

## ARTICLE XII

### GENERAL PROVISIONS

#### 12.01 BOND AND MAINTENANCE

The Owner shall post a bond in accordance with the requirements of the Township and/or Authority, which bond shall cover the cost of construction of the wastewater collection facilities shown on the plans as approved by the Authority and maintenance of the wastewater collection facilities for a period of eighteen (18) months. The bond shall be posted concurrently with the bonds for other public improvements related to the project and shall be in an amount approved by the Township and/or the Authority. In the case where work is performed within the right of way of the PA Department of Transportation (PennDOT) a bonding period of twenty four (24) months is required.

If blasting is to be performed, a blasting bond, in accordance with PennDOT requirements shall be posted by the Authority, but the cost of said bond shall be borne by the Owner or his Contractor.

The Owner shall maintain all sewage and related paving items associated with the project, and shall correct all defects in workmanship and materials, including settlement of backfill, for a period of eighteen (18) months, 24 months in the case of PennDOT right of ways, from the date of acceptance of dedication of the wastewater collection facilities by the Authority.

When repairs or replacements are required, the Authority will notify the Owner in writing advising him of the extent of the work. Within seven (7) days thereafter, the Owner shall begin to perform the necessary work and carry it through expeditiously until it is completed. If the Owner delays beyond the seven (7) days from the date of said notice, the Authority will institute action under the bond to have the work done by outside forces and charge costs and administrative fees against the Surety on the bond.

#### 12.02 INDEMNIFICATION AND INSURANCE

The Owner and/or Contractor shall indemnify and hold harmless the Authority and the Authority's Consultant and their agents and employees from and against all third party liability.

The Owner and/or Contractor shall obtain an Owner's and Engineer's Protective Liability Insurance Policy with the Authority named as the Insured on said policy.

The Authority's Consultant shall be named as an additional insured under the policy; the minimum amount of the policy shall be \$1,000,000.

The Owner shall instruct his Contractor to carry the following types of insurance plus whatever special types of insurance are required by the Authority and/or Township.

- Workmen's Compensation
- Contractor's Public Liability and Property Damage
- Vehicle Liability
- Scope of Insurance and Special Hazards
- Builder's Risk Insurance
- Blasting Insurance

All subcontractors shall be required by the prime contractor to carry all required insurances enumerated herein.

Prior to the start of the construction (at the initial pre-construction conference), the Owner shall furnish to the Authority a Certificate of Insurance certifying that the Contractor (and all subcontractors) have taken out and is maintaining the types of insurance required by the Authority. The Owner's and Engineer's Protective Liability Policy shall be presented to the Authority at the pre-construction conference. Each certificate shall contain substantially the following statement: "The insurance covered by this certificate shall not be canceled or materially altered except after thirty (30) days written notice has been provided to the Authority."

#### 12.03 WORKMANSHIP AND MATERIALS

It is the intent of the Spring-Benner-Walker Joint Authority to require all sewer construction which is undertaken under the auspices of this policy by an Owner, as defined herein, in Spring, Benner, and Walker Townships to meet the specifications enumerated herein, and to require the Owner to adhere strictly to the requirements enumerated herein. The intent of the Specifications is to define the quality and character of the workmanship and materials necessary to meet the requirements of the Spring-Benner-Walker Joint Authority, the Pennsylvania Department of Transportation for sewer construction in the rights-of-way of state and township highways, and the Railroad Company for sewer construction in the rights-of-way of the railroad.

#### 12.04 NOTIFICATION OF UTILITY COMPANIES

The Owner is hereby advised of his obligation under Act 287 and subsequent renewals to contact all utility companies who maintain underground utilities in the project area. The Authority will not assume any responsibility for the failure of the Owner to fulfill his requirements and obligations under Act 287.