



City Manager\_\_\_\_\_

## THE CITY OF POMONA

### SAFETY POLICIES AND PROCEDURES

### CONTRACTOR SAFETY POLICY

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#### I. PURPOSE

The purpose of this Policy is to assist City of Pomona personnel in proactively communicating to contractors any recognized health and safety concerns that potentially affect contractors' or City of Pomona personnel.

#### II. APPLICABILITY

This Policy applies to all City of Pomona employees who secure the services of a contractor for the purpose of:

- New construction
- Remodeling
- Facility maintenance or repair
- Equipment maintenance at City of Pomona facilities
- Equipment replacement at City of Pomona facilities
- Retrofits and modifications at City of Pomona facilities
- Services

#### III. POLICY

It is the policy of the City of Pomona, that all aspects of Cal/OSHA's requirements for Multi-Employer Worksites, *California Occupational Safety and Health Regulations, Title 8, Chapter 3.2, Subchapter 1, Article 4.5, Section 336.10-336.11*, shall be met or exceeded. On multi-employer worksites, both construction and non-construction, Cal/OSHA may issue citations to any employer when there is evidence that an employee was exposed to a hazard in violation of any requirement enforceable by Cal/OSHA. Employers/contractors who may be cited include:

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- A. The employer/contractor whose employees were exposed to the hazard (exposing employer);
- B. The employer/contractor who actually created the hazard (the creating employer);
- C. The employer/contractor who was responsible, by contract or through actual practice, for safety and health conditions on the worksite, i.e., the employer who had the authority for ensuring that the hazardous condition is corrected (the controlling employer); or
- D. The employer/contractor who had the responsibility for actually correcting the hazard (the correcting employer).

Note: The employers/contractors listed in (B) through (D) may be cited regardless of whether their own employees were exposed to the hazard.

The City of Pomona will inform contractors of site conditions that might raise health and safety concerns that are unusual or unique to City of Pomona operations. When determined appropriate by the preparer of the contract specifications or purchase order, the City of Pomona shall require that contractors certify their compliance with applicable Occupational Safety and Health Administration (OSHA) regulations of the State of California prior to commencing construction activities.

It is the responsibility of the contractor to protect its employees, subcontractors, and suppliers, and to provide a safe place of employment. The City of Pomona is not establishing or enforcing safety practices for the benefit of a contractor, subcontractor, supplier or their employees. City of Pomona personnel, upon discovering health and safety concerns that are not compliant with generally accepted safe work practices or Cal/OSHA regulations, are authorized to take the appropriate action to ensure that the contractor is informed of such concerns, and to ensure that City of Pomona personnel are not exposed to an unsafe condition. Whenever possible, this should be coordinated through the assistance of the City of Pomona Department Contract Administrator. Each City Department will designate a Department Contract Administrator(s).

**IV. DEFINITIONS**

“*Contract*” is defined as any written agreement between the City of Pomona and a Contractor, to perform a specified scope of work on City of Pomona facilities. With respect to this policy, a contract is, but is not limited to: awarded purchase orders, and /or project contracts.

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“*Construction Project*” is defined as work necessary to produce a complete and useable facility to include: land acquisition, excavation, building, installation of equipment, landscaping, etc. It can also include work on an existing facility including an extension, addition, expansion, alteration or conversion, or the replacement of an existing facility damaged beyond economical repair.

“*Contractor*” is defined as the individual, partnership, corporation, joint venture, or other legal entity having a contract to perform work for the City of Pomona.

“*Contractor Safety-Potential Hazard Notification Form*” is defined as a written notification provided by the City of Pomona to the contractor that summarizes or lists recognized potential hazards unique to City of Pomona operations. (See attached form)

“*Department Contract Administrator*” is defined as the City of Pomona employee appointed by their Department Director or designee, who has the responsibility for overseeing the contractor’s, or service representative’s activities. This person may be an Engineer, Inspector, Project Engineer, Field Supervisor, or other designated employee.

“*IDLH*” is defined as Immediately Dangerous to Life and Health.

“*Notice of Non-Compliance (Safety) Form*” is defined as the form that is provided to the contractor by the Department Contractor Administrator or his/her designee, alerting the contractor to the fact that he/she may not be in compliance with a City of Pomona specification, Cal/OSHA regulation, or any other generally accepted safe work practice. (See attached form)

“*Non-Compliant Hazardous Work Condition*” is defined as any hazard that is considered to be non-compliant with Federal, State, or Local environmental, safety, or health regulations or that is inconsistent with reasonable person/contractor standards or generally accepted safe work practices.

“*Non-Construction Project*” is defined as a project which includes preventive or scheduled maintenance (examples: normal replacement of parts or repair activities, painting, carpeting, non-janitorial cleaning), operational maintenance (examples: custodial services rodent and pest control) and other specialized services (surveying, building inspection services).

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“*Pre-Construction Safety Meeting Checklist*” is defined as a checklist used by City of Pomona personnel to ensure that health and safety issues are discussed, and relevant safety information is provided to the contractor prior to commencing activities. (See attached form)

“*Safety Concern*” is defined as a situation that may become dangerous or hazardous, if reasonable person/contractor standards or generally accepted safe work practices are not followed.

### **IV. RESPONSIBILITIES**

#### **A. Department Directors shall**

1. Ensure that the Contractor Safety Policy is implemented. The Department Director has the authority to delegate any or all portions of this Policy to subordinates, but the Department Director will be held responsible for compliance.

#### **B. Division Managers shall:**

1. Assign a Department Contractor Administrator for any work involving outside contractors.

#### **C. Department Contract Administrators shall:**

1. Complete the “Request for Safety Program Information” and “Potential Hazard Notification” Forms and include it in the contract.
2. Coordinate Pre-Construction Safety Meetings.
3. Oversee Issuance of Notice of Non-Compliance (Safety) for identified safety and health hazards at the jobsite.

#### **D. Employees shall:**

1. Issue Notice of Non-Compliance (Safety) for identified safety and health hazards at the jobsite.
2. Immediately notify the Department Contract Administrator or the Safety Officer of identified safety and health hazards at the jobsite.

#### **E. Safety Officer shall:**

1. Update and maintain the Contractor Safety Policy.
2. Review contract specifications, as necessary, and provide any applicable safety and health information and requirements to be provided in the contract.
3. Review Written Safety Programs.
4. Attend Pre-Construction Safety Meetings.

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5. Provide assistance and guidance to Department Contract Administrators in the enforcement of safety and health requirements.
6. Provide Contractor Safety Policy training to affected city personnel with responsibilities for contract preparation, and oversight of contract work.

**V. PROCEDURE**

**A. CONSTRUCTION PROJECTS**

**1. General**

Contract specifications for all projects shall provide site information on known health or safety concerns. Section D of this Policy has been provided to assist in preparing the Health and Safety Section of the contract specifications.

**2. Pre-Construction Safety Meeting Preparation**

As far as it is reasonable to do so, safety and health concerns should be addressed in the contract specifications for all construction projects. Before going to bid, the Department Contract Administrator will complete the “Request for Safety Information Form” and the “Contractor Safety-Potential Hazard Notification” form. The form should be used to:

- Review general safety guidelines; and
- Review safety concerns covered in the contract specifications.

**3. General Pre-Construction Safety Meeting Guidelines**

a. Prior to beginning construction projects, City of Pomona personnel shall participate with the contractor in a Pre-Construction Safety Meeting.

b. The purpose of the Pre-Construction Safety Meeting is to:

- Review with the contractor, the “Request for Safety Program Information Form” and the Contractor Safety-Potential Hazard Notification Form”, known potentially hazardous conditions unique to City of Pomona activities, that are located within the immediate or surrounding area of the contractor's work site/location; and,

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- Discuss/receive information regarding the implementation and enforcement of the contractor's on-site safety program, to ensure the health and safety of City of Pomona personnel.
- d. The Pre-Construction Safety Meeting group may include, but is not limited to, the following individuals:
- The contractor's representative;
  - The Department Contract Administrator or their designee, or the person who is most familiar with the potential hazards that the contractor may be exposed to during construction activities; and
  - The Safety Officer
- e. During the Pre-Construction Safety Meeting the City of Pomona will:
- Discuss/review the "Request for Safety Program Information Form" and the "Contractor Safety – Potential Hazard Notification Form" that lists the identified safety concerns unique to the City of Pomona operations;
  - Complete the "Pre-Construction Safety Meeting Checklist" (form attached) and discuss specific procedures, if applicable, used by City of Pomona when engaging in the specified hazardous work activities (i.e., work relating to Process Safety or Confined Space Entry, etc.) as may be listed in the contract specifications or on the "Contractor Safety – Potential Hazard Notification" form, and
  - Inform the contractor that a "Notice of Non-Compliance (Safety)" will be issued for noted unsafe conditions that could impact the contractors' or City of Pomona personnel, and that the City of Pomona Safety Officer may be invited to investigate the need for OSHA intervention upon issuance of a "Notice of Non-Compliance (Safety)".
- f. The contractor shall review and sign the "Pre-Construction Safety Meeting Checklist" and the "Contractor Safety – Potential Hazard Notification" form indicating that safety information has been provided to, and is understood by, the contractor.
- g. All written safety programs requested on the "Request for Program Information Form" and the "Contractor Safety – Potential Hazard Notification" will be reviewed during the Pre-Construction Safety Meeting. The Department Contract Administrator will keep a copy of the Pre-Construction Safety Meeting Checklist, the "Request for Program Information Form" and the "Contractor Safety – Potential Hazard Notification Form". These documents will be kept in the files of the section

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responsible for the oversight and/or inspection of the contractor's activities, and copies shall be provided to the contractor.

### **B. NON-CONSTRUCTION PROJECTS**

1. Department Contract Administrators, who manage non-construction projects at City of Pomona work sites, such as those listed below shall ensure, as determined appropriate, that safety information is provided to the contractor.

- Equipment repair;
- Equipment maintenance;
- Equipment replacement;
- Retrofits;
- Building or equipment modifications; and,
- Services.

2. The Department Contract Administrator shall complete, the “Request For Safety Information Form” and the “Potential Hazard Notification Form” and include them in the contract.

3. All written safety programs requested on the “Request for Safety Program Information Form” and the “Contractor Safety – Potential Hazard Notification” will be reviewed by the Department Contract Administrator prior to the award of the contract. All documents will be kept in the files of the section responsible for the oversight and/or inspection of the contractor's activities, and copies shall be provided to the contractor.

### **C. CONTRACTOR SAFETY DEFICIENCY NOTIFICATIONS**

#### **1. Department Contract Administrators**

*Department Contract Administrators* are not expected to know specific hazards associated with the construction profession, or to oversee the safety efforts of contractors working on City of Pomona projects. However, if a Department Contract Administrator becomes aware of a hazardous or potentially life threatening situation he/she shall immediately notify the contractor of such conditions. Notification can be provided verbally, if possible, and by completing the “Notice of Non-Compliance (Safety)” form, as described below.

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**2. Addressing Contractor Hazards**

- a. The Department Contract Administrator is authorized to address unsafe contractor work activities where it is obvious that death or serious injury is imminent (i.e., remove City of Pomona employees from potential exposure, and request that the contractor stop construction activities in order to correct the unsafe condition, as necessary), and shall immediately notify the Resident Engineer or Division Manager of such actions.
- b. The “Notice of Non-Compliance (Safety)” form shall be completed and provided to the contractor any time a serious regulatory non-compliant condition has been observed and the contractor has not taken immediate action to correct the errant condition.
- c. Other City of Pomona employees who identify a hazardous situation at a contractor work location shall immediately notify the Department Contract Administrator or Safety Officer of such concerns. The Department Contract Administrator shall notify the contractor as outlined in this section.
- d. If safety hazards remain unaddressed following the issuance of a “Notice of Non-Compliance (Safety)”, the Contract Administrator may contact the Safety Officer in determining the need for Cal/OSHA intervention.

**D. SAMPLE CONTRACTOR HEALTH AND SAFETY SPECIFICATIONS**

1. All comments (contained within this section) in *Italics* are intended as proposed wording for the contract specification. The italicized comments may be modified in order to meet specific specification requirements. It is the responsibility of the preparer of the contract specification to determine what safety related information is appropriate for the specification to be developed.
2. All six (6) subsections of Section D of this policy must be carefully reviewed and, as determined applicable, included in the contract specifications.
3. It is recommended that the advice of the Safety Officer be sought during the preparation of the Health and Safety portion of the contract specifications.



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### **1. Health and Safety Information Submittals**

- a. *In accordance with regulatory requirements, contractors are required to maintain written health and safety program information at the construction site. At a minimum, the contractor shall maintain at the worksite any programs requested on the attached “Contractor Safety - Request for Safety Information” checklist.*
- b. *The contractor must, by means of a qualified person (i.e., an individual knowledgeable of the requirements of the applicable regulation(s)), certify that the requested environmental health and safety submittals are compliant with regulatory requirements.*

### **2. Safety Equipment**

*Contractors are required to operate and maintain their own safety equipment. The Contractor is also responsible for providing their own safety equipment and personal protective equipment as required by Fed-OSHA, Cal/OSHA, and EPA regulations.*

### **3. Pre-Construction Safety Meetings**

- a. *Prior to beginning the awarded project, the contractor will meet with a representative of the City of Pomona in a Pre-Construction Safety Meeting for the purpose of reviewing safety procedures and other pertinent safety information that will aid in ensuring safe project completion.*
- b. *During the Pre-Construction Safety Meeting, the City of Pomona and the contractor will review and complete the:*
  - *“Contractor Safety -Potential Hazard Notification” form; and*
  - *“Pre-Construction Safety Meeting Checklist”*

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### **4. Site Health and Safety Plans**

- a. *The contractor is responsible for the development of site Health and Safety Plans as required by the contract specifications, Occupational Safety and Health Administration (OSHA) regulations (California Code of Regulations), Environmental Protection Agency (EPA) regulations, etc.*
- b. *Health and Safety Plans will be required when construction activities are conducted in hazardous waste areas regulated under Title 8 Section 5192 (HAZWOPER) of the California Code of Regulations. The City of Pomona will assist the contractor in the determination of applicability of this regulation to any work location in question.*
- c. *When conducting projects regulated under Title 8 Section 5189 (Process Safety Management) of the California Code of Regulations, the contractor shall complete training that will qualify them to work in these regulated areas.*
- d. *When conducting projects regulated under Title 8 Sections 1529 and 5208 (Asbestos) of the California Code of Regulations, the contractor shall complete training that will qualify them to work in these regulated areas.*

### **5. Contractor Designated Health and Safety Representative**

- a. *The contractor is responsible for appointing an individual to act as the Health and Safety Officer for the awarded project. Contractor Health and Safety Officers must have a complete knowledge of the safe work practices (OSHA guidelines/regulations) governing the project. A statement/resume outlining the Health and Safety Officer's qualifications (consistent with the regulatory program information requested) shall be submitted to City of Pomona within 15 calendar days from the award of the contract and/or the start of construction.*
- c. *The contractor's Health and Safety Officer shall participate in the Pre-Construction Safety Meeting and will have the authority during the project to correct safety deficiencies identified at the construction location. The Contractor's appointed Health and Safety Officer shall*

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*address any “Notice of Non-Compliance (Safety)” issued by the City of Pomona Contract Administrator.*

- d. The contractor understands that the City of Pomona Department Contract Administrator has the responsibility of ensuring that the project is completed in compliance with the contract specifications. Therefore, the City of Pomona Department Contract Administrator, in completing his/her responsibilities, has the right to protect City of Pomona personnel from non-compliant hazardous work conditions created by the contractor and will request to have hazards abated prior to inspecting and accepting any aspect of the project.

**6. *Hazard Disclosures Relevant to Contractor Work Site***

- a. *Known Laboratory results* (The preparer of the contract specifications must address any known laboratory results as part of this section, i.e., lab results revealing the presence of arsenic or hydrocarbon contaminated soil, etc.)
- b. *Special considerations and hazard information* (Make sure that all information pertaining to unique hazards of the City of Pomona, that the contractor will be exposed to, have been disclosed in the specifications.)
- c. If safety hazards remain unaddressed following the issuance of a “Notice of Non-Compliance (Safety)”, the Contract Administrator may utilize the assistance of the Safety Officer in determining the need for OSHA intervention.

**E. CONTRACT SCHEDULING AND MISCELLANEOUS DISCLOSURES**

1. In those situations where contract work may disrupt City staff or the public at City facilities (i.e. City Hall, Police Station, Community Centers), where feasible, the Department Contract Administrator will make every effort to schedule contract work after normal business hours (8 AM to 6 PM) and on weekends. Where necessary, arrangements may also need to be made in order to temporarily relocate City employees for the duration of the construction work to be completed.

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2. All affected City employees will be informed in advance of any construction-related work or other contract work which has the potential for impacting their workplace. Notifications will be made to all affected employees via e-mail or written memo. Notifications must include the following information: start and end dates of the work to be completed, work areas to be affected, description of work to be completed, name & phone number of the Department Contract Administrator, names & phone number of the Safety Officer and Risk Manager. Employees should be instructed to notify the Department Contract Administrator regarding logistical issues or other concerns. Safety and Health concerns should be directed to the Safety Officer or Risk Manager.

## **VI. PROCEDURE**

This Policy is effective this date.

# Contractor Safety Request for Safety Program Information

Company Name: \_\_\_\_\_

Project: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Safety Rep: \_\_\_\_\_

Health and Safety Officer: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

1. Current Experience Modification Rate (EMR) \_\_\_\_\_
2. Name of Current Workers' Compensation Carrier \_\_\_\_\_
3. The City of Pomona has determined that during this project you will be engaging in work activities that will require your submission and on the job enforcement of written health and safety programs. All items marked below, shall be submitted to the City of Pomona within 15 calendar days from the award of the contract/and or start of construction.

A.	✓	Codes of Safe Work Practices as required by 8 CCR 1509.
B.	✓	Safety Instruction program as required by 8 CCR 1510.
C.	✓	Injury and Illness Prevention Program (IIPP) as required by 8 CCR 1509.
D.	✓	Trenching and Excavation Program as required by 8 CCR 1540 - 1547.
E.	✓	Tunnel Safety Orders 8 CCR 8403
F.	✓	Electrical Safety Program as required by 8 CCR 3314.
G.	✓	Respiratory Protection Program as required by 8 CCR 5144.
H.	✓	Confined Space Entry Program as required by 8 CCR 5157.
I.	✓	Lockout/Tagout Program as required by 8 CCR 3314.
J.	✓	Fall Protection Program as required by 8 CCR 1670.
K.	✓	Hazardous Waste Operation Program / Site Health and Safety Plan (HAZWOPER) as required by 8 CCR 5192.
L.	✓	Hazardous Materials Communications Program (HazCom) as required by 8 CCR 5194.
M.	✓	Powered Industrial Trucks or Earth Moving Equipment Training Program, as required by 8 CCR 3664.
N.	✓	Asbestos Work Protocols (AC Pipe or other Asbestos Containing Materials)

		as required by 8 CCR 1529 or 8 CCR 5208
O.	✓	Lead Work Program as required by 8 CCR 1532.1
P.	✓	Any other health and safety program or procedure (not checked (✓) nor listed on this form) that the contractor recognizes must be followed during the construction activity.

3. Site Safety Officer

	✓	Please submit a summary of qualifications/resume of the Health and Safety Officer, who by virtue of training and experience is qualified to recognize and address safety issues that may arise at the construction location.
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4. Other Required Information (i.e., Training Information)

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5. Comments

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I certify, on behalf of \_\_\_\_\_, that the information provided  
Company Name  
herein is true and correct.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Title \_\_\_\_\_ Date: \_\_\_\_\_

## Contractor Safety Potential Hazard Notification Form

Project Title and Contract No.:	Pre-Construction Meeting Date:
Contractor's Name:	Scheduled Project Start Date:
Contractor's Safety Representative:	Contractor's Phone No.: ( ) -
City of Pomona Representative:	City of Pomona Safety Officer Phone No.: <b>(909) 620-2060</b>

### Safety Considerations and Potential Hazards

Item #	Location & Precautions
1.	Review Site Specific Health and Safety Information Sheet.
2.	Review safety and hazard information as provided in the Contract Specifications (if applicable).

I (contractor name) \_\_\_\_\_ understand that I am required to provide this information to my employees. I also understand that the hazard information presented to me is based on the City of Pomona understanding of the work location as it relates to their (City of Pomona) activities. I further understand that my (Contractor's) activities will require me to assess the work location and implement safety controls and procedures, as appropriate, that are compliant with Title 8 of the California Code of Regulations.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
City of Pomona Representative

Title \_\_\_\_\_ Date: \_\_\_\_\_

## Pre-Construction Safety Meeting Checklist

Project Title and Contract No.:	Pre-Construction Meeting Date:
Contractor's Name:	Scheduled Project Start Date:
Contractor's Safety Representative:	Contractor's Phone No.: ( ) -
City of Pomona Contract Administrator:	City of Pomona Safety Officer Phone No.: <b>(909) 620-2060</b>

	Yes	No	N/A	
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous Materials Information, relevant to the City of Pomona involvement with the project, has been provided to the contractor as required by the Hazard Communications Standard, 8 CCR 5194.
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Confined space entry requirements have been reviewed with the contractor. The contractor understands that entry requirements in accordance with 8 CCR 5157 are to be followed at all times.
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The contractor has been instructed to provide their employees with the information identified on the "Contractor Safety - Potential Hazard Notification" form and in the contract specifications.
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In accordance with regulatory requirements, the contractor is reminded to maintain written Health and Safety Program(s) at the work location (IIPP, HazCom, Confined Space, etc.). Certified Safety Submittals will be required by the City of Pomona prior to authorizing construction activities to begin.
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The contractor understands that City of Pomona will provide written notifications of non-compliance for non-compliant safety conditions created by the contractor's operation affecting City of Pomona or contractor personnel. "Notice of Non-Compliance Conditions" will not be provided for "perceived unsafe conditions" that are inherent to the nature of the work and that do not violate project specifications or OSHA guidelines. The contractor further understands that he/she is obligated to immediately address all non-compliant condition(s).
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The contractor understands that the City of Pomona Construction Inspector is not a safety professional, and will only provide "Notice of Non-Compliance Conditions" for obvious and serious Non-Compliant conditions affecting City of Pomona or contractor personnel. The contractor has responsibility for the safety of all individuals (including the City of Pomona Construction Inspector) who enter into the construction work site.
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Contractors are required to operate and maintain their own equipment (safety equipment, etc.). City of Pomona safety equipment will not be loaned to the contractor.
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The "Contractor Safety - Potential Hazard Notification" has been reviewed.





Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
City of Pomona Representative

Title \_\_\_\_\_ Date: \_\_\_\_\_  
Contractor's Representative

**City of Pomona**

**NOTICE OF NON-COMPLIANCE (SAFETY)**

PROJECT NAME: \_\_\_\_\_ CONTRACT NO. \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_

Issued to Contractor's representative, \_\_\_\_\_  
(name)

on \_\_\_\_\_ at \_\_\_\_\_ An unsafe condition was observed

in the area of \_\_\_\_\_

If the unsafe condition is not immediately corrected, the City of Pomona may notify CAL-OSHA Compliance Division for resolution of this matter.

\_\_\_\_\_  
(Inspector) (Supervisor)

Further action taken: \_\_\_\_\_

Unsafe Condition Resolved: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Remarks: \_\_\_\_\_

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cc: Contractor's Home Office  
Risk Management Division  
Contract Administrator