

CONTRACTS CHECKLIST

SOME THINGS TO CHECK BEFORE YOU SIGN THE CONTRACT

CONTRACT DOCUMENTS	CHANGES, CLAIMS, AND DELAYS
<p><i>Do you have?</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Clear understanding of Scope and Customer Expectations?<input type="checkbox"/> All Attachments, Addenda, Riders, Exhibits that are referred to in the Contract, Including reference to your Proposal?<input type="checkbox"/> Any Special Insurance Requirements?<input type="checkbox"/> The accurate Pricing? <p><i>Have you?</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Read what you are signing?<input type="checkbox"/> Included any Negotiated Changes on an Addendum?<input type="checkbox"/> Checked for Supplemental Conditions?<input type="checkbox"/> Asked for help from Law Department? <p><i>Are there boilerplate provisions for?</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Indemnity<input type="checkbox"/> Force Majeure<input type="checkbox"/> Governing Law<input type="checkbox"/> Modification<input type="checkbox"/> Notice<input type="checkbox"/> Severability<input type="checkbox"/> Dispute Resolution<input type="checkbox"/> UN Convention on Contracts	<p><i>Do you have?</i></p> <ul style="list-style-type: none"><input type="checkbox"/> An agreed form for Change Orders?<input type="checkbox"/> A definite time allowed to do the work?<input type="checkbox"/> Agreement for time extension when additional quantities or additional work is ordered?<input type="checkbox"/> A plan to deal with problem issues typical to the type of work?<input type="checkbox"/> A pre-job inspection agreed to record conditions before you start? <p><i>Do you know?</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Who must be notified on any Changes or Claims?<input type="checkbox"/> Time to notify Customer that Change Order is needed?<input type="checkbox"/> Time to make a claim for extra time due to delay?<input type="checkbox"/> Whether you can get damages for a Customer caused delay?<input type="checkbox"/> What date triggers any Liquidated Damages? <p><i>Is/ Are there?</i></p> <ul style="list-style-type: none"><input type="checkbox"/> No assignment clauses?<input type="checkbox"/> Exclusivity provisions?<input type="checkbox"/> Non-compete provisions?<input type="checkbox"/> No-solicitation provisions?<input type="checkbox"/> Termination provisions that state the events that could trigger the end of the contract? Any easy outs?
<p><u>INSURANCE AND INDEMNITY</u></p> <p><i>Do you know?</i></p> <ul style="list-style-type: none"><input type="checkbox"/> What your indemnification obligation is?<input type="checkbox"/> Is there an Additional Insured Requirement?<input type="checkbox"/> If there are any other special Insurance Requirements for this Job?<input type="checkbox"/> Whether this job is covered by a Wrap-Up?	<p><u>WARRANTIES</u></p> <p><i>Have you?</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Checked the Contract and Specifications for Warranty Requirements?<input type="checkbox"/> Confirmed the availability of required Manufacturer's Warranties?<input type="checkbox"/> Checked terms and conditions for Company warranties?<input type="checkbox"/> Checked for hidden tie-ins to Manufacturer Warranty? <p><i>Are there?</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Terms with affirmative language that the other party will perform according to certain acceptable criteria (i.e. performance, quality, etc.)

PAYMENT AND CLOSEOUT

Do you have?

- An agreed form for Lien Waivers partial and final?
- Specified Payment request form?
- All backup documents required by the Contract?

Do you know?

- If the Contract requires up front lien waivers?
- What the last day to file for liens is?
- If there are limitations on the Owners payment Obligations?
- If special EEO, or affirmative action reports apply to this job?
- Whether this is a prevailing wage job, and what the rates are?

Are there?

- Payment terms with a defined payment schedule
- Terms with penalty language for failure to pay, characterization of the payment, and travel and other related expenses?

SUBCONTRACTING

Do you have?

- A signed copy of a subcontract for each subcontractor?
- An insurance certificate from each subcontractor?
- Payment and performance bonds from your sub, if required?
- A copy of any warranty that the Sub will be responsible to deliver at the end of the job?

Do you know?

- If your contract requires you to pass certain specific obligations on to the Subcontractors?
- If your sub will be able to make his payroll, if payment is held up?

