Clause Risk & Compliance Summary

I. Contract Overview

II. Administrative & Commercial Terms

Contract Term, Renewal & Extensions

Bonding, Surety, & Insurance Obligations

Retainage, Progress Payments & Final Payment Terms

Pay-When-Paid, Pay-If-Paid, or Owner Payment Contingencies

Price Escalation Clauses (Labor, Materials, Fuel, Inflation Adjustments)

Fuel Price Adjustment / Fuel Cost Caps

Change Orders, Scope Adjustments & Modifications

Termination for Convenience (Owner/Agency Right to Terminate Without Cause)

Termination for Cause / Default by Contractor

Bid Protest Procedures & Claims of Improper Award

Bid Tabulation, Competition & Award Process Requirements

Contractor Qualification, Licensing & Certification Requirements

Release Orders, Task Orders & Work Authorization Protocols

Assignment & Novation Restrictions (Transfer of Contract Rights)

Audit Rights, Recordkeeping & Document Retention Obligations

Notice Requirements & Claim Timeframes (Notice to Cure, Delay Notices, Termination Notices, etc.)

III. Technical & Performance Terms

Scope of Work (Work Inclusions, Exclusions & Defined Deliverables)

Performance Schedule, Time for Completion & Critical Path Obligations

Delays of Any Kind (Force Majeure, Acts of God, Weather, Owner-Caused, Unforeseen Events)

Suspension of Work, Work Stoppages & Agency Directives

Submittals, Documentation & Approval Requirements

Emergency & Contingency Work Obligations

Permits, Licensing & Regulatory Approvals for Work

Warranty, Guarantee & Defects Liability Periods

Use of APS Tools, Equipment, Materials or Supplies

Owner-Supplied Support, Utilities & Site Access Provisions

Field Ticket, Daily Work Log & Documentation Requirements

Mobilization & Demobilization Provisions

Utility Coordination, Locate Risk & Conflict Avoidance

Delivery Deadlines, Milestone Dates, Substantial & Final Completion Standards

Punch List, Closeout Procedures & Acceptance of Work

Worksite Coordination, Access Restrictions & Sequencing Obligations

Deliverables, Digital Submissions & Documentation Standards

IV. Legal Risk & Enforcement

Indemnification, Defense & Hold Harmless Provisions

Duty to Defend vs. Indemnify Scope Clarifications

Limitations of Liability, Damage Caps & Waivers of Consequential Damages

Insurance Coverage, Additional Insured & Waiver of Subrogation Clauses

Dispute Resolution (Mediation, Arbitration, Litigation)

Flow-Down Clauses (Prime-to-Subcontract Risk Pass-Through)

Subcontracting Restrictions, Approval & Substitution Requirements

Background Screening, Security Clearance & Worker Eligibility Requirements

Safety Standards, OSHA Compliance & Site-Specific Safety Obligations

Site Conditions, Differing Site Conditions & Changed Circumstances Clauses

Environmental Hazards, Waste Disposal & Hazardous Materials Provisions

Conflicting Documents / Order of Precedence Clauses

Setoff & Withholding Rights (Owner's Right to Deduct or Withhold Payment)

V. Regulatory & Compliance Terms

Certified Payroll, Recordkeeping & Reporting Obligations

Prevailing Wage, Davis-Bacon & Federal/State Wage Compliance

EEO, Non-Discrimination, MWBE/DBE Participation Requirements

Anti-Lobbying / Cone of Silence Provisions

Apprenticeship, Training & Workforce Development Requirements

Immigration / E-Verify Compliance Obligations

Worker Classification & Independent Contractor Restrictions

Drug-Free Workplace Programs & Substance Testing Requirements

VI. Data, Technology & Deliverables

Data Ownership, Access & Rights to Digital Deliverables

AI / Technology Use Restrictions (Automation, Digital Tools, Proprietary Systems)

Digital Surveillance, GIS-Tagged Deliverables & Monitoring Requirements

GIS, Digital Workflow Integration & Electronic Submittals

Confidentiality, Data Security & Records Retention Obligations

Intellectual Property, Licensing & Ownership of Work Product

Cybersecurity Standards, Breach Notification & IT System Use Policies

VII. Supplemental Operational Risks

VIII. Final Analysis

Final Redline Risk Summary and Recommendations

Risk Area

Risk Summary

APS Redline Position