

**Supplementary Conditions of the Contract for Construction
For Construction Manager at Risk (CMR)
State of Connecticut
Department of Administrative Services ● Construction Services**

- 1.0 Supplementary Conditions:**
- 1.1** These Supplementary Conditions modify the State of Connecticut, Department of Administrative Services, Construction Services, Section 00 72 23 General Conditions of the Contract for Construction for Construction Manager at Risk (CMR) (Rev. 05.02.14), and other provisions of the Contract Documents as indicated below. All provisions which are not so modified remain in full force and effect.
- 1.2** The terms used in these Supplementary Conditions which are defined in the Section 00 72 23 General Conditions of the Contract for Construction for Construction Manager at Risk (CMR) (Rev. 05.02.14), have the meanings assigned to them in the General Conditions.
- 2.0 Section 00 72 23 General Conditions Of The Contract For Construction For Construction Manager at Risk (CMR):**
- 2.1 ADD:** The following Subsections to **ARTICLE 1 DEFINITIONS**, as follows:
- 2.1.1 ADD:** Subsection **1.34** to **ARTICLE 1 DEFINITIONS** as follows:
- 1.34 CONTRACTOR PARTIES:** A Contractor's members, directors, officers, shareholders, partners, managers, principal officers, representatives, agents, servants, consultants, employees or any one of them or any other person or entity with whom the Contractor is in privity of oral or written contract and the Contractor intends for such other person or entity to Perform under the Contract in any capacity.
- 2.1.2 DELETE:** **1.71** in its entirety from **ARTICLE 1 DEFINITIONS**.
- ADD:** Subsection **1.71** to **ARTICLE 1 DEFINITIONS**, as follows:
- 1.71 WORK:** The construction and services required by the Contract Documents, and including all labor, materials, equipment and services provided or to be provided by the Contractor to fulfill the Contractor's obligations. The Work may constitute the whole or a part of the Project and "Work Phase".
- ADD:** Subsection **1.72** to **ARTICLE 1 DEFINITIONS**, as follows:
- 1.72 WORK PHASE:** Construction of the Project by sequence or time intervals, which may include but not be limited to separate Construction Start Dates, Substantial Completion Dates, Application for Payments, Change Orders, Liquidated Damages, Retainage, and Subcontractors for each Work Phase.
- 2.2 ADD:** Subsection **3.6** to **ARTICLE 3 CORRELATION OF CONTRACT DOCUMENTS**, as follows:
- 3.6** In accordance with Public Act No. 13-247 (Effective June 19, 2013), wherever the term "Commissioner of Construction Services" is used in the "Bidding Documents" or "Project Manual" the term "Commissioner of Administrative Services" shall be substituted in lieu thereof; and wherever the term "Department of Construction Services" is used in "Bidding Documents" or "Project Manual", the term "Department of Administrative Services" shall be substituted in lieu thereof.
- 2.3 DELETE:** Subsection **28.2** in its entirety from **ARTICLE 28 PROGRESS PAYMENTS**.
- ADD:** Subsection **28.2** to **ARTICLE 28 PROGRESS PAYMENTS**, as follows:
- 28.2** In making such Application For Payment for the Work, there shall not be more than **seven** and **one-half percent (7.5%)** deducted from the amount of each Application for Payment to be retained by the Owner as Retainage until Final Completion.
- 28.2.1** At **fifty percent (50%)** completion of the Work the Retainage shall be reduced to **five percent (5%)**. All subsequent Applications for Payment shall be subject to **five percent (5%) Retainage**. Upon Substantial Completion, and in the Commissioner's sole discretion and based upon the factors set forth in **Section 28.3**, the Retainage may be reduced upon the request of the Contractor and recommendation of the CT DAS Project Manager. In the event of a reduction in Retainage to below **five percent (5%)**, the minimum Retainage withheld shall not be less than the CT DAS Project Manager's estimate of the remaining Work or **two and one-half percent (2.5%)**, whichever is greater. All requests for Retainage Reduction shall be done on **CT DAS 7050 Construction Manager at Risk (CMR) Retainage Reduction Request**, which can be found at the end of the General Conditions.

28.2.2 Subsequent to Substantial Completion, in limited circumstances, at the sole discretion of the Commissioner and based upon factors set forth in **subsection 28.3**, a reduction of Retainage below **two and one-half percent (2.5%)** may be considered.

28.2.3 A “Good” Contractor’s Performance Evaluation score shall be defined as a minimum total score of sixty percent (60%).

2.4 **DELETE:** Subsection **35.1** in its entirety from **ARTICLE 35 CONTRACTOR’S INSURANCE**.

ADD: Subsection **35.1** to **ARTICLE 35 CONTRACTOR’S INSURANCE**, as follows:

35.1 The CMR shall not start Work under the Contract until they have obtained insurance as stated in the Contract Documents and until the insurance has been approved by the Owner. The CMR shall not allow any Subcontractor to start Work until the CMR’s insurance provides coverage on behalf of the Subcontractor or the Subcontractor obtains insurance with sufficient coverage that is approved by the Owner. The CMR shall send Certificates of Liability Insurance to the **Connecticut Department of Administrative Services/Construction Services, Office of Legal Affairs, Policy and Procurement, 450 Columbus Blvd, Suite 1302, Hartford, CT 06103-1835** unless otherwise directed in writing. For insurance definitions see Article 1 herein. Presented below is a narrative summary of the insurance required.

2.5 **ADD:** Subsection **36.4 Build America, Buy America Act**, to **ARTICLE 36: FOREIGN MATERIALS** as follows:

36.4 **Build America, Buy America Act:** In accordance with the Build America, Buy America Act (BABA) of 2021, all non-federal entities who receive Federal Financial Assistance obligated on or after the effective date of October 23, 2023 for an infrastructure project, are subject to the provisions of BABA. The “**Buy America Preference**” provisions of BABA dictate that, absent a waiver, none of the funds made available for a Federal Award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

The Build America, Buy America Act means division G, title IX, subtitle A, parts I–II, sections 70901 through 70927 of the Infrastructure Investment and Jobs Act (Public Law 117–58).

See page 1 of Section 00 11 16 Invitation to Bid or Section 00 41 00 Bid Proposal Form for applicability. Additional details can be found in Section 00 21 13 Instructions to Bidders, Section 00 41 00 Bid Proposal Form; and Section 00 73 73 Build America, Buy America Act Requirements for Projects with Federal Financial Assistance.

- 2.6 **DELETE: Attachment 1** in its entirety.
ADD: New Attachment 1, as follows:

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|--|---|--|--|--|---|--------------------------|---|--------------------------|---|---------------------------------|--|--|--|--------------------------|---|--------------------------|--|--------------------------|--|--|--|--------------------------|---|-------------|--------|
| Connecticut Department of Administrative Services | 7050 Construction Manager at Risk (CMR) Retainage Reduction Request | | | | | | | | | | | | | | | | | | | | | | | | |
| Page 1 of 1 | | | | | | | | | | | | | | | | | | | | | | | | | |
| To: <input style="width: 80%;" type="text" value="DAS/CS Project Manager"/> , DAS/CS Project Manager Department of Administrative Services, Construction Services (DAS/CS) 450 Columbus Blvd, Suite 1201 Hartford, CT 06103 | | | | | | | | | | | | | | | | | | | | | | | | | |
| From: <input style="width: 80%;" type="text" value="CMR Name"/> , Construction Manager at Risk (CMR) | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subject: DAS/CS Project Number: <input style="width: 30%;" type="text" value="DAS Project Number"/> DAS/CS Project Name: <input style="width: 80%;" type="text" value="DAS Project Name"/> Reduction of Retainage for <input style="width: 30%;" type="text" value="Subcontractor Name"/> at <input style="width: 10%;" type="text"/> % Project Completion | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date: <input style="width: 40%;" type="text" value="Insert Date"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| In accordance with the General Conditions, Article 28 Progress Payments, <input style="width: 80%;" type="text" value="CMR Name"/> hereby requests a reduction of retainage on behalf of their subcontractor, <input style="width: 30%;" type="text" value="Subcontractor Name"/> , from <input style="width: 10%;" type="text" value="###"/> % to <input style="width: 10%;" type="text" value="###"/> % . The following list of items required under the General Conditions for compliance with the terms of the contract and has been verified by the Construction Manager at Risk (CMR): | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 20px;"><input type="checkbox"/></td> <td>DAS Construction Services Contract Performance Evaluation Score is a minimum of Sixty (60%) Percent.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Timely submission of an appropriate and complete CPM Schedule and Schedule of Values, in compliance with the Contract requirements and the prompt resolution of the Owner's and/or A/E's comments on the submitted material resulting in an appropriate basis for progress of the Work.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Timely and proper submission of all required Contract Document submissions including but not limited to Shop Drawings, material certificates, material samples and the prompt resolution of the Owner's and/or A/E's comments on the submitted material resulting in an appropriate progress of the Work.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Proper and adequate supervision and home office support of the Project.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>The Work completed to date has been installed or finished in a manner acceptable to the Owner.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>The progress of the Work is consistent with the approved CPM Schedule.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>All approved credit Change Orders have been invoiced.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>All Change Order requests for pricing are current.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>The CMR has and is maintaining a clean worksite in accordance with the Contract Documents.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>All Subcontractor payments are current at the time of reduction request.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>CMR is compliant with set-aside provisions of the contract.</td> </tr> </table> | | <input type="checkbox"/> | DAS Construction Services Contract Performance Evaluation Score is a minimum of Sixty (60%) Percent . | <input type="checkbox"/> | Timely submission of an appropriate and complete CPM Schedule and Schedule of Values, in compliance with the Contract requirements and the prompt resolution of the Owner's and/or A/E's comments on the submitted material resulting in an appropriate basis for progress of the Work. | <input type="checkbox"/> | Timely and proper submission of all required Contract Document submissions including but not limited to Shop Drawings, material certificates, material samples and the prompt resolution of the Owner's and/or A/E's comments on the submitted material resulting in an appropriate progress of the Work. | <input type="checkbox"/> | Proper and adequate supervision and home office support of the Project. | <input type="checkbox"/> | The Work completed to date has been installed or finished in a manner acceptable to the Owner. | <input type="checkbox"/> | The progress of the Work is consistent with the approved CPM Schedule. | <input type="checkbox"/> | All approved credit Change Orders have been invoiced. | <input type="checkbox"/> | All Change Order requests for pricing are current. | <input type="checkbox"/> | The CMR has and is maintaining a clean worksite in accordance with the Contract Documents. | <input type="checkbox"/> | All Subcontractor payments are current at the time of reduction request. | <input type="checkbox"/> | CMR is compliant with set-aside provisions of the contract. | | |
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| <input type="checkbox"/> | All Subcontractor payments are current at the time of reduction request. | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | CMR is compliant with set-aside provisions of the contract. | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">CMR Certification:</td> <td><input style="width: 20%;" type="text"/></td> <td><input style="width: 20%;" type="text"/></td> <td><input style="width: 20%;" type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center; font-size: x-small;">(Written Name)</td> <td style="text-align: center; font-size: x-small;">(Signature)</td> <td style="text-align: center; font-size: x-small;">(Date)</td> </tr> <tr> <td>Project Manager Recommendation:</td> <td><input style="width: 20%;" type="text"/></td> <td><input style="width: 20%;" type="text"/></td> <td><input style="width: 20%;" type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center; font-size: x-small;">(Written Name)</td> <td style="text-align: center; font-size: x-small;">(Signature)</td> <td style="text-align: center; font-size: x-small;">(Date)</td> </tr> <tr> <td>ADPM Approval:</td> <td><input style="width: 20%;" type="text"/></td> <td><input style="width: 20%;" type="text"/></td> <td><input style="width: 20%;" type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center; font-size: x-small;">(Written Name)</td> <td style="text-align: center; font-size: x-small;">(Signature)</td> <td style="text-align: center; font-size: x-small;">(Date)</td> </tr> </table> | | CMR Certification: | <input style="width: 20%;" type="text"/> | <input style="width: 20%;" type="text"/> | <input style="width: 20%;" type="text"/> | | (Written Name) | (Signature) | (Date) | Project Manager Recommendation: | <input style="width: 20%;" type="text"/> | <input style="width: 20%;" type="text"/> | <input style="width: 20%;" type="text"/> | | (Written Name) | (Signature) | (Date) | ADPM Approval: | <input style="width: 20%;" type="text"/> | <input style="width: 20%;" type="text"/> | <input style="width: 20%;" type="text"/> | | (Written Name) | (Signature) | (Date) |
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| | (Written Name) | (Signature) | (Date) | | | | | | | | | | | | | | | | | | | | | | |
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| | (Written Name) | (Signature) | (Date) | | | | | | | | | | | | | | | | | | | | | | |
| ADPM Approval: | <input style="width: 20%;" type="text"/> | <input style="width: 20%;" type="text"/> | <input style="width: 20%;" type="text"/> | | | | | | | | | | | | | | | | | | | | | | |
| | (Written Name) | (Signature) | (Date) | | | | | | | | | | | | | | | | | | | | | | |
| END | | | | | | | | | | | | | | | | | | | | | | | | | |
| <hr/> CT DAS 7050 (Rev. 04.10.2024) 7000 Construction Phase Forms | | | | | | | | | | | | | | | | | | | | | | | | | |

End of Section 00 72 13.1
Supplementary Conditions Of The Contract For Construction
For Construction Manager at Risk (CMR)