

Examples of exculpatory utility risk shifting contract language:

"Relocation of any utility not specifically called for on the plans but required to properly perform the work shall be the CONTRACTOR'S responsibility and shall be relocated at no additional expense to the OWNER."

2.05.03 Relocation

Should any pipe or other existing utility require raising or lowering or moving to another location because of interference with the pipe or structure being constructed under these specifications, such changes which in the opinion of the Engineer are necessary shall be made by the Contractor unless otherwise specified. Relocation of existing utilities shall be included in the major items of work unless specific items are provided in the Proposal

VII. EXISTING UTILITIES

The Contractor shall be fully responsible for the location, protection, relocation, replacement, etc. for all existing underground utilities which may reasonably be expected in any area, regardless of whether or not such utilities are shown on the plans. Items in this category shall include but not necessarily be limited to; watermains and services, sanitary sewer and services, gas mains and services, storm sewer and catch basin leads, telephone, electric, fiber optic cable and cable TV wire, etc. Such work shall be considered incidental to the major items of construction.

3. Coordinate utility connection with each utility provider.
- B. Utility Interruptions:
1. Provide standby utility service for an interruption exceeding 2 hours.
 2. Provide 48 hours notice to the affected occupants of the time and duration of the anticipated shut off.
 3. Notify Fire Department 48 hours in advance if water main or fire supply line shut off is required.
 4. Pay all costs relating to utility interruptions.
- 1.4 PROTECTION AND RELOCATION
- A. Be Responsible For:
1. Protection of structures and utilities at or contiguous to the Site in accordance with the General Conditions.
 2. Cost of cleaning, repair, relocation, raising, lowering, or replacement of structures and utilities which interfere with new Work or are damaged as a result of Contractor's operations.
 3. Temporary sheeting, bracing, poles, cables, sand fill or other means used to support a structure or utility exposed or endangered by Contractor's operations.
 4. Relocating, raising or lowering of a structure or utility for Contractor's convenience.
- B. Relocation of Poles and Structures:
1. Be responsible for temporary and permanent relocation of power, light, telephone and other service poles and appurtenant structures.
 2. Make necessary arrangements with the owner of the pole or structure and pay all costs involved.
- 1.5 RESTORATION
- A. Acceptable Standards for Restoration:
1. Restore to the better of:

I. Existing Utilities

As an aid to the Contractor, various utilities and underground structures are shown on the plans. All information concerning shown utilities were taken from field survey and from available records, but the Owner and Engineer do not guarantee that the location shown on the plans is accurate, nor that additional underground utilities or structures may not be encountered.

The Contractor shall notify utility companies for utility locations before starting any open cut or tunnel construction or before drilling holes for construction purposes. The Contractor shall cooperate with the utility companies in any repair, relocation or other work to be performed on the utility caused by the construction of the contract.

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When necessary, the Contractor shall shore and brace utility poles, and remove and replace guy wires that interfere with construction. Shoring and bracing of poles shall be such that sinking or excessive tilting does not take place. All relocation or removing and replacing of power poles, light poles and telephone poles shall be done by the respective utility companies. The Contractor shall coordinate the work operations with the utility companies. Payment for pole relocation will be only for poles indicated for relocation on the plans. Payment for shoring and bracing, or relocation of poles other than those indicated on the plans shall be considered part of the major items of construction.

The Contractor shall contact "Miss Dig" not less than 72 hours before starting construction for assistance in locating utilities or for any work to be done on utilities. The toll free phone number is (800) 482-7171.