Document 00 73 00.26 - Supplementary Conditions – Construction Manager (Multiple Prime Contract)

Division of Administration and Finance
Facilities and Construction Services
P.O. Box 210181 ▪ Cincinnati, Ohio 45221-0181

Certifications

These Supplementary Conditions amend and supplement the General Conditions and other provisions of the Contract Documents as indicated below. All provisions which are not amended remain in full force and effect. The terms used in these Supplementary Conditions which are defined in the Contracting Definitions or in the General Conditions shall have the meanings assigned to them in those documents.

These Supplementary Conditions are authorized for use on the Contracting Authority's Projects by the Ohio Department of Administrative Services:

By: Hugh Quill/CW Date: November 20, 2007

Hugh Quill, *Director*
Ohio Department of Administrative Services
by Craig Weise, *State Architect*

Contracting Authority

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MODIFICATIONS TO GENERAL CONDITIONS

In subparagraph 1.10.3, replace the first sentence with the following:

1.10.3 In addition to OBWC-approved DFWP Level 1 requirements, the Contracting Authority requires that each Contractor and Subcontractor, that provides labor on the Site, shall perform random drug testing of a minimum of 10 percent of the average annual workforce for all University construction projects. …

Insert subparagraphs 1.10.4, 1.10.4.1, and 1.10.4.2 as follows:

1.10.4 The University of Cincinnati (the "University") has adopted the Construction Owners of the Tri-State ("COATS") Substance Abuse and Drug Testing Policy. In addition to the requirements set forth in paragraph 1.10, the Contractor shall comply, and shall require their Subcontractors to comply, with the COATS policy to do Work at the University.

.1 A COATS program folder and enrollment form may be obtained from the University's program administrator Midwest Toxicology Services Inc., by calling 800-358-8450 or by logging on to their Website: http://www.midwesttoxicology.com/.

.2 Any worker or on-site supervisor that is found to be non-compliant with the requirements of the COATS policy shall be removed from University property.

Insert subparagraph 2.1.4.2 as follows:

.2 The Contractor shall comply with the University's written procedures for underground and concealed utility identification, which shall be obtained through the Project Manager. A dig permit shall be initiated by the Contractor and authorized by the Project Manager prior to any digging, stake driving, or excavation activity performed by the Contractor.

Insert subparagraph 2.1.9 as follows:

2.1.9 Soil testing information and data is not available for this Project. In lieu of performing independent testing of the spoil material from the Site, the Contractor shall select disposal sites that do not require testing.

Insert subparagraph 2.3.5 as follows:

2.3.5 The Contractor shall manage any language barriers that may exist with the Contractor's workforce, including Subcontractors and tiered Subcontractors, to ensure effective communication among all workers, at all times.

Insert subparagraph 2.5.4 as follows:

2.5.4 Storage area(s) on University property, established with the prior written consent of the Project Manager and not in direct proximity to the Work, shall be cleaned and restored to original condition at the completion of the Work.

Insert subparagraph 2.7.3.3 as follows:

.3 All workers shall attend an University Safety Orientation meeting before they start work on any University construction or renovation project. Each worker will receive a sticker that is to be affixed to their hard hat signifying their compliance with the COATS program and that they attended the safety orientation. The Contractor shall contact the Project Manager to schedule the orientation meeting.

Insert subparagraph 2.7.4.1 as follows:

.1 The University reserves the right to refuse to allow any material it considers a fire or safety hazard to be stored on the University's property.

Insert subparagraph 2.7.7 as follows:

2.7.7 The Contractor shall comply with the University's safety requirements. Refer to Section 01 35 23 - "Owner Safety Requirements" in the Specifications Group.

In subparagraph 2.9.1.2, replace the second sentence with the following:

.2 … The Contractor shall schedule the State Fire Marshal and local fire authority for life safety inspection(s) for occupancy permits thru the University's Office of Public Safety - Fire Prevention Unit - Fire Safety Inspector (513) 556-4992, at least 5 business days prior to the desired date of inspection. …

Insert subparagraph 2.10.1.1 as follows:

.1 The Contracting Authority will contract for tests and inspections required by the Contract Documents pursuant to Chapter 17 of the Ohio Building Code. The Contractor shall schedule and coordinate the testing/inspection services directly with the testing and inspection agency.

Insert subparagraph 2.17.2.1 as follows:

.1 The Contractor shall provide written notice to the A/E and Project Manager at least 2 weeks prior to a major utility shutdown.

Insert paragraph 2.22 and subparagraphs 2.22.1, 2.22.2, 2.22.3, and 2.22.4 as follows:

2.22 Commissioning

2.22.1 The Contractor shall participate in the building commissioning process, as prescribed in the Specifications Group.

2.22.2 The Contractor shall permit the A/E and Contracting Authority Representative(s) access to commission all performance based equipment, fixtures, and/or systems (e.g., HVAC, Fire Protection, smoke evacuation, fume hoods, emergency power, etc.), prior to Final Acceptance, or Partial Occupancy if applicable.

2.22.3 The A/E and Project Manager shall obtain prior written approval from the Contractor responsible for the fixture, equipment, and/or system, for commissioning access and related activities, which approval shall not be unreasonably withheld.

2.22.4 The A/E shall promptly notify, in writing, the Contractor responsible for the fixture, equipment and/or system, of any deficiency identified during the commissioning effort.

Insert subparagraph 5.1.5.2 as follows:

.2 For projects that are locally administered, the Contractor shall utilize forms available from: http://www.uc.edu/architect/documents/forms/table.asp or from the Project Manager. The Contracting Authority reserves the right to make modifications to its polices, procedures, and forms at any time. Contractors are prohibited from modifying or annotating the forms.

Replace subparagraph 9.2.1.3 with the following:

.3 The Contractor shall send 1 copy of the certified payroll reports for the relevant period of each Contractor Payment Request to the University's Office of Contract Compliance, P.O. Box 210167 Cincinnati, Ohio 45221-0167. See Document 00 73 43 - "Wage Rate Requirements."

Insert subparagraph 10.1.4 as follows:

10.1.4 Unless otherwise specified in the Contact Documents, the Contractor shall replace all permanent and disposable HVAC filters at Final Acceptance, or Partial Occupancy if applicable.

Insert subparagraphs 10.5.1.11 and 10.5.1.12 as follows:

.11 A complete list of Subcontractors identified by scope of work and including contact information.

.12 A complete list of Material Suppliers referencing the names and/or number of the product supplied and contact information for local and/or national dealers and representatives for the product.

Replace paragraph 11.2.1 with the following:

11.2.1 The Contractor shall provide and maintain, during the progress of the Work and until the execution of the final Certification of Contract Completion by the Contracting Authority, a Builder's Risk insurance policy to cover all Work in the course of construction including false-work, temporary buildings and structures, and materials used in the construction process, stored on or off-site, or while in transit. This insurance shall be on a special cause of loss form, which provides coverage on an open perils basis insuring against the direct physical loss of, or damage to, covered property including, but not limited to, theft, vandalism, malicious mischief, earthquake, tornado, lightning, explosion, breakage of glass, flood, collapse, water damage, and hot and cold testing. This insurance shall also include debris removal, and/or demolition occasioned by enforcement of Applicable Law.

Delete subparagraph 11.2.1.1 in its entirety.

In subparagraph 11.2.1.5, delete the last sentence, which states; "The Owner may recover the amount of the Builder's Risk policy deductible for any losses caused by the Contractor."

Delete subparagraph 11.2.1.11 in its entirety.

Delete subparagraph 11.2.1.12 in its entirety.

Insert subparagraph 13.2.1.4 as follows:

.4 To facilitate building commissioning, the Contractor shall submit 4 sets of Operations & Maintenance ("O&M") manuals for dynamic and engineered systems to the A/E for approval. This submission shall occur within 30 days following approval of all related Contractor submittals required by the Specifications Group.

Insert Article 15 with associated paragraphs and subparagraphs as follows in its entirety:

ARTICLE 15 - MISCELLANEOUS SUPPLEMENTARY CONDITIONS

15.1 Smoking and Tobacco

15.1.1 East Campus (Academic Health Center): The Academic Health Center has a Tobacco-Free Policy. Smoking or the use of any tobacco products in any area of the Academic Health Center campus or within any Academic Health Center facility is prohibited. Information can be found on the Academic Health Center Web site at www.health.uc.edu/financeadmin/tobaccopolicy.html.

15.1.2 West and Branch Campuses: Smoking is prohibited in any campus parking garage or occupied / operational building and within 25 feet of the building. Smoking is prohibited on a secured (fenced) construction worksite once the building is under roof.

15.2 Parking

15.2.1 On-site parking for Contractor personnel will not be permitted within construction limits.

15.2.2 All Contractor vehicles on University property are subject to University Parking and Traffic Regulations. Contractors who desire to park on University property may purchase decals, if available and at the current parking rates, from University Parking Services.

15.3 False Fire Alarms

15.3.1 The Contractor shall be back charged a minimum of $500, or actual cost if greater, for each false fire alarm answered by the University's Fire Safety Department and the local fire department.

END OF DOCUMENT