



# Excavation Contractor License


## License Requirements and Enforcement Plans

# Code Changes- Bills No [210389](#) and [220008](#)

Requirements	
Excavation Permit	Separate permit required for all excavations more than 5' below grade, with exceptions
Excavation Contractor	Specialized license required for excavations with additional training and increased insurance/ bonding
Protection of Property	Requires Pre-Construction Survey, Monitoring Plan, and Notifications to Adjacent Owner for specific work scopes that may directly impact adjacent property




# Who is affected?

- Anyone seeking to perform excavation services resulting in cuts, trenches, or depressions in the Earth's surface more than 5' below adjacent grade
    - INCLUDES basement dig-outs.
    - EXCLUDES utility trenches, including those requiring plumbing permits
    - EXCLUDES geotechnical exploration that does not require a permit and complete demolition permit.
  - An excavation permit naming the licensed excavation contractor that will be responsible for the work must be obtained prior to this work occurring.
- 




# When?

- The new requirements apply to permits filed through eCLIPSE after December 29, 2022 (December 30<sup>th</sup> for in-person applications).
  - Refer to [L&I regulations](#) for more information on Permit Filing Date.
  - Applications that were rejected (and not accepted for review) prior to Jan 1 may require manual adjustment. Recommend scheduling a virtual appointment to complete the application.
- 



# Why?

- **PROTECT LIFE SAFETY!**
  - Ensure that the contractor has knowledge and skill necessary to perform excavations.
  - Increase transparency and awareness of projects that include excavation work.
  - Establish minimum permit submission requirements for excavations to ensure that adjoining buildings and public ways are sufficiently protected.
  - Demonstrate that an adequate investigation/ assessment necessary for responsible design/ construction and ensure affected buildings are appropriately monitored throughout the construction or demolition.
  - Provide notice and complete project information to an adjoining owner or resident of a building that is directly impacted by the work.
- 



# EXCAVATION CONTRACTOR LICENSE REQUIREMENTS




# License Requirements- §9-1009(4)

Requirements	
Commercial Activity License	Phila Tax Account in good standing
Insurance	<ul style="list-style-type: none"><li>○ \$2 million general liability</li><li>○ \$300k auto</li><li>○ Workman's Compensation</li></ul>
License Bond	\$100k- City will draw against the bond to recapture abatement costs
Qualified Site Safety Manager	OSHA 30 and 3015 training and certification; must be on-site during excavation to ensure safe operation; may not be employed by another contractor



# OSHA 3015


- OSHA 3015- Excavation, Trenching and Soil Mechanics
  - OSHA 3015 may only be provided through an **OSHA Training Institute Education Center**. Regional courses are offered through the **Mid-Atlantic OTI Education Center** and additional course offerings are provided through **TEEX OTI Education Center**
  - Site safety managers must have taken the course within 5 years of the license's issuance date
  - When renewing the license, site safety managers can take 20 continuing education hours in excavation, trenching, and soil mechanics instead of retaking the OSHA 3015 course (if it's been more than 5 years since they took the course, and their OSHA 3015 certification had been approved by the Department on an earlier application or renewal).
  - If you plan on getting an excavation contractor license and don't already have an OSHA 3015 certified person on staff, don't wait– start figuring it out now!
- 






# Required Conduct- §9-1009(2)(c)

An Excavation Contractor shall abide by:

- All dust control related Air Management Services regulations
  - The Water Department's Storm Water Erosion and Sediment Control Regulations.
  - All other applicable requirements of law.
- 




# Notice Requirements

- If an Excavation Contractor changes its site safety manager, they must notify the Department within ten days of the employment of the new site safety manager and provide their qualifications to the Department.
  - If the certificate of insurance or bond provided to the Department on the most recent license application or renewal has expired, the Excavation Contractor must upload new certificates of insurance or bond showing that the policy has been renewed before continuing work
- 



# License Suspension & Revocation- §9-1009(5)

(a) In addition to the requirements in subsection 9-1004(9), the Department may suspend or revoke any license granted under this Section for any of the following reasons:

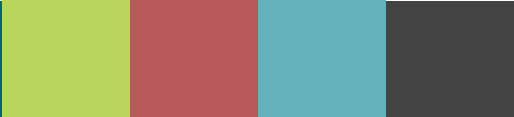
- (.1) determination by OSHA of a serious violation during the work of the contractor;
  - (.2) significant violation of a requirement of Chapter 33 (Safeguards During Construction) of Subcode B (The Philadelphia Building Code) of Title 4 of The Philadelphia Code (The Philadelphia Building Construction and Occupancy Code); or
  - (.3) any significant violation of a provision of this Section, including but not limited to the License and Required Conduct provisions of subsection (2) of this Section.
- 



# §9-1004- License Suspension & Revocation

“In addition to the requirements in subsection 9-1004(9)....”

- 9-1004(9) sets forth grounds for the suspension of a contractor license. It applies to excavation contractor licenses as well. Here are some highlights:
  - Fraud or deceit in obtaining or renewing a license or permit;
  - Repeated failure to comply with the provisions of The Philadelphia Code;
  - Failure to pay any fine imposed for a violation...within ten days of imposition by a final order from which all appeals have been exhausted
  - Willful violation of a stop work order;
  - Fraud or deceit in responding to a Department audit or investigation
  - Violating the Philadelphia Code in a manner that creates a significant dangerous condition or significant risk to public safety.






## § 9-1004(3)(e)

- §9-1004 sets license requirements for contractor licenses

*§9-1004 (3) (e) A Contractor licensed by the Department pursuant to other contractor licensing Sections of Title 9 shall be subject to and comply with the requirements of this Section to the extent this Section does not conflict with such other provisions... (goes on to exempt plumbers)*

- This means that 9-1004 contractor requirements apply to excavation contractors unless there is a conflicting provision in 9-1009.
  - So, you must be aware of contractor license requirements in addition to excavation contractor license requirements.
- 



# §9-1004- Required and Prohibited Conduct

§9-1004(6) and §9-1004(7) establish required and prohibited conduct. Here are some highlights:

(6) *Required Conduct.*


(b) A Contractor must secure all required permits prior to commencement of any construction

(f) Contractors shall comply with all provisions of The Philadelphia Code

➤ **Important!** This includes the A-1001.4 requirement that every worker on a permitted Philadelphia jobsite have OSHA 10 training

(h) Contractors shall maintain complete financial and construction records (including plans) for each job performed, for four years after the completion of the job.

(i) Contractors shall cooperate in any audit or investigation by the Department, or other city or law enforcement agency, into the activities at any job site at which the contractor has performed work, and shall provide prompt, accurate and complete responses to inquiries by the Department and other appropriate agencies.





# §9-1004- Required and Prohibited Conduct

## (7) *Prohibited Conduct*

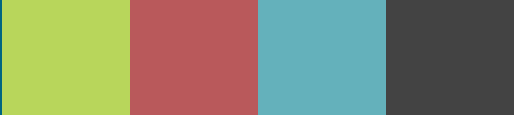
(b) No Contractor shall deviate from or disregard in any material respect the plans and specifications approved by the Department, unless such change has been approved by the Department.

(c) No Contractor shall sell, transfer, or permit another person to use the license assigned to the Contractor to secure permits or perform activity regulated under this Section.

(d) No Contractor shall sell, transfer, or otherwise allow another person or business entity to use a permit issued to the Contractor to perform construction work.

(f) No Contractor shall employ an unlicensed subcontractor to perform any activity regulated under this Section.

(h) No Contractor shall employ an individual that is subject to an active suspension or revocation of a trade license or that was the partial or whole owner of an entity subject to an active suspension or revocation of a trade license at the time that the suspension or revocation was effectuated.






# Enforcement- License Violations, License Suspension/Revocation








# AIU- Site Investigations

- The Audits and Investigations Unit (AIU) will be performing site investigations at randomly selected active excavation permits. During a site investigation, the AIU inspector will:
    - Verify that only the excavation contractor named on the permit, or another licensed excavation contractor that has subcontracted part of the work, is working on site
    - Check that a Site Safety Manager with OSHA 30 and OSHA 3015 certification is on site supervising work, and that each worker has OSHA 10 certification
    - Review site conditions to ensure that the site is safe
    - Keep an eye out for any other violations of §9-1009 or §9-1004.
  - Violations will result in the responsible excavation contractor being cited with a License Violation Notice. They can also result in Stop Work Orders or further investigation that can result in license suspension
- 



# Licensing Violation Notices

- **License Violation Notice (LVN)**- The Notice issued when AIU determines that a contractor has violated the conditions of their license
    - Does not trigger reinspection
    - Does not “stay open” until an inspector has determined that it has been corrected, like a regular (Title 4) L&I violation.
    - Results in a fine (either \$300 or \$1000 per violation) even if the contractor corrects the behavior
    - Can be appealed to the Board of L&I Review, just like other violations
      - If no appeal is taken, we will issue a bill for the fine amount 35 days later
      - If you do not think that the violation is correct, you must appeal, or we will impose the fine
- 



## ✕ Licensing Violation Notice

L&I File Number: CF-2021-087

<b>RESPONSIBLE PARTY</b> [REDACTED]	V7 	<b>DISTRICT OFFICE</b> Audits and Investigations Unit SUITE 502 2401 Walnut St Philadelphia, PA 19103 215-686-2499 AIU@phila.gov																		
<b>CITED LICENSE:</b> [REDACTED]	<b>DATE OF NOTICE</b> 09/11/2021																			
<b>PROPERTY WHERE VIOLATIONS OBSERVED:</b> PLEASANT ST, Philadelphia, PA 19119-2143																				
On 09/10/2021 the Department of Licenses and Inspections determined that the responsible party named above violated the licensing requirements set forth in the Title 9 of the Philadelphia Code.																				
<table border="1"> <thead> <tr> <th>VIOLATIONS</th> <th>PHILA. CODE §</th> <th>PHILA. CODE LANGUAGE</th> <th>DESCRIPTION OF VIOLATION</th> <th>LOCATION</th> <th>FINE TO BE IMPOSED</th> </tr> </thead> <tbody> <tr> <td></td> <td>9-1004.6</td> <td>(6) Required Conduct.</td> <td>[REDACTED] for failure to obtain a ROW permit prior to commencing demolition work is an infraction of 9-1004.6(b) &amp; 9-1004.6(f)</td> <td>Pleasant</td> <td>\$1,000.00</td> </tr> <tr> <td colspan="6">           (b) A Contractor must secure all required permits prior to commencement of any construction.             (f) Contractors shall comply with all provisions of The Philadelphia Code.         </td> </tr> </tbody> </table>			VIOLATIONS	PHILA. CODE §	PHILA. CODE LANGUAGE	DESCRIPTION OF VIOLATION	LOCATION	FINE TO BE IMPOSED		9-1004.6	(6) Required Conduct.	[REDACTED] for failure to obtain a ROW permit prior to commencing demolition work is an infraction of 9-1004.6(b) & 9-1004.6(f)	Pleasant	\$1,000.00	(b) A Contractor must secure all required permits prior to commencement of any construction.  (f) Contractors shall comply with all provisions of The Philadelphia Code.					
VIOLATIONS	PHILA. CODE §	PHILA. CODE LANGUAGE	DESCRIPTION OF VIOLATION	LOCATION	FINE TO BE IMPOSED															
	9-1004.6	(6) Required Conduct.	[REDACTED] for failure to obtain a ROW permit prior to commencing demolition work is an infraction of 9-1004.6(b) & 9-1004.6(f)	Pleasant	\$1,000.00															
(b) A Contractor must secure all required permits prior to commencement of any construction.  (f) Contractors shall comply with all provisions of The Philadelphia Code.																				

**!** In accordance with §§ 9-105, each violation of §9-1000 or §9-1300 results in a fine of \$300, except for violations of §§ 9-1004 (excluding subsection 8) and §§ 9-1306, which each result in a fine of \$1,000, and violations of §§ 9-1004(8), which each result in a fine of \$2,000. Repeated violations of Title 9 shall result in the suspension or revocation of the cited license, in addition to further fines.

If this Notice is not appealed, the fine will be imposed in 30 days and a bill will be issued. For the violations referenced above, the fine to be imposed is:  
\$1,000.00



## ✕ Licensing Violation Notice

L&I File Number: CF-2021-087

**i** You have the right to appeal this Notice of Violation within 30 days of the date of notice listed at the top of this notice. Appeals must be submitted in writing on the approved form to the Boards Administration Unit. The form may be downloaded from the L-I website and/or found at [www.phila.gov/l](http://www.phila.gov/l)

If you do not timely file an appeal then you waive your right to challenge any part of this notice. This includes whether the violations existed, whether you were responsible for the violations, and whether the City can impose any fines, fees, or costs against you, inclusive of the above indicated fines.

Repeated failure to meet the standards required under the Philadelphia Code may lead to a suspension or revocation of your license(s) under Philadelphia Code Sections 9-1004(9) and/or 19-2602.


Additionally, failure to timely appeal this notice will result in the immediate/automatic imposition of the fine thirty-one days after the date of this notice. Once imposed the fines may limit your ability to obtain or renew any permits and/or licenses pursuant to Philadelphia Code Section 9-101(9).

**i** The Philadelphia Code may be found online for free at [www.phila.gov](http://www.phila.gov) under "Open government."

**ATTENTION:** This is an important notice! For information in your language, call 215-686-8686  
**ATENCIÓN:** Este es un aviso importante! Para recibir información en su idioma, llame al 215-686-8686  
**注意:** 这是重要通知! 如果您需要以您的语言获得此信息, 请致电 215-686-8686  
 CHÚ Ý: Đây là thông báo quan trọng! Nếu bạn cần thư này bằng ngôn ngữ khác, vui lòng gọi 215-686-8686  
 주의: 중요 통지입니다! 이 서신을 귀하의 언어로 받기 위해서는 215-686-8686번으로 전화하십시오  
 کرس گال پر 215-686-8686 کے خدمات کی ترجمے اے نامہ اطلاع ضروری ایک یہ: فرمائی توجہ  
**ATTENTION:** Cet avis est important ! Si vous avez besoin de cet avis dans une autre langue, appelez le 215-686-8686




# License Violations

- The “fine to be imposed” stated on an LVN will be issued after 30 days (if no appeal) or after the appeal hearing.
  - A bill titled “Statement of Outstanding Fees” will be issued. This can be appealed to the Tax Review Board. Once this document has been issued, the fine has been imposed and is due.
    - Failure to pay the fine will result in the Department withholding permits, license suspension and possible court action to recover the fine and court costs.
  - License Violations are disclosed through the City’s contractor look-up tool. Violations will be disclosed for at least one year from issuance.
  - License violations are part of a contractor’s record of behavior, and repeated violation of the Code will result in license suspension.
- 




# Board of Licenses and Inspections Review

- License Violation Notices can be appealed to the Board of L&I Review within 30 days of issuance
    - I strongly recommend appealing a violation if you have any doubts about its accuracy. Its the best way to protect yourself.
  - If you appeal, the City will not issue the bill for the fine until after the hearing. If you do not appeal, you will be mailed the bill about 35 days after the violation is issued
  - The Board of L&I Review is an independent board. Its members are appointed by the Mayor and, despite the name, are not part of L&I.
  - They have the authority to affirm, reverse, or modify any decisions made by L&I.
  - If your license is held by a corporate entity (LLC or Corp), you must be represented by a lawyer at the Board. **They have become strict about this!**
- 




# License Suspension

- Whenever a contractor has violated the Code in such a manner that suspension is authorized by §9-1004 or §9-1009, we do a two-part analysis of the contractor's record of violations to determine whether a suspension is appropriate and, if so, how long the suspension should be:
    - 1) What risk to public safety did the contractor create through the violations?
    - 2) What is the contractor's culpability in committing these violations?
  - Suspensions are issued in the form of a letter titled "Notice of Intent to Suspend Contractor License #XXXX"
    - The suspension does not kick in for at least 30 days
    - If appealed to BLIR, the suspension does not kick in until after the hearing
    - If no appeal, the suspension kicks in on day 31
- 



# License Suspension

- If your license is suspended, you can not perform any work that requires a license in the City of Philadelphia for the duration of the suspension.
  - You may be given a probationary period after the suspension ends– this means that we will quickly move to suspend you again if you continue violating the Code, especially in the manner that resulted in the suspension.
  - The owners of suspended companies cannot be licensed under different company names during the suspension. They also cannot be employed by a different licensed contractor during the suspension.
  - The suspension will be disclosed on the City’s “Suspended Contractors” website:
- 

## Revocations and current suspensions

The table below lists contractors and trade licensees whose licenses are currently revoked or suspended.

Contractor	License number	Current license status	Discipline imposed	Cause for discipline
Maria Ramsay (Evolution of Construction, operated by Byron Ramsay)	#51880	Suspended through July 21, 2022	18-month suspension	Repeated violations contributing to the collapse of the construction projects at 2159 and 2173 E. William Street, where Marie Ramsay (Evolution of Construction, operated primarily by Byron Ramsay) acted as the site superintendent. The framing was executed incorrectly, required horizontal support systems were not installed, and the contractors involved with this project intentionally undercut code requirements in order to cut costs by not using plywood on the exterior side walls during framing.
Julia Chebotar (Build Development LLC)	#55567	Suspended through October 12, 2022	18-month suspension	Deceit in obtaining a license to evade the prior suspension of VRTX Investments (aka Ilya Chebotar).
Amiyr Muhammad (Str8 Construction)	#052915	Suspended through May 4, 2023	12-month suspension	Repeatedly short-dumped debris onto private property and attempted to deceive the Department during an investigation.
Eleazar Moreno and Julio Moreno (Los Guates Construction)	#52151	Suspended through June 6, 2023	18-month suspension	Created an unsafe condition by performing structural work in an unsafe manner and without the required permits.
		Suspended		

[↑  
TOP](#)






# Summary and Final Tips

- AIU will prioritize inspecting excavation sites and strictly enforcing the new excavation contractor license requirements in 2023. Familiarize yourself with them—ignorance of the Code is not a defense.
- If you receive a Licensing Violation Notice and you disagree with the violations, file an appeal.
  - Its extremely unlikely that AIU will withdraw a violation after its issued. This will only happen if there is a clear error. Even if you believe that there has been a clear error and email us to try to correct it, you should file an appeal.
- Check your workers' certifications
  - Make sure each of your workers has OSHA 10 training and carries their card. Make sure that a Site Safety Manager with OSHA 30 and OSHA 3015 training is present and supervising before working





# Summary and Final Tips

- Make sure that your contact information is up-to-date in eCLIPSE.
  - If the insurance documents you have on file expire, make sure that you immediately upload renewed certificates of insurance.
  - If your job requires underpinning, make sure that underpinning only occurs when the Special Inspector listed on your permit is on site. Working without the Special Inspector on site is a serious violation and will result in further investigation and possible license suspension.
  - Keep an eye on the Department's newsletter. AIU reports out its recent work and announces new enforcement priorities through the newsletter. We're also going to be hosting webinars similar to this one on a regular basis going forward– I encourage everyone to attend these to stay briefed on the latest news and updates
- 

# Summary and Final Tips

- If you have any Code questions, ask first: [www.phila.gov/li/get-help](http://www.phila.gov/li/get-help)
- You can also find this page by googling “L&I Inquiry”



## L&I Inquiry Submission

The following form will allow you to submit an inquiry to L&I. Please make every attempt to resolve your issue using information provided on the L&I website ([www.phila.gov/li](http://www.phila.gov/li)). If you do not see an option that matches your inquiry, please reach out to 311 for support. You can expect to receive a response within 2 business days.

### Select an Inquiry Type: \*

- Permit or Inspection Issue
- License Issue
- Code or Permit Processing Question
- Boards Notice of Decision Submission
- Payment Issue
- Project Meeting and Dedicated Examiner
- Property Sales Certification
- Structural Maintenance & Fire Protection Certifications
- Missing Virtual Appointment Link
- Request Copy of Violation
- Other

NEXT

# Summary and Final Tips

- If you have any questions about navigating eCLIPSE, you can also use the eCLIPSE help chat:

**eCLIPSE**  
CITY OF PHILADELPHIA

Home Search Profile Pay My Payments Sign Out

**Home**

**Welcome to eCLIPSE!**

You can use eCLIPSE to apply for, view, and manage Department of Licenses & Inspections (L&I) trade licenses, business licenses, permits, certificates, appeals and Streets Department reviews.

For help please visit our eCLIPSE help resources:  
[L&I eCLIPSE Resources](#)  
[L&I Help](#)  
[Streets Department Help](#)  
311 or call 215-686-8686 for assistance

**ACTIVITY LICENSES**

- Register for a New Activity License
- Associate an Activity License

**BUSINESS LICENSES**

- Apply for a Business License
- Renew a Business License
- Amend a Business License

**TRADE LICENSES**

- Apply for a Trade License
- Renew a Trade License
- Amend a Trade License
- Associate a Trade License

**PROFESSIONAL REGISTRATION**

- Apply for a Registration

**PERMITS & CERTIFICATES**

- Apply for a Permit or Get a Certificate
- Associate with a Permit / Project

**OTHER**

- Submit An Annual Certification Report
- Create a Project
- Request a CRS Report
- Make an Appeal

**STREETS DEPARTMENT**

- Apply for a Streets Department Review
- Associate with a Streets Review

My Activities My Inspections My Projects My Businesses My Activity Licenses My Trade Licenses My Registrations My Hearings / Appeals

Annual Certification Reports

**We Are Here!**