



University of Colorado
Boulder

FACILITIES MANAGEMENT

PLANNING, DESIGN AND CONSTRUCTION

General / Fire Sprinkler Contractor Partnership Pre-Qualification Packet

**Name of Project: CM-M08022 – Macky Fire Suppression, Phase 2 of 2
Project No. CP 004805**

Notice No. 11-05

Issued by

Department of Facilities Management

Delivery address:

**Research Laboratory No. 2
1540 30th Street, 3rd Floor, Reception Desk, Boulder, CO 80303**

Attention: Andy Jordan, Project Manager

Mailing address:

**Department of Facilities Management
Campus 453 UCB
Boulder, CO 80309-0453**

February 28, 2011

**CM-M08022 – Macky Fire Suppression, Phase 2 of 2
CP 004805**

General Contractor Prequalification

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ADVERTISEMENT FOR BIDS
This is a two step AFB with prequalification required.
State of Colorado
University of Colorado
Notice Number: 11-05

Project No: **CP 004805**
Project Title: **CM-M08022 Macky Fire Suppression, Phase 2 of 2**
Estimated Construction Cost: **\$870,000.00**

Project Description

Renovate existing historical building sprinkler system with existing/new pipe and sprinkler heads with architectural finish work.

Project Information

To be considered for pre-qualification to bid this project obtain a pre-qualification packet from the web site: <http://www.colorado.edu/facilitiesmanagement/pdc/construction/open.html>

Qualifications Due

Date & Time: **March 14, 2011**
Address: **University of Colorado at Boulder**
Department of Facilities Management
Research Laboratory No. 2
1540 30th Street, Third Floor
Boulder, CO 80309-0453

Comments: **Submittals through U.S. Postal Mail should use campus box number:**
Campus Box 453 UCB, rather than street address.

Point of Contact

Name: **Robert A. Jordan**
Agency: **University of Colorado at Boulder**
Phone: **303-735-5410**
Fax: **303-492-4082**
Email: Robert.A.Jordan@colorado.edu

This Notice is also available on the web at www.colorado.gov/dpa/dfp/sbrep

Media of Publication(s): **The Daily Journal**
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CM-M08022 – Macky Fire Suppression, Phase 2 of 2
CP 004805

Notice is hereby given to **GENERAL/Sprinkler Partnership** Contractors that the University of Colorado at Boulder will pre-qualify bidders to bid this project.

Note carefully, this pre-qualification is unique to this project, any other previous pre-qualification with the University of Colorado at Boulder or State Buildings Programs is insufficient to pre-qualify to bid this project.

To be considered for pre-qualification to bid this project, **GENERAL/Sprinkler Partnership** Contractors must pick up the pre-qualification documents detailing submittal requirements from <http://www.colorado.edu/facilitiesmanagement/pdc/construction/open.html>

Statements of interest will be accepted at the above office no later than **2:00 PM on Monday, March 14, 2011.**

The pre-qualification documents detail specific submittal requirements. The documents further detail minimum experience and other requirements of **GENERAL/Sprinkler Partnership** to be considered for pre-qualification.

BRIEFLY, THE MINIMUM REQUIREMENTS ARE:

- a. Has continuously maintained a Colorado office for the last five years.
- b. Successful completion within in the last five years, in the capacity of Mechanical/General Contractor, of at least three projects similar to the project described in Section A, Item II for public or quasi-public.
- c. The adjusted completed Construction Contract amount for these projects shall amount to at least **\$750,000** per project and at least one of which shall have been completed by the Project Manager and Superintendent proposed for this project. Enclose resumes of these and other key personnel. Demonstrate that the Project Manager and or Superintendent has experience with similar projects, close owner/operator coordination, and quality management experience.
- d. Certified bonding capacity of **\$1,000,000** each per labor and materials payment bond and performance bond. Capability of obtaining insurance as described in the attachment in Section D.

SECTION A: Introduction

ITEM I: Intent:

The Regents of the University of Colorado at Boulder requests submittals for pre-qualification of **GENERAL/Fire Sprinkler Partnership** for Construction Project titled **CM-M08022 – Macky Fire Suppression, Phase 2 of 2**. It is the intent of the Department of Facilities Management to pre-qualify **GENERAL/ Fire Sprinkler Partnership** for bidding this major construction project in accordance with Colorado Revised Statutes 24-92-107, 24-103-402, and 24-30-1303 (1) (Q) and in accordance with Section 3-402.01 of the Colorado Procurement Rules. Pre-qualification will be necessary for bidding this project. This pre-qualification process is unique to this project and notwithstanding other pre-qualification by the State Buildings Division and the University of Colorado, all contractors wishing to bid the project must be pre-qualified as defined in this document.

Please note carefully that the process herein defined requires that contractors to be considered for pre-qualification must have at a minimum:

- a. Has continuously maintained a Colorado office for the last five years.
- b. Successful completion within in the last five years, in the capacity of **GENERAL/Fire Sprinkler Partnership**, of at least three projects similar to the project described in Section A, Item II for public or quasi-public.
- c. The adjusted completed Construction Contract amount for these projects shall amount to at least **\$750,000** per project and at least one of which shall have been completed by the Project Manager and Superintendent proposed for this project. Enclose resumes of these and other key personnel. Demonstrate that the Project Manager and or Superintendent has experience with similar projects, close owner/operator coordination, and quality management experience.
- d. Certified bonding capacity of **\$1,000,000** each per labor and materials payment bond and for a performance bond. Capability of obtaining insurance as described in the attachment in Section D.

These minimum requirements to be considered for pre-qualification are further defined hereafter.

It is further the intent of the University of Colorado at Boulder that after pre-qualification of Mechanical/General Contractors for this project, the pre-qualified contractors will be invited to bid the project conventionally with the intent of awarding to the lowest responsible bidder based on the apparent low bid of the entire project.

ITEM II: Project Description:

Renovate existing historical building sprinkler system with existing/new pipe and sprinkler heads with architectural finish work.

ITEM III: Project Financing:

State of Colorado controlled maintenance project appropriation.

ITEM IV: The Pre-qualification Process:

In accordance with the schedule outlined hereafter, contractors are invited to submit their qualifications for consideration for pre-qualification to **Department of Facilities Management of the University of Colorado at Boulder, Delivery address: 1540 30th Street, 3rd Floor Reception Desk, Boulder, CO 80303. Mailing address: Department of Facilities Management, Campus Box 453 UCB, Boulder, Colorado 80309-0453.** Submittal requirements are outlined in Section B of this request. General criteria used for judging the submittals are outlined in Section C. Certain minimum qualifications as described in Section C will be required of all contractors to be pre-qualified to bid this project. CONTRACTORS SHOULD READ THESE CAREFULLY. The University of Colorado at Boulder assumes no responsibility or liability for any costs incurred by any contractor associated with this pre-qualification process. Contractors are advised to use the index of this document as a checklist; completeness is required. Contractors' submittals shall follow the format of Index, Section B.

The Department of Facilities Management of the University of Colorado at Boulder will assemble a panel of persons associated with the project and construction industry to score the submittals based upon the criteria outlined.

This document consists of all the information available. Questions about this document may be addressed only in writing to:

Robert A. Jordan, Project Manager
University of Colorado
Department of Facilities Management
1540 30th Street, 3rd Floor
Research Laboratory No. 2
Campus Box 453 UCB
Boulder, Colorado 80309-0453
E-mail address: robert.a.jordan@colorado.edu

No telephone communication regarding the pre-qualification will be answered. Contact shall be made only in writing to the above individual. The University of Colorado at Boulder, the Principal Representative and the Architect will not be responsible for the accuracy or validity of information received later than 2:00 PM local time April 7, 2011.

Scoring will be performed on an assigned scale by item outlined in Section B. Pre-established weights (not available to contractors during the process) will be assigned to the score for each submittal item.

The scores of all panel members will be totaled for each submittal. A pre-established score total will automatically pre-qualify the contractor's submittal assuming that the contractor's submittal meets the minimums outlined in Section C.

There will be no pre-established maximum limit to the number of contractors to be pre-qualified to bid. In the event, however, that the scores result in a list of pre-qualified bidders of less than four bidders, the score required to pre-qualify may be lowered by a pre-established amount until a list of pre-qualified bidders greater than three is established.

ITEM V: Schedule:

The Schedule for Pre-qualification and Bidding is as follows:

| | |
|--|-------------------------|
| Pre Qualification submittals due: | March 14, 2011 |
| Pre Qualified Contractors list available: | March 16, 2011 |
| Projected Date for Drawings and Specs available: | March 28, 2011 |
| Pre Qualified Contractors Short List notified: | March 28, 2011 |
| Projected Mandatory Pre bid meeting: | March 31, 2011 10:00 AM |
| Projected Bids due: | April 15, 2011 2:00 PM |
| Projected Work to start: | May 16, 2011 |

ITEM VI: Notes for Subcontractors Qualifications:

- a. Subcontractors will be required to meet certain minimum requirements to be contained in the project specifications of the Contract Documents.
- b. The Contract Documents will require that the successful contractor submit the qualifications of subcontractors listed in item VII A above within 72 hours of the opening and bids for approval by the Architect and the Department of Facilities Management, University of Colorado at Boulder. A list of proposed subcontractors will need to be submitted with a bid proposal.

SECTION B: SUBMITTAL REQUIREMENTS

Listed below are the submittal items required for consideration to be pre-qualified to bid on the project. Most specific submittal requirements will be scored. Failure to provide any of the requested information will affect the score the contractor's submittal receives, and in the cases where minimums are required or in cases where a submittal item is required, failure to submit the required information may disqualify the submittal from further consideration. General criteria used to judge each submittal item are described in the following Section C - Evaluation Criteria. Contractors are requested to respond directly to each item separately.

ITEM I: General Introduction:

Provide a simple concise description of your firm. Description shall not be more than two typewritten pages. It may be supplemented by brochures. Description shall identify at a minimum:

- a. Legal business name, address, contact person name, phone number. (If a branch office or subsidiary, provide same information for head office as well as branch or subsidiary).
- b. Number of Years in business.
- c. Brief overview of staff.

ITEM II: Location:

- a. Provide a description of your office during the last five years including all business addresses used in Colorado during the last five years. See also Section D notes on joint venture and/or partnership submittals.

ITEM III: General Firm Experience:

- a. Provide a brief description of at least three projects similar in size and complexity to the project described in Section A. Item II for a construction cost of at least **\$750,000**, and successfully completed within the last five years in the capacity as a **GENERAL/Fire Sprinkler Partnership**.

Projects' descriptions shall include:

- (1) Functional use
- (2) Gross square footage / Brief description of project
- (3) Approximate construction cost
- (4) Project owner's name, address and current phone number
- (5) Project architect's or engineer's name and address and current phone number
- (6) Approximate start and substantial completion dates
- (7) Construction project manager and superintendent

ITEM IV: Successful Project Completion:

- a. Indicate the number and dollar amounts of all delay claims, court, or arbitration judgements for and against your firm in the last five years.
- b. For all projects completed within the last 10 years, where applicable, identify separately:
 - (1) Dollar amount of liquidated damages paid and project involved.
 - (2) Dollar amount of bonus received for early completion and project involved.

ITEM V: Bonding Capacity and Insurance:

Submit evidence from, or attested by, your bonding company that verifies your firm will have bonding capacity, if this project cost of approximately **\$1,000,000** is added to your current and anticipated workload. Bonding will be required of the bid and if awarded the contract, 100% Performance and 100% Labor and Material Payment Bonds will be required. Also verify that your company can meet the insurance requirements shown in the attachment in Section D.

ITEM VI: Financial Condition:

Provide an audited financial statement not more than 15 months old accompanied by the auditor's opinion and, if available, quarterly updates. Audited Financial Statement shall be used for ratio analysis to demonstrate financial strength of firm. There must be certification that the firm is clear of any Federal, State or Local Tax liens. All potential claims shall be listed as Liabilities. Statements will be returned if accompanied by a self addressed stamped envelope.

ITEM VII: Qualifications of Key Personnel:

Provide information on the below key personnel you propose and intend for this project. If more than one person is proposed for this project, provide information on each.

- a. Project Manager
 - (1) Resume.
 - (2) Experience: List of projects of similar size, type and systems.
 - (3) References, with current phone numbers, outside your company to verify experience.
 - (4) Will this person be available uninterrupted through the completion of the project?
- b. Project Superintendent
 - (1) Resume.
 - (2) Experience: List of projects of similar size, type and systems.
 - (3) References, with current phone numbers, outside your company to verify experience.
 - (4) Will this person be available uninterrupted through the completion of the project?

ITEM VIII: Schedule Control:

- a. Describe your firm's schedule management system.
- b. Provide samples of:
 - (1) Schedule from a previous similar project.

ITEM IX: Current Workload/Capacity to Complete this Project:

- a. List current projects, dollar volume by project, and anticipated completion dates of current projects.
- b. For projects within five years, indicate the following for the largest amount at any one time:
 - (1) Total number of projects.
 - (2) Total dollar amount of all projects.
- c. Estimate your anticipated largest dollar volume if this project is added to your current and anticipated volume

ITEM X: Estimated Construction Period - Not Used.

ITEM XI: Project Management:

Describe your proposed project management system for this project.

Include the following topics:

- a. General Organization.
- b. Staffing Roles.
- c. Commitment of key personnel and resources including a description of trades provided internally to your organization.
- d. Responsibilities.
- e. Plan for management and control of subcontractors.
- f. Reporting systems to Owner and Architect:
 - (1) General communications.
 - (2) Actual progress.
 - (3) Problems resolution.
 - (4) Costs.
- g. Quality Control.
- h. Project Closeout.

ITEM XII: Performance Following Pre-qualification:

Provide a separate list of building projects for which your firm has been selected for a pre-qualification process similar to this. Project list shall identify the client, project size, approximate dollar value, bid date, projected completion date, and whether you provided a qualified bid after pre-qualifications. List must include all projects for which you have been pre-qualified within the last five years.

ITEM XIII: Percentage of Local Subcontractor Involvement:

Provide an estimate percentage of local subcontractor involvement that you anticipate can be accomplished and certified as part of the bid. Local involvement shall be defined as any subcontractors within a 75 mile radius of the building site. If pre-qualified, contractors will be required to equal or exceed the percentage proposed.

ITEM XIV: Affidavit:

Complete and sign the sample affidavit found in Section D.

SECTION C: EVALUATION CRITERIA

Listed below, corresponding to the Item numbers in Section B (Submittal Requirements), are the general criteria to be used to judge and score the submittals for pre-qualification. Other pre-established information (such as the weight established for the value of a given score and such as required minimum scores for a give item number) will be used by the pre-qualification panel, but will not be available to contractors.

ITEM I: General Introduction:

No scoring will be done with regard to this item. However, submittals which do not include the requested information will be given no further consideration.

ITEM II: Location:

- a. It is a minimum requirements to have continuously maintained a Colorado office for the last five years, preference will be given to those Contractors with home offices located in Colorado.

ITEM III: General Firm Experience:

- a. It is a minimum requirement for pre-qualification that the **GENERAL/Fire Sprinkler Partnership** office shall have successfully completed three projects of not less than **\$750,000** per project of similar complexity as defined in Section A-I b & c. Meeting this requirement will suffice. However, scoring will occur on this item based on the number of projects in this category and based upon the extent that the projects match the minimum requirements of size and complexity.

ITEM IV: Successful Project Completion:

- a) & b) This item has no minimum requirement. Scoring will be based upon the extent that judgements, and the extent of damages paid or bonuses received indicate the ability to successfully complete projects. Failure to supply this information will disqualify the submittal from further consideration.

ITEM V: Bonding Capacity and Insurance:

It is a minimum requirement for pre-qualification that a General Contractor provide evidence that it can bond a single project at **\$1,000,000** and have excess bonding capacity available. Also verify that the company can meet the insurance requirements outlined in Section D.

ITEM VI: Financial Condition:

This item will be scored as pass/fail. Failure to submit the required evidence as described may disqualify the submittal from further consideration.

ITEM VII: Qualification of Key Personnel:

- a) & b) Scoring will be based upon the indicated ability of the key personnel, based on experience, to successfully manage and supervise the project. Failure to supply this information may disqualify the submittal from further consideration.

ITEM VIII: Schedule Control:

a) & b) This item has no minimum requirement. However, scoring will be based upon the indicated adequacy of the proposed system for this project. Failure to submit the requested information may disqualify the submittal from further consideration.

ITEM IX: Current Workload/Capacity to Complete this Project:

a, b & c) This item has no minimum requirement. However, scoring will be based upon the indicated ability to successfully add this project to current workload based on information requested. Failure to supply this information may disqualify the submittal from further consideration.

ITEM X: Estimated Construction Period - Not Used

ITEM XI: Project Management:

a thru h) It is a minimum requirement that the General Contractor have a total quality management or an established quality control program in place. Scoring will be based upon the indicated ability of the management system to successfully complete this project at a high level of quality. The failure to supply this information may disqualify the submittal from further consideration.

ITEM XII: Performance Following Pre-qualification:

Scoring will be based on the number of projects your firm has been pre-qualified for and upon the extent that your firm has completed bid submittals following pre-qualification.

ITEM XIII: Percentage of Local Subcontractor Involvement:

This item has no minimum requirement. However, scoring will be based upon the indicated ability to involve local subcontractors to successfully complete this project. Failure to supply this information may disqualify the submittal from further consideration.

ITEM XIV: Affidavit:

This item will not be scored. However, failure to supply this information may disqualify the submittal from further consideration.

SECTION D: MISCELLANEOUS INFORMATION:

ITEM I: Status of Pre-Qualification:

The University of Colorado at Boulder reserves the right to reconsider the pre-qualification status of any contractor at any time in accordance with the conditions of the affidavit submittal.

ITEM II: Confidentiality:

All submitted materials will be kept confidential. The submittals will not, however, be returned.

ITEM III: Affidavit:

Complete as instructed in Section B. Item XV the appropriate sections on the following pages.

ITEM IV: Number of Submittal Copies Required:

General Contractors shall submit **two** copies of the pre-qualification submittal document. However, it is necessary to provide only one copy of the audited financial statement accompanied by the auditor's opinion.

AFFIDAVIT FOR INDIVIDUAL

_____, doing business as _____
(Name of individual) (Name of Firm)

certifies and says: That he is the person submitting this statement of experience and financial condition; that he has read the same and that the same is true of his own knowledge; that the statement is for the purpose of pre-qualifying to bid this project, and that any depository, vendor or other agency therein named is hereby authorized to supply the University of Colorado at Boulder with any information necessary to verify the statement; and that furthermore, should this statement at any time prior to **the bid date** cease to properly and truly represent the condition of said firm in any substantial respect, they will immediately submit appropriate revision for additional consideration understanding that any substantial changes may be grounds for reconsideration of pre-qualification status.

I certify and declare under penalty of perjury that the foregoing is true and correct.

Subscribed on _____ at _____, _____ State of _____
(date) (city) (county)

(Applicant must sign here)

AFFIDAVIT FOR CORPORATION

_____ certifies and says: That he is
(Name of Officer)

_____ of the _____,
(Official Capacity) (Name of firm)

corporation submitting this statement of experience and financial condition; that he has read the same and that the same is true of his own knowledge; that the statement is for the purpose of pre-qualifying to bid this project, and that any depository, vendor or other agency therein named is hereby authorized to supply the University of Colorado at Boulder with any information necessary to verify the statement; and that furthermore, should this statement at any time prior to **the bid date** cease to properly and truly represent the condition of said firm in any substantial respect, they will immediately submit appropriate revision for additional consideration understanding that any substantial changes may be grounds for reconsideration of pre-qualification status.

I certify and declare under penalty of perjury that the foregoing is true and correct.
Subscribed on _____ at _____, _____ State of _____.
(date) (city) (county)

Note: Use full corporate name and
Attach corporate seal here.

(Officer must sign here)

CORPORATION

If a corporation, answer this:

When incorporated _____

In what State _____

President's name _____

Vice President's name _____

Secretary's name _____

Treasurer's name _____

AFFIDAVIT FOR COPARTNERSHIP

_____ certifies and says: That he is a
(Name of Officer)

partnership of the partnership of _____,
(Name of firm)

that said partnership submitted this statement of experience and financial condition; that he has read the same and that the same is true of his own knowledge; that the statement is for the purpose of pre-qualifying to bid this project, and that any depository, vendor or other agency therein named is hereby authorized to supply the University of Colorado at Boulder with any information necessary to verify the statement; and that furthermore, should this statement at any time prior to **the bid date** cease to properly and truly represent the condition of said firm in any substantial respect, they will immediately submit appropriate revision for additional consideration understanding that any substantial changes may be grounds for reconsideration of pre-qualification status.

I certify and declare under penalty of perjury that the foregoing is true and correct.

Subscribed on _____ at _____, _____ State of
(date) (city) (county)

The foregoing statement and affidavit are hereby affirmed.

(Member of firm must sign here)

(Name of firm)

(Remaining member of firm sign here)

CO-PARTNERSHIP

If a co-partnership, answer this:

Date of organization _____

State whether partnership is general, limited or association:

Name and address of each partner:

INSURANCE REQUIREMENTS
General Conditions of the Contract—SC-6.23
(Includes Standing Order Contractors, Job Order Contractors,
and Contractor’s Design/Bid/Build SC-6.21)

Replace Article 25 as follows:

The Contractor shall obtain and maintain, at its own expense and for the duration of the contract, the minimum insurance coverages set forth below. By requiring such minimum insurance, the University shall not be deemed or construed to have assessed the risk that may be applicable to the Contractor under this contract. The Contractor shall assess its own risks and if it deems appropriate and/or prudent, maintain higher limits and/or broader coverages. The Contractor is not relieved of any liability or other obligations assumed or pursuant to the Contract by reason of its failure to obtain or maintain insurance in sufficient amounts, duration, or types.

COVERAGES

1. **Commercial General Liability – ISO CG 00001 or equivalent. Coverage to include:**
 - Premises and Operations
 - Explosions, Collapse and Underground Hazards
 - Personal / Advertising Injury
 - Products / Completed Operations
 - Liability assumed under an Insured Contract (including defense costs assumed under contract)
 - Broad Form Property Damage
 - Independent Contractors
 - Designated Construction Projects(s) General Aggregate Limit, ISO CG 2503 (1997 Edition)
 - Additional Insured—Owners, Lessees or Contractors Endorsement, ISO Form 2010 (2004 Edition or equivalent), if possible.
 - Additional Insured—Owners, Lessees or Contractors Endorsement, ISO CG 2037 (7/2004 Edition or equivalent), if possible.

2. **Automobile Liability including all:**
 - Owned Vehicles
 - Non-Owned Vehicles
 - Hired Vehicles

3. **Excess/Umbrella Liability (Applies to projects totaling \$10,000,000 or more)**
 - Excess of Commercial General Liability, Automobile Liability, and Employers’ Liability.
 - Coverages should be as broad as primary.
 - Risk Management reserves the right to require higher limits.

4. **Workers Compensation**
 - Statutory Benefits (Coverage A)
 - Employers Liability (Coverage B)

5. **Builder’s Risk Completed Value (Applies to buildings additions and new buildings)**
 - See Builders Risk section in this document.

6. **Installation Floater**

- Special cause of loss
- Theft
- Faulty workmanship
- Vandalism
- Labor costs to repair damaged work

1. **Contractors Pollution Liability**

This section applies only to the following types of proposals:

- ASBESTOS/LEAD ABATEMENT Contracting Services

The University requires this coverage whenever work at issue under this contract involves potential pollution risk to the environment or losses caused by pollution conditions (including asbestos) that may arise from the operations of the Contractor described in the Contractor's scope of services. Policy shall cover the Contractors completed operations. Such coverage shall include:

- Bodily Injury, sickness, disease, mental anguish or shock sustained by any person, including death.
- Property Damage including natural resource damages, physical injury to or destruction of tangible property including resulting loss of use, clean up costs, and the loss of use of tangible property that has not been physically injured or destroyed.
- Defense, including costs, charges and expenses incurred in the investigation, adjustment or defense of claims for such compensatory damages.
- Cleanup costs, removal, storage, disposal, and or use of the pollutant; and defense, including costs and expenses incurred in the investigation, defense, or settlement of claims.
- Coverage shall apply to sudden and gradual pollution conditions resulting from the escape of release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids, or gases, natural gas, waste materials, or other irritants, contaminants, or pollutants (including asbestos). If the coverage is written on a claims-made basis, the Contractor warrants that any retroactive date applicable to coverage under the policy precedes the effective date of this contract; and that continuous coverage will be maintained or an extended discovery period will be exercised for a period of three (or specify desired number) years beginning from the time that work under this contract is completed.
- On the Automobile Liability Coverage endorsements CA9948 and MCS-90 are required if the Contractor is transporting any type of hazardous materials.
- **The Regents of the University of Colorado, a body corporate as "Additional Insureds"** for work that is being performed by the Contractor and as respects the Contractors Pollution Liability.

LIMITS REQUIRED

The Contractor shall carry the following limits of liability as required below:

Commercial General Liability

| | |
|---|-------------|
| General Aggregate | \$2,000,000 |
| Products/Completed Operations Aggregate | \$2,000,000 |
| Each Occurrence Limit | \$1,000,000 |
| Personal/Advertising Injury | \$1,000,000 |
| Fire Damage (Any One Fire) | \$ 50,000 |
| Medical Payments (Any One Person) | \$ 5,000 |

Excess/Umbrella Liability (as required-See Coverages #3)

| | |
|---|-------------|
| General Aggregate Limit | \$5,000,000 |
| Products/Completed Operations Aggregate | \$5,000,000 |

Automobile Liability

| | |
|---|-------------|
| Bodily Injury/Property Damage (Each Accident) | \$1,000,000 |
|---|-------------|

Workers' Compensation

| | |
|------------------------------------|---------------------------------|
| Coverage A (Workers' Compensation) | Statutory |
| Coverage B (Employers Liability) | \$ 100,000 Each Accident |
| | \$ 100,000 Disease Ea. Employ |
| | \$ 500,000 Disease-Policy Limit |

Contractors Pollution Liability (as required-See Coverages #7)

| | |
|-----------|-------------|
| Per Loss | \$1,000,000 |
| Aggregate | \$1,000,000 |

Builder's Risk (as required-See Coverages #5)

- This coverage is required for new buildings or additions to existing buildings.
- **See the Builders Risk section (below)** for required terms and conditions.

Installation Floater

This coverage is to cover materials and equipment to be installed in existing structures.

- Shall be written for 100% of the completed value (replacement cost basis)
- Deductible maximum is \$10,000.00
- Waiver of Subrogation applies on Builders Risk

ADDITIONAL INSURANCE REQUIREMENTS

1. All insurers must be licensed or approved to do business within the State of Colorado, and unless otherwise specified, all policies must be written on a per occurrence basis.
2. The Contractor shall provide the University of Colorado a Certificate of Insurance Form evidencing all required coverages, prior to commencing work or entering University premises.
3. The Contractor shall name **“The State of Colorado and The Regents of the University of Colorado, a body corporate” as an Additional Insured as respects General Liability.**
4. Upon request by the University, Contractor must provide a copy of the actual insurance policy effecting coverage(s) required by the contract.
5. The University requires that all policies of insurance be written on a primary basis, non-contributory with any other insurance coverages and/or self-insurance carried by the University.
6. A Separation of Insureds Clause must be included in general liability policies.
7. The Contractor shall advise the University in the event any general aggregate or other aggregate limits are reduced below the required per occurrence limit. At their own expense, the Contractor will

reinstate the aggregate limits to comply with the minimum requirements and shall furnish to the University a new certificate of insurance showing such coverage is in force.

8. Contractor's insurance carrier should possess a minimum A.M. Best's Insurance Guide rating of A-VI.
9. Commercial General Liability Completed Operations policies must be kept in effect for up to three (3) years after completion of the project.
10. Contractors Pollution Liability policies must be kept in effect for up to three (3) years after completion of the project.
11. Provide a minimum of thirty (30) days advance written notice to the University for cancellation, non-renewal, or material changes to policies required under the contract.
12. Certificate Holder: University of Colorado, University Risk Management, 4001 Discovery Drive, Suite 230, Campus Box 587, Boulder, CO 80303

Failure of the Contractor to fully comply with these requirements during the term of the Contract may be considered a material breach of contract and may be cause for immediate termination of the Contract at the option of the University. The University reserves the right to negotiate additional specific insurance requirements at the time of the contract award.

Non-Waiver

The parties hereto understand and agree that The University is relying on, and does not waive or intend to waive by any provision of this Contract, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, 24-10-101 et seq., as from time to time amended, or otherwise available to the University or its officers, employees, agents, and volunteers.

Mutual Cooperation

The University and Contractor shall cooperate with each other in the collection of any insurance proceeds which may be payable in the event of any loss, including the execution and delivery of any proof of loss or other actions required to effect recovery.

Builder's Risk Insurance **(As required-See Coverages #5)**

Unless otherwise provided, the Contractor shall purchase and maintain, in a company or companies lawfully authorized to do business in the jurisdiction in which the project is located, Builder's Risk Insurance in the amount of the initial contract amount as well as subsequent modifications for the entire project at the site on a replacement cost basis without voluntary deductibles. Such Builder's Risk Insurance shall be maintained, unless otherwise provided in the contract documents or otherwise agreed in writing by all persons and entities who are beneficiaries of such insurance, until final payment has been made or until no person or entity other than the University has insurable interest in the property to be covered, whichever is earlier. The Builder's Risk insurance shall include interests of the University of Colorado, the General Contractor, subcontractors and sub-tier contractors in the project.

Builders' Risk Coverage shall be on a Special Covered Cause of Loss Form and shall include theft, vandalism, malicious mischief, collapse, false-work, temporary buildings and debris removal including demolition, increased cost of construction, architect's fees and expenses, flood and earthquake, and all below and above ground structures, water and sewer mains. Other coverages may be required if provided in contract documents. Coverages shall be written for 100% of the completed value (replacement cost basis) of the work being performed. At the option of the the University of Colorado, the University of Colorado may include Soft Costs (including Loss of Use)/Delay in Opening Endorsement under the builder's risk policy. The University of Colorado agrees to provide the necessary exposure base information for quotation by the Builder's Risk carrier. TheUniversity of Colorado agrees to pay the premium associated with the Soft Costs coverage, the University of Colorado decides to purchase this coverage.

The Builder's Risk shall also include the follow amendments/provisions:

- Waiver of Subrogation against all parties named as insured, but only to the extent the loss is covered.
- Beneficial Occupancy Clause. The policy shall specifically permit partial or beneficial occupancy at or before substantial completion or final acceptance of the entire work. Partial occupancy or use of the work shall not commence until the insurance company or companies providing insurance have consented to such partial occupancy or use. The University of Colorado and Contractor shall take reasonable steps to obtain consent of the insurance company or companies and agree to take no action, other than upon mutual written consent, with respect to occupancy or use of the work that could lead to cancellation, lapse or reduction of insurance.
- Equipment Breakdown Coverage (a.k.a. Boiler & Machinery) required by the Contract Documents or by law, which shall specifically cover insured equipment during installation and testing (including hot testing).
- Deletion of Coinsurance Provisions
- Replacement Costs Basis - including modification of the valuation clause to cover all costs needed to repair the structure or work (including overhead and profits) and will pay based on the values figured at the time of rebuilding or repairing, not at the time of loss
- Deletion of any exclusions pertaining to Law, Ordinance or Regulation
- Deletion of exclusions for design errors & omissions
- Modification of the electrical apparatus breakdown exclusions and the mechanical breakdown exclusion so that it does not apply to subsequent loss or damage
- Modify exclusion pertaining to damage to interior of building caused by an perils insured against are covered
- Resultant Damage Extension including amendment of exclusion pertaining to design error
- Settling, cracking, shrinking or expansion (including coverage for loss resulting from settling, cracking, shrinking or expansion) of foundation walls, floors, or other parts of the structure
- Other coverages may be required if provided in Contract Documents
- The deductible shall not exceed \$10,000 and shall be the responsibility of the Contractor except for losses that involve all Acts of God such as flood, earthquake, windstorm, tsunami, volcano, etc.
- The Policy shall be amended to show thirty (30) days notice of cancellation. Such notice shall be given to the University of Colorado and Contractor.
- Losses in excess of \$10,000 insured shall be adjusted in conjunction with the University of Colorado. Any insurance payments/proceeds shall be made payable to the University of Colorado subject to requirements of any applicable mortgagee clause. The Contractor shall pay subcontractors their just shares of insurance proceeds received by the Contractor, and by appropriate agreements, written where legally required for validity, shall require subcontractors to make payments to their sub-subcontractors in similar manner.
- The University of Colorado shall have the authority to adjust and settle any losses in excess of \$10,000 with insurers unless one of the parties in interest shall object in writing within five days after occurrence of loss to the University of Colorado exercise of this power. It is expressly agreed that nothing in this section shall be subject to arbitration and any references to arbitration are expressly deleted.

If requested, the Contractor shall file with the University of Colorado a copy of the policy that includes the insurance coverages required in this section. The policy shall contain all generally applicable conditions, definitions, exclusions and endorsements related to the Project.

If the Contractor does not intend to purchase such Builder's Risk Insurance required by the Contract and with all of the coverages in the amount described above, the Contractor shall so inform the University of Colorado as stated in writing prior to commencement of the work. The University of Colorado may then effect insurance that will protect the interests of the University of Colorado, the General Contractor, Subcontractors and sub-tier contractors in the project. Coverages applying shall be the same as stated above including other coverages that may be required by the University of Colorado. The cost shall be charged to the Contractor. Coverage shall be written for 100% of the completed value of the work being performed, with a deductible not to exceed \$10,000 per occurrence for most projects.

All deductibles will be assumed by the Contractor. Waiver of Subrogation is to apply against all parties named as insureds, but only to the extent the loss is covered, and Beneficial Occupancy Endorsements are to apply.

If the University of Colorado is damaged by the failure or neglect of the Contractor to purchase or maintain insurance as described above, without so notifying the University of Colorado, then the Contractor shall bear all reasonable costs properly attributable thereto.

Contractors engaged in modifications of existing structures are required to secure a Beneficial Occupancy Endorsement that enables the University of Colorado to occupy the facility during construction.

Revised 2/20/06