

Template for Contract between Facility and Contract Operator in Responsible Charge

Parties involved

Name and address of operator
Certificates held by operator
System name and address

Description of the system

A brief description of the system, including facility classification. Indicate the number of service connections and/or population served, type of treatment, information about water source, etc.

Purpose of the contract

This is the reason why the contract is needed. The purpose statement can include goals, such as delivering safe drinking water to customers, protecting public health and the environment and complying with state and federal regulations.

There should also be an indication of the scope of work for the contract.

Contract duration

The effective starting date and effective termination date of the contract.

Provisions to renew the contract.

Contract should have an agreement of termination (by either party) by advanced, written notice of a specified number of days. It should outline some conditions for termination, such as falsification of records by the ORC or failure of either party to perform duties assigned in the written agreement.

Compensation

Compensation covers how much the ORC will be paid for his/her services.

This may include a detailed fee structure for the contract. Depending on how the contract is structured, be aware that there may be additional fees for certain situations, such as emergency call services.

Specify a payment method. Consider things such as who will make the payments and whether or not the contractor will submit monthly invoices.

Compensation can also cover health benefits, worker's compensation and disability benefits, leave benefits (e.g., vacation, medical, holiday, personal leave and paid paternity or maternity leave) and other benefits offered under the terms of the agreement.

Operator time

The owner/decision-maker and ORC should jointly designate the number of routine visits and the minimum number of hours spent per day, per week or per month at the system.

The owner/decision-maker and ORC should also jointly determine the maximum acceptable response time when responding to an emergency or to troubleshoot operational problems. The acceptable response time may vary depending on the treatment components of the particular system, remoteness of the system and the nature and severity of the problem.

Operator Duties

Duties and the frequency that each duty is to be performed by the ORC, or under the supervision of the ORC.

Information included in the list of “Potential Operator Duties” can help you develop this section of the written agreement.

The owner/decision-maker and ORC should jointly designate the extent to which the ORC or the owner will provide the necessary testing, maintenance equipment, treatment supplies and reagents.

Operator responsibilities

As the designated ORC, the operator is responsible for maintaining a valid certificate that is equal to or greater than the classification of the system.

The written agreement should include a statement such as: “[Name] will have supervisory responsibility and authority with respect to the operation of the facility and for the activities and functions of other facility operators.”

The ORC should take continuing education training courses on topics relevant to the facility.

The ORC should provide a photocopy of his/her renewed or upgraded operator’s certificate to the owner/decision-maker whenever the certificate is renewed or upgraded. The contract may specify a mutually-agreed upon period of time prior to the expiration date of the current certificate for evidence of certificate renewal (e.g., one or two months prior to the expiration date).

The ORC should also send a copy of current certificate(s) upon renewal of the contract.

The ORC is responsible for providing a certified substitute operator during those time when the system is in operation and he/she is not available or is inaccessible. The substitute operator should also provide the owner/decision-maker with a current photocopy of his/her certificate.

The ORC is responsible for maintaining adequate records to document that all agreement provisions are being met and to assure that the agreed upon duties are performed. This can

be a log that will document tasks accomplished. These records will be kept at the system and available to the owner/decision-maker at all times.

The ORC is responsible for having telephone numbers, email addresses and other relevant means of communication with the owner/decision-maker.

The ORC is responsible for informing the owner/decision-maker of any duties performed by a subcontractor at the site. They should be given prior approval by the owner/decision-maker.

The ORC is responsible for providing a safe working environment.

Owner/Decision-maker responsibilities

The responsibility that will be retained by the owner/decision-maker must be clearly documented.

The owner/decision-maker should also retain copies of the agreement and routinely review operations to assure the ORC is performing all of the required duties.

The owner/decision-maker will provide a list of routine operational checks to be made by the ORC. The owner/decision-maker will notify the operator of any unplanned operational problems, repairs or modifications that arise in the ORC's absence.

The owner/decision-maker and contract ORC shall jointly determine a maximum response time within which the owner/decision-maker will notify the ORC after the owner/decision-maker or a system user experiences or recognizes an operational problem or emergency.

The owner/decision-maker and contract ORC shall jointly determine the extent to which the operator will provide the resources required for routine operation and maintenance, repairs, and necessary capital improvements and the extent to which the owner/decision-maker will provide such resources.

The owner/decision-maker is responsible for having telephone numbers, email addresses or other relevant means of communication with both the designated ORC and any substitute ORCs.

The owner/decision-maker is responsible for providing a safe working environment.

Insurance

Specify whether the contract operator will provide comprehensive general liability insurance to cover bodily injury and property damage resulting from negligent performance of the service covered in the contract. The owner/decision-maker is responsible to provide a safe working environment and should have his/her own insurance.

The contract operator should provide a copy of proof of insurance to the owner/decision-maker.

Signature of all parties involved

The contract must be signed and dated by all parties, including the owner/decision-maker and the ORC.

In cases where the contractor is a firm or company, an official of the firm or company employing the ORC must also sign the agreement.

All participants should retain a copy of the final contract signed by all parties.