



**SPECIAL PROVISIONS
FOR
CLAIMS**

**Allamakee County
STP-009-9(82)--2C-03
STP-009-9(83)--2C-03
STP-009-9(84)--2C-03**

**Effective Date
August 1, 2023**

THE STANDARD SPECIFICATIONS, SERIES 2015, ARE AMENDED BY THE FOLLOWING MODIFICATIONS AND ADDITIONS. THESE ARE SPECIAL PROVISIONS AND THEY SHALL PREVAIL OVER THOSE PUBLISHED IN THE STANDARD SPECIFICATIONS.

Make the following revisions to the Standard Specifications:

1107.12, B.

Replace the Article:

The Contractor shall defend, indemnify, and save harmless the Contracting Authority and other agencies which have concurred in the award of the contract, as well as their officers and employees, from all suits, actions, or claims of any character, except as provided in the next sentence. ~~Indemnity~~ These obligations shall not, however, extend to acts or omissions for which the Contracting Authority is solely responsible, though ~~if they~~ shall extend to those claims, actions, or suits in which the Contractor, Subcontractor, or either's employee or agent, and the Contracting Authority are alleged to be, or could be, jointly or concurrently liable. Any funds due said Contractor under the Contractor's contract as may be considered reasonable and necessary by the Contracting Authority for such purpose may be retained for the use of the Contracting Authority; in case no money is due, the Contractor's surety may be held until such suit or suits, action or actions, claim or claims have been settled and suitable evidence to that effect furnished to the Contracting authority, except that money due the Contractor will not be withheld when the Contractor produces satisfactory evidence of insurance covering the claim, action, or suit.

1109.10, Disputed Claims for Extra Compensation.

Replace the title:

Disputed Claims for Extra Compensation and Claims Administration.

Replace Article I and add the Articles:

- I. The Contractor may seek the adjudication of any claims against the Contracting Authority by instituting court action or arbitration proceedings administered by the American Arbitration Association (AAA) in accordance with its Construction Industry Arbitration Rules. The Contractor shall not institute any court action or arbitration against the Contracting Authority for the adjudication of any claims until the claim has been first presented to the Engineer, pursuant to ~~and compliant with~~ this article.
- J. The Contractor shall file its petition in district court or its demand for arbitration with the AAA no later than 90 days following the date of the Engineer's written ruling or the claim shall be deemed waived. In the event the Contractor institutes court action, the Contracting Authority may elect adjudication of the claim by arbitration proceedings administered by the AAA in accordance with its Construction Industry Arbitration Rules prior to the response deadline in the court action or arbitration shall be deemed waived. The election of arbitration by the Contracting Authority shall stay the court action.
- K. In the case arbitration is elected by either party, claims shall be heard by a single arbitrator, unless the claim amount exceeds \$1,000,000, in which case the dispute shall be heard by a panel of three arbitrators. For claims before a single arbitrator, the arbitrator shall be a construction attorney. For claims before a panel of three arbitrators, the panel shall be comprised of one construction attorney, one contractor, and one engineer. The place of arbitration shall be Ames, Story County, Iowa. The arbitration shall be governed by the laws of the State of Iowa. Each party shall bear its own costs and expenses, including attorneys' fees, and an equal share of the arbitrators' and administrative fees of arbitration. The award of the arbitrators shall be accompanied by a reasoned opinion. Judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

1111.03, D.

Add the Article:

5. A plague, epidemic or pandemic will be considered an extraordinary circumstance only during a state of public health disaster emergency instituted by proclamation of the Governor of the State of Iowa.