

PORT EVERGLADES TARIFF NO. 12

Item No. 705–Container gantry and mobile harbor cranes–Rules & regulations.

Issue No. 3

Effective Date: October 1, 2010

1. Crane rental time will be computed from the time a crane(s) is ordered to be available for work until the crane(s) is dismissed; subject to listed minimum charge.
2. The charges detailed in this Tariff do not include the crane operator who is supervised and employed by the franchised steamship agent/ or franchised stevedore renting the crane(s).
3. The franchised steamship agent/franchised stevedore renting the crane(s) agrees to be bound by all terms and conditions contained in this Tariff.
4. Broward County shall require of the crane user, certification of insurance with a minimum general liability and personal injury of at least five million dollars (\$5,000,000.00), and the Broward County Board of County Commissioners shall be named as an additional insured. This insurance shall cover the user, and its agents, servants and employees in the use of the crane(s) and equipment. In addition, Broward County reserves the right to require, in its sole discretion, such additional types and amounts of insurance, as it shall determine to be in its best interest, based upon the operations of the crane(s).
5. The crane user shall conform with all applicable laws, ordinances, rules and regulations of O.S.H.A., United States Coast Guard and other federal, state and municipal authorities having jurisdiction over the user or its activities.
6. Vessels, their owners, agents and all other users of the cranes and equipment shall indemnify, save harmless and defend Broward County, its agents, servants, and employees from and against any claim, demand, cause of action or proceeding of whatsoever kind or nature arising out of, incident to or resulting from the use of the cranes or equipment, by the vessels, its owners, agents, servants or employees and all other users of the cranes and equipment, together with all costs, expenses, and liabilities incurred in connection with each such claim or demand or action or proceeding including, but not limited to, all reasonable attorney's fees to and through appellate, supplemental, and bankruptcy proceedings.

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7. The franchised steamship agent/or franchised stevedore renting the crane agrees to operate the equipment within its rated capacity, as published in this Tariff, any amendment hereto or reissues hereof.
8. All rigging will be at the expense of the franchised steamship agent/or franchised stevedore.
9. The charge for the crane rental includes crane maintenance.
10. The franchised steamship agent/or franchised stevedore shall make application for crane rental use no later than twelve (12) hours prior to startup time. Application is to be made to the Harbormaster. Application Form will include date, time, type and quantity of cargo to be handled and estimated length of use.

After an order for a crane(s) is properly placed as described above and confirmed by the Harbormaster, the startup time can be set back once without penalty provided the request to set back the startup time is made no later than four (4) hours prior to the originally ordered startup time. If the request is made less than four (4) hours prior to the originally ordered startup time, charges will be imposed at the Item #710 Standby rates calculated from the originally ordered startup time until cargo operations commence or after a four (4) hour minimum period, whichever is less. If, after an original startup time is properly set back as described above to a revised startup time and cargo operations are not ready to commence at the revised startup time, charges will be imposed at the Item #710 Standby rates from the revised startup time until cargo operations commence or after a four (4) hour minimum period, whichever is less.

11. The Port Everglades Department will perform a pre-operation inspection and start cranes prior to vessel operations and will shut down cranes upon completion of vessel operations and perform a post-operation inspection.
12. The Port Everglades Department will be responsible for initial container gantry crane boom-down and each succeeding boom-up/boom-down cycle and final booming up to clear vessel and pinning down of the crane(s). The Port Everglades Department will be responsible for initial spotting of the mobile harbor crane and each movement of the crane along the dock apron.
13. The Port Everglades Department reserves the absolute and exclusive right to the assignment and scheduling of the cranes.
14. Any damages to the cranes and equipment during use are to be immediately reported by the user to a representative of the Container Crane Section or, when not available, to a representative of the crane maintenance contractor and

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acknowledged by signature of an authorized representative of the user on the crane rental report at the time of completion of crane operations.

15. Only qualified personnel will be permitted to operate the Port Everglades Department container gantry cranes and mobile harbor crane. The franchised agent and/or stevedore renting a crane will be the responsible party for violations of this item. An operator of a container gantry crane will be presumed qualified if he/she demonstrates satisfactory completion of training and testing on a recognized container gantry crane simulator within the previous twelve (12) months combined with actual time in operating rail mounted container gantry cranes.

In order to be determined qualified to operate the mobile harbor crane an operator must provide evidence of having previous experience in loading/discharging containers to/from ships with a mobile harbor crane, truck crane, ship crane, and/or rail mounted container gantry crane. Port Everglades reserves the right to establish an on-site mandatory training program.

Upon request, and on an as available basis, the Port Everglades Department may make available to a franchised steamship agent and/or franchised stevedore a container gantry crane or mobile harbor crane in order for an operator employed by the franchised steamship agent and/or franchised stevedore to demonstrate his/her ability. Based upon a demonstrated need and for a reasonable number of hours as determined by the Port Everglades Department, a crane so provided will be without charge. Evidence of operator qualification shall be made available to the Port Everglades Department upon request. The operator will be required to demonstrate his/her ability to the satisfaction of the franchised steamship agent or franchised stevedore renting the crane. The Port Everglades Department reserves the right to order removed from a crane any operator not qualified or otherwise observed operating a crane in other than a safe manner, which determination shall be within the Port Everglades Department's sole discretion. The operator shall be prohibited from any operation of a crane until such time as he/she can demonstrate his/her ability to safely operate a crane to the satisfaction of the franchised steamship agent/or franchised stevedore renting the crane, unless the Port Everglades Department has otherwise determined that it is not in the Port Everglades Department's best interest to allow the operator to operate the crane, which determination shall be within the sole discretion of the Port Everglades Department.