

## EXHIBIT D – SPECIAL CONSTRUCTION PROVISIONS

SPECIAL CONSTRUCTION PROVISIONS – Apply only when checked.

### 1. **TRENCHES OR EXCAVATIONS GREATER THAN FOUR FEET BELOW THE SURFACE.**

- 1.1. Pursuant to Public Contract Code section 7104, when any excavation or trenching extends greater than four feet below the surface:
- 1.2. The Contractor shall promptly, and before the following conditions are disturbed, notify the public entity, in writing, if any:
- 1.3. Material that the Contractor believes may be material that is hazardous waste, as defined in California Health and Safety Code section 25117, which is required to be removed to a Class I, Class II, or Class III disposal site in accordance with the provisions of existing law.
- 1.4. Subsurface or latent physical conditions at the site differing from those indicated by information about the site made available to bidders prior to the deadline for submitting bids.
- 1.5. Unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the Agreement Documents.
- 1.6. The public entity shall promptly investigate the conditions, and if it finds that the conditions do materially so differ, or do involve hazardous waste, and cause a decrease or increase in the Contractor's cost of, or the time required for, performance of any part of the work shall issue a change order under the procedures described in the Agreement Documents.
- 1.7. In the event that a dispute arises between the public entity and the Contractor whether the conditions materially differ, or involve hazardous waste, or cause a decrease or increase in the Contractor's cost of, or time required for, performance of any part of the work, the Contractor shall not be excused from the Completion Deadline provided for by the Agreement Documents, but shall proceed with all work to be performed under the Agreement Documents. The Contractor shall retain any and all rights provided either by the Agreement Documents or by law which pertain to the resolution of disputes and protests between the contracting Parties.

### 2. **EXISTING UTILITY LINES; REMOVAL, RELOCATION.**

Pursuant to Government Code section 4215, the Owner assumes the responsibility for removal, relocation, and protection of utilities located on the site at the time of commencement of construction under this Agreement with respect to any such utility facilities which are not identified in this Agreement, the plans and specifications. The Contractor shall not be assessed for liquidated damages for delay in completion of the Project caused by failure of the Owner to provide for removal or relocation of such utility facilities. Owner shall compensate the Contractor for the costs of locating, repairing damage not due to the failure of the Contractor to exercise reasonable care, removing or relocating such utility facilities, and for equipment necessarily idle during such work.

### 3. **STORM WATER DISCHARGE PERMIT.**

### 4. **ROOFING CERTIFICATION.**

Requirement pursuant to California Public Contract Code sections 3000 - 3010. For all projects that include a scope of work that meets the definition of a "roof project", the District shall require the contractor, and its listed roofing subcontractor, to disclose financial relationships by signing and submitting certifications as set forth in Public Contract Code section 3006(b) prior to award of the contract. The awarding contractor shall also be responsible for obtaining certification of its roofing manufacturer(s), and roofing vendor(s) used in the course of construction.

California Public Contract Code section 3000 defines a “roof project” as a project for the replacement or repair of a roof of a public facility, except that “roof project” does not include a project for the repair of 25 percent or less of the roof or a repair project that has a total cost of twenty-one thousand dollars (\$21,000) or less, or for emergency repair work pursuant to Public Contract Code section 20654. Disclosure of a financial relationship in which that person or entity is a stockholder of a corporation of which the stock is listed for sale to the general public on a national securities exchange and registered with the United States Securities and Exchange Commission, if the person or entity holds less than 10 percent of the outstanding stock entitled to vote at the annual meeting of the corporation, is not required. A materials manufacturer, contractor, or vendor who knowingly provides false information or fails to disclose a financial relationship pursuant to this section shall be liable to the District for any costs to the District that are reasonably attributable to excess or unnecessary costs, when compared to competing bids, incurred by the District as a result of the undisclosed financial relationship.

**5. \_\_ DIVISION OF STATE ARCHITECT (DSA) OVERSIGHT.**