

**SUPPLEMENTARY CONDITIONS RELATING TO
INSURANCE REQUIREMENTS, SUBSURFACE CONDITIONS, AND HAZARDOUS CONDITIONS**

The following supplements establish insurance limits and other requirements relating to Article 6 of the *Standard General Conditions of the Construction Contract*, EJCDC Document No. C-700 (Rev. 1), 2013 Edition (the “**General Conditions**”), as well as identify certain reports relating to subsurface conditions and hazardous conditions at the site, which reports relate to Article 5 of the General Conditions. Other changes have been marked directly in underlined and strike-through on the Standard Form of Agreement and the General Conditions. The terms used in these Supplementary Conditions have the meanings stated in the General Conditions. Additional terms used in these Supplementary Conditions have the meanings stated below, which are applicable to both the singular and plural thereof.

SC-5.03 SUBSURFACE AND PHYSICAL CONDITIONS

Pursuant to Paragraph 5.03.A. of the General Conditions, the following reports of explorations and tests of subsurface conditions at or contiguous to the Site are known to Owner and were used by Engineer in the preparation of the Contract Drawings and Specifications:

1. Report dated May 2015 prepared by Langan Engineering and Environmental Services, Inc. The Technical Data contained in such report are Langan’s Confirmation Borings Location Plan and Subsurface Profiles.
2. Report dated August 13, 2012 prepared by HSA Engineers & Scientists and entitled “Results of Hand Cone Soundings Harbor Bay CDD (Mira Bay) Seawall Study.” The Technical Data contained in such report are the results of hand cone soundings.
3. Report dated July 7, 2015 prepared by GeoPoint Surveying, Inc. entitled “Mirabay Hydrographic Survey.” The Technical Data contained in such report are the survey results.
4. Report dated April 20, 2015 prepared by Langan Engineering and Environmental Services, Inc. The Technical Data contained in such report is a Peer Review Report of Seawall Stabilization Options.

Pursuant to Paragraph 5.03.A. of the General Conditions, the following drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities) are known to Owner and were used by Engineer in the preparation of the Contract Drawings and Specifications:

1. None

SC-5.06 HAZARDOUS ENVIRONMENTAL CONDITIONS AT SITE

Paragraphs 5.06.A and 5.06.B. are hereby deleted, and the following new paragraph is added:

No reports or drawings related to Hazardous Environmental Conditions at the Site are known to Owner.

ARTICLE 6 – BONDS AND INSURANCE

6.03 Contractor’s Liability Insurance

Add the following new paragraphs after Paragraph 6.03.J. of the General Conditions:

- K. The limits of liability for the insurance required by this paragraph 6.03 shall provide coverage for not less than the following amounts:
 - 1. Workers’ Compensation under Paragraph 6.03.A. of the General Conditions:
 - a. State Worker’s Compensation – Greater of statutorily required amount or \$1,000,000 per occurrence / \$1,000,000 aggregate / \$1,000,000 per disease
 - b. Applicable Federal (e.g., United States Longshoreman and Harbor Workers’ Compensation Act, Jones Act, etc.) – Greater of statutorily required amount or \$1,000,000
 - c. Employer’s Liability – \$1,000,000
 - 2. Commercial General Liability Insurance under Paragraph 6.03.B. of the General Conditions:
 - a. Bodily Injury, Sickness, Disease or Death, and Property Damage, per Occurrence - \$2,000,000
 - b. Bodily Injury, Sickness, Disease or Death, and Property Damage, Aggregate - \$2,000,000
 - c. Products-Completed Operations – \$2,000,000
 - d. Personal and Advertising Injury – \$2,000,000
 - e. Property Damage liability insurance will provide Explosion, Collapse, and Under-ground coverages where applicable.
 - 3. Automobile Liability under paragraph 6.03.D. of the General Conditions:
 - a. Bodily Injury:

Each Person	<u>\$1,000,000</u>
Each Accident	<u>\$1,000,000</u>
 - Property Damage:

Each Occurrence	<u>\$1,000,000</u>
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- 4. Pollution Insurance (covering third-party injury and property damage claims, including clean-up costs) \$1,000,000
- 5. Protection and Indemnity Insurance \$1,000,000
- 6. The Contractual Liability coverage required by paragraph 6.03.C. of the General Conditions shall provide coverage for not less than the following amounts:
 - a. General Aggregate \$2,000,000
 - b. Bodily Injury and Property Damage Combined Each Occurrence \$2,000,000
- 7. Umbrella Insurance (above the Commercial Liability, Automobile Liability, Employers Liability, Pollution Insurance, Protection and Indemnity Insurance and Contractual Liability Insurance listed herein)
 - a. General Aggregate \$5,000,000
 - b. Each Occurrence \$5,000,000
- L. The Contractor's commercial general liability, contractual liability, automobile liability, umbrella, and pollution liability policies shall include and list as additional insureds the following: Owner, Engineer, Newland Real Estate Group, LLC, NASH Financing, LLC and NASH Vingt-huit, LLC, and their respective members, parents, partners, subsidiaries, affiliates, officers, directors, supervisors, staff, consultants, agents, subcontractors and employees.
- M. Such insurance as listed above is in addition to all other insurance required under the Contract.