

# Document 00 73 00 - Supplementary Conditions (WSU CM at Risk Contract)

## State of Ohio Standard Requirements for Public Facility Construction

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### Certifications

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

These Supplementary Conditions are authorized, by the Ohio Facilities Construction Commission, for use on projects constructed by and for Wright State University.

### Contracting Authority and Owner

Wright State University  
Engineering & Construction  
3640 Colonel Glenn Highway  
Dayton, Ohio 45435-0001  
937.775.4140  
937.775.3513 fax  
<http://www.wright.edu>

### Institutional Designee

Daniel Papay, P.E.  
University Engineer

## MODIFICATIONS TO GENERAL CONDITIONS

*Insert Section 3.3.2 as follows:*

3.3.2 The requirements of this Section 3.3 shall include testing or bacteriological analysis required for new domestic water piping per the American Water Works Standard C651. The Subcontractor responsible for the permanent plumbing system shall be responsible for sampling and bacteriological analysis required in existing piping and/or buildings taken out of service related to this Project. Boil advisory situations and the University's policy regarding water shutdowns can be found in the University's Community Water System Contingency Plan (copies available upon request).

*Insert Section 6.3.4.1.1, Section 6.3.4.2 and subordinate Sections, and Section 6.3.4.3 as follows:*

- .1 The CM is responsible for contacting the University Engineering & Construction Department at [construction@wright.edu](mailto:construction@wright.edu) to obtain a dig permit 72 hours in advance of any digging, excavation, trenching, drilling, driving posts or any other such work. The University's Excavation/Boring Permit shall be made a part of this document and may be obtained at <http://www.wright.edu>.

6.3.4.2 The CM shall physically locate underground utilities installed or exposed by the CM prior to backfilling.

- .1 Physically locating means to measure each change in direction from two separate permanent objects and note the depth below grade on the As-Built Documents in accordance with Section 6.27.1.3.1.
- .2 This information shall be immediately given to the Project Manager for incorporation into the University's utility drawings.

6.3.4.3 The CM shall backfill excavations with material specified and approved in writing by the A/E. Surfaces (pavement, concrete, turf, etc.) shall be restored to like new condition. Turf replacement shall be sod, and not seed unless otherwise approved by the University.

*Insert Sections 6.10.5.1.1 and 6.10.5.1.2 as follows:*

- .1 Work performed in an area that must be kept in operation shall be protected by the CM with a sheeted bulkhead sufficient to keep out dust and dirt, and to isolate the area.
- .2 The CM shall control fumes and dust to prevent any harmful or undesirable effects in the surrounding areas.

*Insert Sections 6.13.1.2, 6.13.1.3, and 6.13.1.4 as follows:*

6.13.1.2 The CM shall implement and follow practices designed to minimize risk and avoid harmful exposure to chemicals, biological or radiological substances, and physical or mechanical hazards.

6.13.1.3 The CM shall use facilities and equipment in the prescribed manner to avoid injury and health damage to themselves, others, and the environment.

6.13.1.4 The CM shall submit a written lockout/tag out procedure based on OSHA requirements to the University for Approval at the beginning of the Project. The CM shall use this procedure whenever a system is to be de-energized.

*Insert Section 6.13.4.1.1 as follows:*

- .1 The CM shall take the proper precautions to prevent fires when welding or while other fire-hazardous work is being performed.

*Insert Sections 6.13.4.3 and 6.13.4.4 as follows:*

6.13.4.3 The University reserves the right to refuse to allow material it considers, in its sole discretion, to be a fire hazard to be stored on the University's property.

6.13.4.4 Gasoline and other flammable liquids shall be kept in approved safety cans at all times and shall not be stored inside University facilities.

*Insert Sections 6.13.4.2.1 and 6.13.4.2.2 as follows:*

- .1 The licensed abatement contractor shall make arrangements for the proper disposal of Hazardous Material off-site according to Applicable Law and University regulations.
- .2 University trash receptacles, sanitary sewers, and storm drains shall not be used for the disposal of Hazardous Material.

*Insert Section 6.14.1.3 as follows:*

6.14.1.3 The CM shall comply with requirements of Applicable Law during installation, use, and removal of temporary controls, facilities, and utilities.

*Insert Sections 6.14.4.1.3 and 6.14.4.1.4 as follows:*

- .3 A minimum of 10 foot-candles of night safety lighting covering the entire Site shall be provided for building construction (ANSI Standard 11.1-1973, Practice for Industrial Lighting).
- .4 Lighting removed by the CM during construction shall be replaced with adequate temporary lighting during construction as determined by the A/E and/or the University.

*Insert Sections 6.15.4.2 and 6.15.4.3 as follows:*

6.15.4.2 University trash receptacles, sanitary sewers, and storm drains shall not be used for the disposal of construction debris, waste materials, or rubbish.

6.15.4.3 The CM shall maintain public streets and roads adjacent to property utilized for construction traffic clear, clean, and free from dirt and debris. Failure to clean public streets and roads will result in the University having it done at the expense of the CM in accordance with Section 6.15.5.

*Insert Section 6.16.3.1 as follows:*

6.16.3.1 The use of skid-steer loaders, track hoes, front loaders, back hoes, tractors, excavators, bulldozers, and similar equipment inside a structure is prohibited regardless of size, attachments, or type including, but not limited to, self-propelled, ride-on, or walk-behind.

*Insert Sections 6.16.5.2, 6.16.5.3, 6.16.5.4, and subordinate Sections as follows:*

6.16.5.2 The CM shall completely enclose the Site using temporary fencing, meeting the requirements of this Section 6.16.5.2.

- .1 Temporary fencing shall be installed and maintained to protect the Site, including any lay-down areas, temporary offices, etc. Submit a fencing plan to the University prior to installation of any temporary fencing. Furnish and install chain link fencing, knuckled top and bottom, 6 foot supported with minimum 1-5/8 inch line posts and 2-3/8 inch end/gate posts on 2 feet x 1 feet weighted bases a maximum of 10 feet on center. Mesh openings shall be a maximum of 2-3/8 inches. All fencing materials shall be galvanized. The University may require Knox locks be installed on entrance gates. Warning signs shall be posted on the fence 40 feet apart stating; "Construction Area - Keep Out" or similar verbiage approved in writing by the University.
- .2 If the CM desires guard service, it shall provide same at its own cost.

6.16.5.3 The CM in coordination with the Project Manager, shall document the Site with a video recorder or other electronic means prior to the start of any Work on the Project. The video recording shall be made approximately 1 week prior to the start of construction. The purpose of the video recording will be to establish existing conditions before the Site is turned over to the CM. The video recording shall include, but is not limited to, lay-down/staging areas, condition of existing structures to remain, landscaping that is to remain or be restored subsequent to Project completion, any University property immediately adjacent to the Site, and ingress and egress routes across University property. Provide 1 copy of the video recording on a DVD to the Project Manager.

- .1 The CM shall clean and restore lay-down/staging areas, surfaces, and landscaping to their original condition.

6.16.5.4 The CM shall ensure that the Site be secure from casual non-construction traffic (vehicular and pedestrian) from either entering, or passing through, the Site and that the Site includes effective securing of equipment, storage of materials, and adequate lighting.

*Insert Sections 6.16.7 and 6.16.7.1 as follows:*

6.16.7 The CM shall validate with the appropriate University, City, County, or State agency as to the status of road work impacting traffic flow on, to, and from, campus.

6.16.7.1 The CM shall not be permitted to use University streets for any purpose not previously approved by the Parking & Transportation Department. This includes, but is not limited to, trucks stopping on streets awaiting access to the Site. Should Site constraints be such that offloading of trucks from University streets is required, the CM shall provide a written request to the Parking & Transportation Department 5 days in advance of the date when the unloading is required. The CM shall pay for any traffic control occasioned by the street blockage. The CM shall also post signs three days in advance of any street blockage longer than 2 hours warning motorists of the date, time, and duration of the planned blockage.

*Insert Section 6.16.8 and subordinate Sections as follows:*

#### **6.16.8 Parking.**

##### **6.16.8.1 Main Campus:**

- .1 All parking on the University Campus is restricted and controlled by the University's Parking & Transportation Department. Employees of the CM and its Subcontractors shall purchase parking permits from the Parking & Transportation Department and shall park cars in areas assigned to

them. The CM and its Subcontractors parking on University property will be charged the current rate to park, as space is available. Parking on streets or in restricted areas is prohibited. Violations will result in a citation or vehicle impoundment/towing by a third party towing company.

- 2 At the beginning of the Work, the CM shall report to the Parking & Transportation Department the approximate number of parking permits which will be required for all employees, including employees of its Subcontractors.
- 3 On-site parking for all CM and Subcontractor personnel will not be permitted within construction limits.

6.16.8.2 Regional Campuses: CMs and Subcontractors performing Work on all other campuses shall coordinate with the Project Manager on matters of parking permits and designated areas.

*Insert Section 6.17.2.1 and 6.17.3 as follows:*

6.17.2.1 Interruptions to utility services shall be planned by the CM in coordination with the University, to provide the least inconvenience and downtime. A major utility shutdown shall require a minimum of 4 weeks' notice from the CM. The CM shall provide a licensed and bonded electrician to operate all medium voltage electrical equipment and be present during the duration of the shutdown.

6.17.3 The CM shall provide the A/E and the University with a list of contact persons, with telephone numbers, for 24-hour emergency contact.

*Insert Section 6.23.2.1.1 as follows:*

- 1 If the Defective Work creates or contributes to a situation whereby the University is unable to occupy or use the space as intended, the CM shall begin to correct defective work within 24 hours of receipt of the notice.

*Insert Section 6.23.2.4.1 as follows:*

- 1 If the CM fails to promptly commence and diligently pursue correction of Defective Work under Section 6.23.1 or 6.23.2 after receiving notice to do so, the University may deem the CM non-responsive, which the University may use in determining the responsibility of the CM for award of future Contracts.

*Replace Section 7.9.2.1 with the following:*

7.9.2.1 The CM shall maintain, and require all Subcontractors to maintain, complete and accurate business records in accordance with Generally Accepted Accounting Principles, at its principal place of business. If its principal place of business is not in Dayton, Ohio, the CM shall make records available, and shall require its Subcontractor to make records available, at the Site within 48 hours of a request for the records.

*Insert Article 13 with associated Sections as follows in its entirety:*

## ARTICLE 13 - MISCELLANEOUS SUPPLEMENTARY CONDITIONS

### 13.1 Sexual Harassment

13.1.1 The University maintains an environment free from sexual harassment. The CM and its Subcontractors are hereby notified that, in accordance with University policy, prompt corrective measures will be taken to stop sexual harassment whenever it occurs in accordance with Section 6.12.2.

### 13.2 Use of Name

13.2.1 The CM shall not advertise the fact that it has contracted with Wright State University, or make use of the University's name or other identifying marks or property, without the prior written consent of the University.

### 13.3 False Fire Alarms

13.3.1 As liquidated damages, and not as a penalty, the CM acknowledges and agrees that the Contracting Authority shall be entitled to retain or recover from the CM \$300 or actual costs, whichever is greater, for each false fire alarm that is determined to be a result of negligence by the CM. This amount reflects the Contracting Authority's actual costs incurred in dealing with these false alarms, including, but not limited to, the costs of transportation, manpower, and loss of efficiency.

### 13.4 Safety and Health Rules

13.4.1 It is the policy of the University to provide a quality workplace environment for the learning experiences of teaching, education, work, and research which meets or exceeds Applicable Law for health and safety. The University's policy includes procedures relating to emissions by air, by liquid-carried wastes, by solid and hazardous waste disposal, or by sonic, radioactive, or electromagnetic radiation. The CM shall read and acknowledge by its signature that it has read and understands the policy. The University's Safety and Health Rules shall be made a part of this document and can be obtained at <http://www.wright.edu>. In addition the CM shall follow and adhere to the applicable sections of the Wright State University Environmental Health and Safety Design and Construction Specifications/Requirements which are made a part of this document and can be obtained at <http://www.wright.edu>.

### 13.5 Hot Work Permit

13.5.1 When construction operations require welding, cutting, burning or any open-flame/torch application, the CM shall follow the requirements of the University's Hot Work Permit program. The University's Hot Work Permit Program shall be made a part of this document in its entirety and can be obtained at <http://www.wright.edu>.

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