



CITY OF BEND

# Qualified Contractor

## Policy No. CI-0401

### **City Manager Administrative Policy**

Bend Code Chapter 1.30.005 provides for 'City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.' All regulations, policies and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and Council ordinances.

The following policy conforms to the above stated standards. This policy replaces and rescinds Policy No. 2023-7.

Authorized by City Manager:

Signed by:

A handwritten signature in black ink, enclosed in a blue rectangular box.

Eric King, City Manager

Dated: 1/20/2026

Reviewed by Legal Counsel:

Signed by:

A handwritten signature in black ink, enclosed in a blue rectangular box.

Ian Leitheiser, City Attorney

Dated: 1/20/2026

Policy No. CI-0401

Adopted: 1/20/2026

Owner: Community Development; Licensing Manager

Revised:

Revision No.

## I. Purpose

The purpose of this program is to ensure that work performed on existing and new infrastructure facilities owned and operated by the City is done by experienced and qualified contractors. Qualification is necessary to protect public infrastructure systems that serve the residences, businesses, and community members of Bend, and to protect the public during construction.

## II. Policy Statement

It is the City of Bend's policy to qualify contractors wishing to conduct work in the City's right-of-way ("ROW"), on City property, or in City easements, and maintain a list of qualified contractors, in accordance with **Bend Municipal Code Chapter 3.40.020(E)**.

## III. Scope

This policy is applicable to all City employees, contractors, vendors, and any other entities performing work in a City right-of-way ("ROW"), on City property, or in City easements.

## IV. Definitions

**Qualified Contractor License (QCL):** License issued by the City of Bend that allows for a third party to perform work in the City's right-of-way ("ROW"), on City property, or in City easements.

**Qualified Contractor List:** A list maintained by the City of Bend of contractors with a valid QCL to perform specific work type(s) in the City's right-of-way ("ROW"), on City property, or in City easements.

**Work Type:** Categories of work identified by the City that include specific actions or work performed and may require special skill sets, insurance requirements, and/or bonding requirements. Work types are identified on the initial QCL application and can be added/removed from the existing QCL according to the City's QCL revision process.

## V. Policy Terms & Provisions

### A. Qualified Contractor License Eligibility

1. Eligibility to receive a Qualified Contractor License ("QCL") is based on the following factors:
  - a. Prior experience

- i. If prior experience does not exist, then a standing bond may be required until experience levels are met
- b. Bonding capability
- c. Proof of a satisfactory safety record (experience modification rate or another industry standard form of measurement)
- d. Satisfying City of Bend minimum insurance limits
- e. Active City of Bend Business Registration
- f. Active Oregon Construction Contractors Board Registration or Landscape Contractors Board Registration
- g. Active Oregon Business Registry Number

## B. Work Types

- 1. Work in the ROW is divided into types of work, as determined by the City of Bend and listed in V.B.3. of this policy. Contractors must meet the documentation requirements as listed in V.C.2. and any additional requirements listed in V.B.3. for the work types they desire to be licensed for.
- 2. At least one work type must be designated on the contractor's Qualified Contractor License initial application. Contractors shall only apply for work types that they will perform themselves. Work types should not be applied for by the applicant if they are contracting that work type out to other parties.
- 3. Available work types that may be associated with a Qualified Contractor License are listed below, including a description of the work and additional requirements, if applicable, for each work type.
  - a. Art Installation and Restoration
    - i. Description: Installation and restoration of public art displays, including roundabout art.
  - b. Asphalt Patching
    - i. Description: Asphalt restoration limited to 8ft wide pavement restoration.
    - ii. Additional Requirements:
      - (i) Pollution insurance coverage in an amount not less than \$2 million.

- (ii) \$100,000 Bonding Capacity Minimum.
- c. Asphalt Paving
  - i. Description: Placement of asphalt pavement wider than 8ft.
  - ii. Additional Requirements:
    - (i) Pollution insurance coverage in an amount not less than \$2 million.
    - (ii) \$100,000 Bonding Capacity Minimum.
- d. Asphalt Grinding/Cold Plane
  - i. Description: Grinding down the upper layer of asphalt roadways for street preservation activities.
  - ii. Additional Requirements: Pollution insurance coverage in an amount not less than \$2 million.
- e. Blasting
  - i. Description: Use of explosives to fracture rock or other material. Typically used for general excavation or installation of subsurface drainage infrastructure.
  - ii. Additional Requirements:
    - (i) \$100,000 Bonding Capacity Minimum.
    - (ii) Pollution insurance coverage in an amount not less than \$2 million.
- f. Boring
  - i. Description: Use of directional drilling machines to install pipe or conduit below ground.
  - ii. Additional Requirements:
    - (i) \$100,000 Bonding Capacity Minimum.
    - (ii) Pollution insurance coverage in an amount not less than \$2 million.
- g. Concrete Flatwork
  - i. Description: Demolition of existing surface, formwork, rebar placement, pouring, finishing.

- h. Concrete Sewer Taps
  - i. Description: Connecting a new sewer lateral to a concrete sewer main.
  - ii. Additional Requirement: Pollution insurance coverage in an amount not less than \$2 million.
- i. Concrete Supplier
  - i. Description: Must provide a concrete mix design.
  - ii. Additional Requirement: Pollution insurance coverage in an amount not less than \$2 million.
- j. Electrical
  - i. Description: Work on non-franchise electrical lines or controls cabinets, including work on traffic signals.
- k. Excavation
  - i. Description: Grading, trenching, backfilling, compaction, etc. Does not include the placement of utility pipes.
  - ii. Additional Requirement: Pollution insurance coverage in an amount not less than \$2 million.
- l. Franchise
  - i. Description: Construction on behalf of a franchise utility provider (power, gas, telecom, private water).
- m. Horizontal Curb Sawing
  - i. Description: Use of specialized machine to cut driveways and ramps into a standard curb.
- n. Landscaping
  - i. Description: Landscape work, irrigation included.
- o. Sawcutting
  - i. Description: Use of a sawblade to cut through concrete or asphalt.
  - ii. Additional Requirement: Pollution insurance coverage in an amount not less than \$2 million.

- p. Sewer Laterals
  - i. Description: Installation of a sewer line with a 6-inch diameter or smaller and cleanouts.
  - ii. Additional Requirement: Pollution insurance coverage in an amount not less than \$2 million.
- q. Sewer Main
  - i. Description: Installation of an 8-inch or larger sewer line and manholes.
  - ii. Additional Requirements:
    - (i) Pollution insurance coverage in an amount not less than \$2 million.
    - (ii) \$100,000 Bonding Capacity Minimum.
- r. Sewer Taps
  - i. Description: Connection of a sewer lateral to an existing sewer main. Does not include connection to concrete sewer mains.
  - ii. Additional Requirement: Pollution insurance coverage in an amount not less than \$2 million.
- s. Signs
  - i. Description: Installation of signs within the right-of-way.
- t. Structural Concrete and Retaining Walls
  - i. Description: Installation of structural concrete and retaining walls.
- u. Stormwater
  - i. Description: Installation or alteration of catch basins, sedimentation manholes, drywells, swales, ponds, storm pipes, or other drainage infrastructure.
  - ii. Additional Requirement: Pollution insurance coverage in an amount not less than \$2 million.
- v. Striping
  - i. Description: Application of pavement markings in the right-of-way.

w. Traffic Control

- i. Description: Placement and removal of temporary signs, temporary signals, cones, and barrels to redirect traffic from standard patterns via an approved traffic control plan. May also include the use traffic control flaggers.
- ii. Additional Requirement: Requires submittal of at least two current Flagger cards AND at least one current Traffic Control Supervisor. Certification cards can be from OR, WA, or MT.

x. Tree Cutting / Removal

- i. Description: Precise removal of tree limbs and trees from urban areas.
- ii. Additional Requirement: ISA arborist certification is required.

y. Vacuum Sewer

- i. Description: Installation, maintenance, or removal of a vacuum sewer lateral, main, or vacuum sewer pit.
- ii. Additional Requirements:
  - (i) Requires approval of City of Bend Water Services Department.
  - (ii) Pollution insurance coverage in an amount not less than \$2 million.

z. Water Laterals

- i. Description: Installation of individual water service lines from the water main to property line. The largest water line that can be installed through this work type is a 2-inch diameter water line.
- ii. diameter line.

aa. Water Main

- i. Description: Installation of any water line, 4-inch diameter or larger. Includes "dry taps" of water main before asset transfer.

bb. Water Taps

- i. Description: Connection of a water lateral to a live water main.
- ii. Additional Requirements:

- (i) Requires approval by City of Bend Water Services Department.
- (ii) \$100,000 Bonding Capacity Min.

cc. Other

- i. Description: Performance of work in the right-of-way that does not fit one of the above categories.
- ii. Additional Requirement: Applicant must provide a detailed description of their work. Submittal requirements will be determined by the City Engineer or Private Development Engineering Division Manager.

## C. Qualified Contractor License (QCL) Requirements

### 1. License Duration

Effective January 1, 2026, the license period for new and renewed qualified contractors will be 2 years, with the expiration date assigned to the nearest February 1, May 1, August 1, or November 1, two years after issuance or renewal. Active qualified contractor licenses will be extended from an expiration date of December 31, 2025, to a rolling renewal split into quarters across two years (i.e. expiration dates of May 1, 2026, August 1, 2026, November 1, 2026, February 1, 2027, May 1, 2027, August 1, 2027, November 1, 2027, and February 1, 2028). Current licensees will be separated into one of eight new expiration dates based on alphabetical order of the licensee's name to ensure an even distribution of license expirations in any given quarter.

### 2. Documentation

In the QCL application, contractors must provide specific information regarding cost, duration of project, number of years of experience performing identified work type(s) (see Section V.B.3.), and their role/responsibility on all projects. The contractor shall demonstrate their ability to meet and follow the **City of Bend Standards and Specifications** (or similar standards), ability to meet timelines, and ability to work with minimal disruption to the community. Contractors must submit a minimum of three references for each work type included in the QCL application.

### 3. Application & Fee Timeframes

QCL applications must be accompanied by the application fee as set by the **City of Bend Fee Schedule**. The application and fee are due for new applicants at least 30

days before performing work in the ROW. The application and fee to renew a QCL are due before the expiration date of the current license. If renewal applications and fees are not submitted before the expiration date, then the contractor will be removed from the **Qualified Contractors List** and they will not be able to perform work in the ROW until they have obtained an active license. Starting on the expiration date, a 30-day late filing window for renewal applications will commence, with a late fee assessed in addition to the renewal fee. Once the late filing window has passed (30 days past the expiration date), the license is no longer eligible for renewal and the contractor must submit a new application and fee.

#### 4. Incomplete Applications

If a QCL application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, by using the applicant's email address that is on-file or by first class mail if no email address is provided, explaining the information required. If the applicant provides the missing required information within 30 days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the application fee will be refunded pursuant to the Licensing Division refund policy.

#### 5. Requirements for Continued Eligibility

Contractors shall maintain all required licenses, registrations, insurance, and any required bonding for continued eligibility.

#### 6. Revisions to Active Licenses

- a. Contractors may update their application at any time during the license period if circumstances within their business change (e.g. contact information change, business address change, add/remove work types).
- b. The addition of a work type requires a renewal fee and a review process by City staff to review the work experience related to the new work type. There is no fee to update contact or address information or to remove a work type.

#### 7. Renewal Requirements

- a. Renewal applications will require the contractor to submit the following minimum information:
  - i. New acknowledgement form;

- ii. Current workers compensation experience modification rate; and
- iii. Current bonding capacity.

- b. If the contractor chooses to add a work type as part of their renewal application, the contractor must also submit relevant documentation as listed in Section V.C.2.

## 8. Acknowledgement

Contractors are required to sign and submit an acknowledgement that the information submitted in their QCL application is factual and accurate.

## 9. Bonding Requirements

- a. In accordance with Bend Municipal Code Chapter 3.40.010(C), the City requires bonding on all major infrastructure improvements exceeding \$100,000 in estimated engineering construction costs (see Section V.B.3. for work types requiring a bonding minimum of \$100,000).
- b. Additionally, specific work types are identified as more than likely to exceed \$100,000 in engineering construction costs, therefore a bonding minimum requirement is identified for specific work types in Section V.B.3.
- c. Bond shall meet the requirements of **ORS 279C.380(1)(a)**, and be subject to any City conditions and City approval.

## 10. Insurance Requirements

- a. All contractors shall provide proof of the following coverages with QCL application:
  - i. Commercial General Liability Insurance with minimum coverage in effect of \$2,000,000 per incident, claim or occurrence and \$2,000,000 in aggregate. The policy shall include coverage for personal injury, bodily injury, property damage, and products completed operations. The policy shall be written on an "occurrence" basis. Any policy written on a 'claims made' basis may only be done with the written approval and authorization of the City of Bend and coverage written in this manner shall extend for two years past completion of any work performed under the permit issued.
  - ii. Automobile Liability Insurance with minimum combined single limit of \$2,000,000 covering all owned, non-owned, and hired vehicles. This

coverage shall be written in combination with the Commercial General Liability Insurance with separate limits for Commercial Automobile Liability and Commercial General Liability.

- iii. Workers' Compensation Insurance as required by ORS Chapter 656 and meeting the minimum requirements therein.
- b. The general liability and automobile policies will be primary and non-contributory to any insurance maintained by the City and will name "the City of Bend, its officers, agents, and employees" as additional insureds.
- c. Contractors that have an existing contract with the City of Bend to do work on City property shall refer to the insurance requirements in that contract, which shall supersede the amounts in this policy.
- d. Sole-proprietors or contractors that have no employees are not required to carry Worker's Compensation insurance coverage, but they must upload a statement to that effect in place of the Worker's Compensation.
- e. Contractors are required to update all insurance certificates and endorsements upon annual policy renewal. When insurance coverage expires, terminates, or if the City determines the coverage is or becomes inadequate, licensees will be notified from the Online Permit Center and will be required to submit updated insurance coverage to keep their license active. If renewed insurance coverage is not provided within required timeframes as communicated to the licensee, then the license will be inactivated, and the contractor will be immediately removed from the City's Qualified Contractor List.

## 11. Pollution Insurance

For work types identified in Section V.B.3. that require pollution insurance, Contractors agree to maintain continuous coverage while working on City property, in the City's ROW, or in City easements. A certificate of insurance and endorsement shall be submitted as part of the QCL application. Failure to provide a valid certificate of insurance and endorsement will result in denial of an application.

## D. QCL Application Review & Approval

1. The QCL application is reviewed by the following City staff with their accompanying role and responsibility for the review process:
  - a. Program Coordinator:

- i. Verifies active Bend Business Registration and Oregon Business Registry number;
  - ii. Verifies active Oregon Construction Contractors Board (CCB) or Oregon Landscape Contractors Board (LCB) registration;
  - iii. Verifies application completion and issuance of review panel decisions to issue or deny a license.
- b. Private Development Engineering Division Manager or City Engineer or Engineering Inspector Lead:
  - i. Determines eligibility for work types based on work history and prior experience.
- c. Risk Manager:
  - i. Determines if the required insurance coverage has been met.

2. Complete QCL applications will be reviewed in the order in which they are received. The review panel will conduct reviews within three weeks of the date that an application has been deemed complete. The City reserves the right to approve or deny a QCL application for any reason. The City may use additional information it deems necessary to verify work experience and/or safety record (e.g., Public Utility Commission actions, OSHA safety records, etc.).

## E. Violations

1. A licensee may be removed at any time from the City's Qualified Contractor List for any reason relating to public health and safety. If the licensee's actions are egregious, dangerous, and/or unsafe, then the City may remove or suspend the licensee from working on City property, in the City's ROW, or in City easements. Each situation will be evaluated given the nature and seriousness of the violation, the work history, and the onsite conditions.
2. If a licensee is in violation of this Policy or if they fail to comply with any aspect of an approved permit, then the following actions may be taken:
  - a. Verbal warning (written follow-up)
  - b. Written warning (from the Assistant City Engineer)
  - c. Stop work order and suspension of construction privileges in the City of Bend

- i. Suspension length to be determined by the City Engineer based upon the severity and/or frequency of the violation
- d. Civil infraction and penalties under **Bend Municipal Code Chapter 1.40**
3. The licensee will be removed from the Qualified Contractor List and will not be able to re-apply until a suspension period, as determined by the City Engineer, has lapsed.
4. These steps need not be followed in progression. Depending on the severity of the violation and past history, the City may move to any step that is deemed appropriate in relation to the violation.

## F. Appeal of QCL Revocation Determinations

1. A contractor may appeal a decision to revoke their QCL. The City of Bend Chief Operations Officer shall be responsible for determining an appeal of a decision to deny, revoke or suspend a QCL.
2. The appeal must be communicated in writing (mail and/or email) by the affected contractor, and should contain, but is not limited to, the following information:
  - a. The name, address, and phone number of the person filing the appeal;
  - b. A description of the problem, detailing specific circumstances and why they are requesting relief from denial or an enforcement action and suggested solution;
  - c. Evidence to support their appeal; and,
  - d. A copy of the impacted Qualified Contractor License.
3. The appeal must be submitted within thirty (30) calendar days of receiving notice of specific applicable enforcement action or a denied application. Within thirty (30) calendar days of receiving the appeal, the Chief Operations Officer will respond to the appellant in writing either affirming, modifying, or overturning the decision of the license review panel in the interpretation or application of the provisions of this Policy. The Chief Operations Officer's decision is final and there is no further right of appeal.



#### **Language Assistance Services & Accommodation Information for People with Disabilities**

You can obtain this information in alternate formats such as Braille, electronic format, etc. Free language assistance services are also available. Please contact Ariel Vee at [avee@bendoregon.gov](mailto:avee@bendoregon.gov) or 541-323-8565. Relay Users Dial 7-1-1.



#### **Servicios de asistencia lingüística e información sobre alojamiento para personas con discapacidad**

Puede obtener esta información en formatos alternativos como Braille, formato electrónico, etc. También disponemos de servicios gratuitos de asistencia lingüística. Póngase en contacto con Ariel Vee en [avee@bendoregon.gov](mailto:avee@bendoregon.gov) o 541-323-8565. Los usuarios del servicio de retransmisión deben marcar el 7-1-1.