
Appendix H
Draft General Liability OCIP Claims Protocols

DRAFT GENERAL LIABILITY OCIP CLAIMS PROTOCOLS

1. When members of the public contact the Department of Public Works ("DPW") or any other agency of the City and County of San Francisco ("CCSF") to report a dangerous condition of public property which may be on or near a OCIP construction site, CCSF personnel shall notify PUC and/or MUNI OCIP safety personnel within 24 hours of the notification. The PUC or MUNI OCIP safety representative or their designee shall immediately inspect the condition and determine if the condition is within OCIP construction boundaries. If the inspection reveals a dangerous condition, and if the condition is within OCIP construction boundaries, safety personnel shall immediately secure the site, take photographs and instruct the appropriate contractor to perform necessary repairs. If not within OCIP construction boundaries, safety personnel shall immediately secure the site, take photographs and notify DPW personnel to perform the necessary repairs.
2. In any case of serious personal injury and/or property damage involving an OCIP-insured contractor, whether or not the CCSF's conduct is at issue, a designated OCIP safety representative will notify MUNI Central Control (24 hours a day, 7 days a week) immediately following the knowledge of the incident to allow the City Attorney's Office ("CAO") to perform an immediate on-site investigation. (This process should be followed whether or not it is a MUNI related OCIP site because MUNI Central Control will have a record of who is on call to respond to an emergency.)
3. The CAO's initial investigation will consist of a privileged and confidential report including witness statements and photographs. This information will be provided to the designated AIG representative. The CAO may also retrieve and store physical evidence from the accident site related to the loss. The CAO is the custodian of these reports and maintains such reports as privileged and confidential work product documents.
4. The CAO must receive notification of every OCIP related claim. Upon notification, the CAO will immediately open the appropriate claim or litigation file, conduct and investigation when appropriate and notify the general liability claim unit of AIG. Claims notification can be received by the CAO from the following sources:
 - A. Claim, Lawsuit, Accord Form received by CAO reporting a new loss;
 - B. First Notice of Incident (i.e. phone call from on-site OCIP safety representative to investigator, radio call from MUNI dispatcher to investigator);
 - C. Request for claim form to CAO from an injured or damaged party or that party's attorney; and/or
 - D. Broker/Insurance Carrier notifies CAO of a claim.

5. Any Claim involving the CCSF must comply with the Tort Claims Act.
6. CAO shall adjust claims as follows:
 - A. Claim against CCSF only: The CAO will send to the claimant the standard acknowledgement, denial, late claim or insufficiency letter within 45 days (or 20 days for insufficiency) after the filing of a claim. A copy of the CCSF's response letter with claim file attached will be sent to the AIG designated representative. The CAO will coordinate further claims adjusting activity with AIG and request payment of the claim after consultation with AIG.
 - B. Claim against contractor only: The CAO will immediately send the contractor claim to AIG's designated representative. AIG is responsible for the adjusting of the claim against the contractor in its entirety. Claim settlements in excess of the contractor's deductible but less than the policy deductible will follow the process set forth in #8 below.
 - C. Claim against CCSF and contractor: The process outlined in both A and B above will be followed.
7. Assuming liability against the CCSF and/or OCIP contractor, the CAO will work with AIG to expedite resolution of a claim. AIG acknowledges that pursuant to the City Charter, settlement of all claims or lawsuits require the prior approval of the CAO, with the exception of those where the dollar value of the claim falls within the responsible contractor's deductible.
8. The AIG adjuster will contact the CAO to request settlement authority up to \$5,000 over the responsible authorized deductible from the CCSF for MUNI/PUC cases which can be authorized by the CAO. Authority for settlements over a \$5,000 contribution for the CCSF require written correspondence to and consent from the Director of the Metropolitan Transportation Agency ("MTA"), or the General Manager of the PUC, or the San Francisco Board of Supervisors and the Mayor.
9. If claimant files a lawsuit against the CCSF and/or an OCIP-insured contractor, the CAO and AIG's representative will evaluate the matter to determine if immediate settlement is appropriate before litigation expenses are incurred.
10. AIG in conjunction with the CAO, will establish a panel of attorneys who will be utilized for litigation defense on OCIP claims. This panel will include attorneys from the CAO who possess personal injury and construction litigation experience. The CAO and AIG will confer and agree on counsel selection prior to case assignment. Panel counsel will regularly report to AIG and the CAO regarding the status of litigation.

11. Designated CAO, AIG, Broker, OCIP management/safety and panel defense counsel representatives will conduct periodic meetings to review the status of all incident, claims and litigation files to date. AIG will provide the CAO with a spreadsheet of open and closed claims with payment amounts. CAO will have "read only" access to AIG's on-line claims management system.