

SCOPE OF PRECONSTRUCTION SERVICES

1. General

1.1. Construction Manager shall timely provide the preconstruction services set forth herein in a manner consistent with the skill and care of a properly licensed general contractor experienced with projects of similar size and nature to that of the Project. Failure to perform the preconstruction services in a timely manner consistent with the applicable standard of care will warrant termination for cause. To the extent the Project is delivered in phases or design packages, the services described herein shall be provided for each phase or package.

1.2. Construction Manager shall comply with all laws, statutes, codes, ordinances, rules, regulations and lawful orders or any other requirements of public authorities applicable to the preconstruction services.

1.3. Construction Manager shall attend and participate in meetings with Architect, Owner, consultants and others designated by Owner regarding design, procedures, progress, coordination, scheduling and other matters concerning the Project. If requested by Owner, Construction Manager shall also schedule, conduct and document such meetings that primarily concern the preconstruction services.

1.4. Construction Manager shall attend and participate in meetings with authorities having jurisdiction over the Project regarding permitting and other approvals from public authorities applicable to the Project. If requested by Owner, Construction Manager shall also schedule, conduct and document such meetings that primarily concern the preconstruction or construction services. Construction Manager shall coordinate and monitor all regulatory permits and approvals.

1.5. Construction Manager shall advise and consult with Architect, Owner, consultants and others designated by Owner regarding constructability, availability of materials and labor, time requirements for procurement, installation and construction, and factors related to construction costs, including costs of alternative designs and materials, construction budgets, life-cycle analysis and data, value engineering, comparative pricing and potential cost reductions.

1.6. Construction Manager shall track and keep records of the costs it incurs to provide the preconstruction services separately from costs it incurs to provide the construction services. If Construction Manager does not staff the preconstruction services in a manner consistent with the applicable proposal submitted by Construction Manager, Owner shall be entitled to recover payments from Construction Manager to the extent such payments were not actually incurred and supported by documentation.

1.7. Construction Manager shall identify, and advise and consult with Architect, Owner, consultants and others designated by Owner with respect to, project risks, which are conditions or events that could negatively affect the Project scope, quality, schedule or cost. Construction Manager's analysis should include severity of impact, probability of occurrence and other appropriate aspects of the risk. Construction Manager shall present and update the risk analysis in a risk matrix format and recommend measures to manage and mitigate each risk.

1.8. Construction Manager shall coordinate and cooperate with Owner's inspection and testing agencies and other consultants. Responsibility for the performance and payment of such agencies and consultants shall be as identified in the Agreement or Contract Documents.

1.9. Before commencement of the preconstruction services, Construction Manager shall provide evidence of the insurance required under the Agreement or Contract Documents to the extent such insurance is applicable to preconstruction services.

2. Design Consulting and Review

2.1. Construction Manager shall provide an initial evaluation of Owner's program, current design, schedule and construction budget.

2.2. In collaboration with Architect, Construction Manager shall review and evaluate the type, quantity and quality of the information available regarding existing site conditions. Construction Manager shall make recommendations regarding supplemental site surveys and other additional investigative services that may be warranted.

2.3. Construction Manager shall advise and consult with Architect, Owner, consultants and others designated by Owner with respect to site use and improvements, selection of materials and equipment, construction methods, building systems, phasing, sustainability, BIM coordination, etc., and make recommendations with respect to such issues to maximize Project quality and efficiency within budget and on schedule.

2.4. Construction Manager shall review and check design documents for completeness, coordination, ambiguities, ability to bid, MEP coordination and conflicts and other constructability issues. The obligation to provide such constructability review is continuous and the process shall include BIM modeling. Construction Manager shall issue constructability reports and comments with respect to the complete Schematic Design Documents, the complete Design Development Documents, the 50% check set of the Construction Documents and the 95% check set of the Construction Documents. Upon completion of the Construction Documents, Construction Manager shall submit a final constructability report to Owner confirming that all the issues identified have been addressed and the Construction Documents have been modified as necessary.

2.5. Construction Manager is not required to certify that the Construction Documents are in accordance with applicable laws, statutes, ordinances, codes, rules and regulations, or lawful orders of public authorities, but Construction Manager shall review and carefully study the Construction Documents for the purpose of discovering errors, omissions, or inconsistencies in the Contract Documents that may affect constructability, costs, schedules or Construction Manager's performance and promptly report to Architect and Owner any error, omission, inconsistency and/or nonconformity discovered by or made known to Construction Manager as a request for information in such form as Architect may require.

3. Phasing and Schedules

3.1. Construction Manager shall initially evaluate the scheduling and phasing options currently being considered, suggest alternatives and make recommendations. Considerations should include re-sequencing phasing, accelerated or fast-track scheduling, modifying construction durations, partial occupancy for beneficial use, and dividing the Project into different components like demolition, hazardous material abatement, relocation of underground utilities, site preparation, separated buildings, interior finishes of shelled space, parking lots, and landscape. Construction Manager shall also consider the effects of different scheduling alternatives, for example, additional or reduced costs, constructability, provisions for temporary facilities and procurement of long-lead-time items.

3.2. Project schedules shall include consideration of all tasks necessary for completion of the Project, including the services, responsibilities and approvals of Architect, consultants, Owner, authorities having jurisdiction and others required for completion of the Project. Among other considerations, schedules shall include time for (a) reviews and approvals, including requirements specific to Owner, its Board of Trust meeting dates, etc., (b) GMP proposals and

amendments, (c) the ordering and delivery of materials, equipment and products, (d) campus activities affecting the Work, (e) typical weather losses, (f) breaks between trades and (g) commissioning and consultant review. Project schedules shall include sufficient detail for potential subcontractors to properly bid the Project.

3.3. Once a scheduling plan is approved by Owner, Construction Manager shall prepare and periodically update a Project schedule for Architect's review and the Owner's acceptance.

4. Budgets and Estimating

4.1. Construction Manager shall initially prepare estimates of the construction cost based on the existing design documents and evaluate Owner's current budgets.

4.2. As Architect progresses with the preparation of the Design Development and Construction Documents, Construction Manager shall prepare and update, at appropriate intervals agreed to by Owner and Construction Manager, estimates of the construction cost of increasing detail and refinement and allowing for the further development of the design. Such estimates shall be subject to Architect's review and Owner's approval.

4.3. When an estimate exceeds a budget, Construction Manager shall so notify Owner and Architect. Further, Construction Manager shall provide value engineering options to reduce costs and recommend cost reduction measures.

4.4. Construction Manager shall provide life-cycle and "cost of ownership" to assist with building system or material selection and provide cost evaluations of alternative materials and systems.

4.5. Construction Manager shall monitor design decisions and notify Owner when such decisions may affect construction cost.

5. Subcontractors and Suppliers

5.1. Construction Manager shall develop subcontractor and supplier interest in the Project. Owner may designate specific persons from whom, or entities from which, Construction Manager shall obtain bids. Otherwise, subcontractors and suppliers must be preapproved by Owner in writing.

5.2. Construction Manager shall recommend the most beneficial and appropriate procurement method for each trade and purchase, which may include design-assist, design-build, competitive bids on complete construction documents, or a combination of these methods.

5.3. If design services are warranted from certain trades during preconstruction services, Construction Manager may enter into agreements for such services provided the agreements and costs incurred are preapproved by Owner in writing. Such costs incurred by Construction Manager shall be reimbursed by Owner.

5.4. Construction Manager shall prepare, for Architect's review and Owner's approval, a procurement schedule for items that must be ordered in advance of construction. Construction Manager shall expedite and coordinate the ordering and delivery of materials that must be ordered in advance of construction.