SPECIAL HAZARD EVENT

READ IMPORTANT REVISION

ONLY GENERAL LIABILITY INSURANCE

(and LIQUOR LIABILITY when applicable)

WILL BE REQUIRED AS OF JANUARY 1, 2012

(see ATTACHED INSURANCE REQUIREMENTS)
SPECIAL HAZARD EVENT
CITY OF DES MOINES, IOWA
INSURANCE AND INDEMNIFICATION REQUIREMENTS
(Street Use Permit-Special)

For purposes of this Attachment, the term “City” shall mean the City of Des Moines, Iowa, including its elected and appointed officials, employees, agents, volunteers, boards, commissions and other serving or working on its behalf.

I. GENERAL PROVISIONS
   • Event Sponsor shall purchase and maintain insurance, as required below, throughout the duration of this Permit.
   • Insurance companies may be either “admitted” or “nonadmitted” to do business in the State of Iowa and shall have an A.M. Best Rating of B+ or greater.
   • Insurance policies shall be written on an occurrence basis an in form and amount and with insurance companies satisfactory to the City, unless otherwise approved by the City.
   • Certificates of Insurance evidencing insurance coverage shall be submitted to the City prior to commencement of use or occupancy of City right-of-way under this Permit and upon policy renewals throughout the duration of this Permit (see Proof of Insurance below).

II. INSURANCE REQUIREMENTS

A. Commercial General Liability Insurance
   • Coverage- Bodily injury and Property Damage
   • Policy Form- Standard ISO Commercial General Liability Policy (CG 0001 with standard exclusions) or its non-ISO equivalent form.
   • Limits- no less than a $5,000,000 per occurrence and aggregate CSL. An Umbrella or Excess Liability policy may be added, if necessary, to meet this limit.
   • Policy must include-
     (a) Contractual Liability
     (b) Premises and Operations
     (c) Products/Completed Operations
     (d) Independent Contractors Coverage
     (e) Personal and Advertising Injury
     (f) XCU – When applicable

B. Liquor Liability Insurance (Required when Authorized Use includes the sale of alcoholic beverages)
   • Coverage – Bodily Injury and Property Damage
   • Limits- No less than $1,000,000 per occurrence CSL

C. Proof – Certificate of Insurance
   • Event Sponsor shall submit Certificate(s) of Insurance to:
     City of Des Moines, Iowa
     City Manager’s Office
     400 Robert D. Ray Drive
     Des Moines, IA 50309

   • Certificate(s) of Insurance shall include the following information:
     o City of Des Moines, Iowa – Street Use Permit
     o Name of Event
III. INDEMNIFICATION PROVISION

To the fullest extent permitted by law, Event Sponsor agrees to defend, pay on behalf of, indemnify, and hold harmless the City against any and all claims, demands, suits, damages or losses, together with any and all outlay and expense connected therewith, including but not limited to attorney’s fees and court costs, that may be asserted or claimed against, recovered from or suffered by the City by reason of any injury or loss, including, but not limited to, personal injury, including bodily injury or death, property damage, including loss of use thereof, and economic damages arising out of or in any way connected or associated with Event Sponsor’s use or occupancy of City right-of-way.

Event Sponsor’s obligation to indemnify the City contained in this Permit is not limited by the amount or type of damages, compensation or benefits payable under any workers’ compensation acts, disability benefit acts, or other employee benefit acts.

The City shall not be liable or in any way responsible for any injury, damage, liability, claim, loss or expense incurred by Event Sponsor, its officers, employees, subcontractors, and others affiliated with the Event Sponsor, arising out of or in any way connected or associated with Event Sponsor’s use or occupancy of City right-of-way, except for and only to the extent caused by the negligence of the City of Des Moines, Iowa.

Event Sponsor expressly assumes full responsibility for any and all damages to City property arising from out of or in any way connected or associated with Event Sponsor’s use or occupancy of City right-of-way including, but not limited to, the activities of Event Sponsor, its officers, employees, subcontractors, and others affiliated with Event Sponsor.

Event Sponsor shall ensure that its activities on City property will be performed and supervised by adequately trained and qualified personnel and Event Sponsor will observe, and cause its officers, employees, subcontractors and others affiliated with Event Sponsor to observe all applicable safety rules.

IV. WAIVER OF SUBROGATION PROVISION

To the fullest extent permitted by law, Event Sponsor herby releases the City, its elected and appointed officials, its agents, employees and volunteers from and against any and all liability or responsibility to the Event Sponsor or anyone claiming through or under the Event Sponsor by way of subrogation or otherwise, for any loss without regard to the fault of the City or the type of loss involved, including loss due to occupational injury. This provision shall be applicable and in full for and effect only with respect to loss or damage occurring during the time of this Permit. The Event Sponsor’s policies of insurance shall contain a clause or endorsement to the effect that such releases shall not adversely affect or impair such policies or prejudice the right of the Event Sponsor to recover thereunder.
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

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SAMPLE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD H1, Additional Remote Schedule, If more space is required)

To: City of Des Moines, Iowa - Street Use Permit.
Name of Event:
Date of Event:

CERTIFICATE HOLDER

City of Des Moines, Iowa
City Manager's Office
400 Robert D Ray Drive
Des Moines IA 50309

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