour?
- 11) Have you included the appropriate Insurance Requirements, including adding you as an additional insured?
- 12) Have you addressed WSIB Certificates of Clearance?
- 13) Has the contract been reviewed by your legal counsel and insurance provider?

Certificate of Insurance

- 1) Have you received the Certificate at least 10 days before the contract begins?
- 2) Have you or your insurance provider reviewed the Certificate against the contract to ensure that it is correct?
- 3) Does the Certificate expire before the contract terminates?
- 4) Have you diarized to follow-up and receive a new Certificate?

Documentation

- 1) Will the contractor use your documents/logs to record work performed?
- 2) Who will own these documents?
- 3) Where will they be filed?
- 4) How long will they be retained for?
- 5) Must the contractor complete Incident Reports?

Training

- 1) Will you provide training sessions for your contractors?

Training areas:

- Snow dumping rules
- Completing Documentation
- Materials & application rates
- Incident Reports
- Call-out Procedures
- Weather Monitoring & addressing thaw/freeze cycles
- Inspection procedures & documentation
- Your winter maintenance policies & procedures

Remember this isn't a one-off process. Continue to monitor the work performed to ensure that the contractor is meeting their contractual obligations. Managing the process can minimize your potential for loss.

BARB SZYCHTA, BA, CAIB, CIP, CRM, has over 30 years of experience in the insurance industry and has been with Frank Cowan Company since 2005. As the Vice President of Risk Management Services and a member of the senior leadership team, she is responsible for driving innovative risk management practices and solutions as well as leading the loss control and risk analysis teams at Frank Cowan Company. Barb is the driving force behind the Frank Cowan Company Risk Management Centre of Excellence, an on-line resource library and interactive tool, and was instrumental in the roll out of Frank Cowan Company's weather monitoring portal and GPS systems for Municipal clients.