

**INFORMATION BULLETIN NO. 14-04**

**DATE:** October 10, 2013

**TO:** ADOT Project Managers  
Resident Engineers  
Consultant Engineering Firms

**FROM:** Engineering Consultants Section (ECS)

**SUBJECT:** ADOT Engineering Consultants Section Services Contract Documents

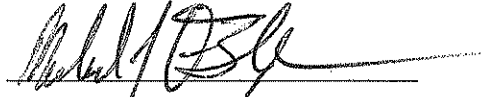
In response to recent changes to State of Arizona contract requirements surrounding Indemnification (Senate Bill 1231), Architectural and Engineering contracts executed after September 13, 2013 by ADOT Engineering Consultants Section will reflect the following revisions to Section 4.21 Indemnification (Responsibility for Claims and Liabilities):

*To the extent permitted by law, consultant shall indemnify and hold harmless the State of Arizona, its departments, agencies, boards, commissions and their officers and employees from all liabilities, damages, losses and costs, including reasonable attorney fees and court cost, but only to the extent caused by the negligence, reckless or intentional wrongful conduct of the consultant or others persons employed or used by the consultant in the performance of the contract or subcontract. "Other persons employed or used" means a subconsultant to a consultant or design professional in any tier, or any other person or entity who performs work or design professional services, or provides labor, services, materials or equipment in connection with the contract.*

Additionally, the following is a summary of changes/updates which have been made to the ECS Contract Documents:

- Section 4.20: Insurance
- Submittal requirements and requirements if excess of umbrella policies are purchased.
  - Sections 4.20.A, 4.20.B and 4.20.C have been revised/updated to reflect requirements relating to policy documentation, additionally insured, indemnification, and acceptability of insurers.
- Section 4.47: Participation by Disadvantaged Business Enterprises – Commitment, Compliance and Reporting
- Section 4.47.1.g was added to reference the new Section 4.49 – Participation by Small Business Concerns (SBCs).
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- Section 4.49 was added to address ADOT's policy to facilitate and encourage participation by Small Business Concerns (SBCs) in ADOT contracts.
- Section 4.56: Scrutinized Business Operations
- Section 4.56 Scrutinized Business Operations was removed from the Contract Documents.
- Appendix C: Title 49 – Transportation, Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs
- Appendix A to 49 CFR Part 26 was added to the Contract Documents.

For copies of the updated ADOT Engineering Consultants Section contract boilerplate documents, visit <http://www.azdot.gov/business/engineering-consultants/FormsandTemplates>. If you have any questions regarding this bulletin, contact the ECS at (602) 712-7525.

A handwritten signature in black ink, appearing to read 'Michael J. DenBleyker', written over a horizontal line.

Michael J. DenBleyker, P.E., LEED AP  
Manager (Acting)  
Engineering Consultants Section