

SECTION FOUR

CONTRACTOR RULES & REGULATIONS

A. INTRODUCTION

The intent of this section is to provide the Lessee's contractors and vendors with construction specific information regarding the regulations governing construction activities, which will be enforced by Vestar Development Company.

It is the responsibility of the contractor to communicate all information contained herein and in other documents and agreements by which he is bound to all employees, suppliers and any others providing services through the General Contractor. In no case will an entity's lack of knowledge of any regulations contained herein or in any other document constitute reasonable grounds for failure to comply.

These rules will be strictly enforced and failure to comply can result in work delay and/or work stoppage. Vestar Development Company has the authority to stop contractor from continuing work for any reason it deems to be in the best interest of the project. Good communication and willingness to cooperate can alleviate, if not eliminate, many problems.

Vestar Development Company reserves the right to alter, amend or augment this manual and any part herein, at any time as necessitated by project conditions.

Should you have any questions in reference to the subjects discussed in this manual, please do not hesitate to contact the following:

Vestar Development Co.

Nick Roe,
Tenant Coordinator

(602) 866-0900
(602) 955-2298 FAX

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B. RULES AND REGULATIONS

1. PRE-CONSTRUCTION REQUIREMENTS:

Prior to commencement of construction, the contractor is required to meet with the Vestar Tenant Coordinator and the Tempe Marketplace Facilities Manager to review project policies and procedures and to establish a staging area agreement. The following must be furnished prior to mobilizing on-site:

- a) Tenant's written acceptance of the Premises;
- b) A refundable \$1,000 damage deposit
- c) A scheduled walk through with Landlord to establish a punch list and to discuss general project coordination;
- d) A copy of your State of Arizona Contractor's license;
- e) A copy of the project's City of Tempe approved building permit; and
- f) Written 10-day advanced notification of construction commencement detailing Tenant's anticipated construction commencement date.

2. COORDINATION AND COOPERATION:

The contractor shall not interfere or impede site or surrounding building work. In the event contractor willfully violates requirements of these Rules and Regulations, Vestar Development Company may order the contractor to remove its equipment and its employees from the Project Site.

3. JOB CONDUCT GUIDELINES:

Workers shall be confined to the approved staging areas and are required to maintain good discipline. Violation of the Job Conduct Guidelines or violation of Basic Safety Rules and Regulations as required by O.S.H.A. entitles Vestar Development Company to cause violating individual and/or contractor to be removed from the site. Any injury or accident must be immediately reported, in writing, to Vestar Development Company's Tenant Coordinator.

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- a) Head Protection
 - ◆ Hard hats must be worn at all times. NO EXCEPTIONS.
- b) First Aid
 - ◆ Every contractor is expected to provide adequate first aid and safety kits to care for any injury of their employees.
- c) Fire Control
 - ◆ No open fires, fire barrels or hot boxes.
 - ◆ Fire extinguishers are required in:
 - Trailer/office – minimum 10 lb. ABC
 - Equipment – minimum 5 lb. ABC
 - Fire Watch – minimum 20 lb. ABC
 - ◆ Extinguishers must be on lifts and scaffold, not on the floor.
 - ◆ Combustible materials storage is not permitted on site.
 - ◆ Construction trash may not accumulate. The grounds and parking area are to be kept clean at all times.
- d) Foot Protection
 - ◆ Work boots are required. Loafers, tennis shoes, or soft-soled shoes are not allowed.
- e) Ladders
 - ◆ No metal ladders are allowed on site. Damaged ladders must be immediately removed from this project.
- f) Scaffolding
 - ◆ Full handrails, mid-rails, toe boards, full decking are required on all scaffolding regardless of height. Access ladders must either be built in or attached.
- g) Work Clothing
 - ◆ All shirts must have a minimum of four (4)-inch sleeve length over shoulders and must be worn at all times. No shorts, cut-offs, tank tops, etc.
- h) Electrical
 - ◆ GFI protection is required on all electrical systems.
- i) Signage
 - ◆ Signage must be posted for public safety and/or general warning.
 - ◆ All marketing signage must be submitted to Vestar Development Company's Tenant Coordinator for approval.

Safety issues include, but are not limited to, the above guidelines.

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4. REQUIRED SUBCONTRACTORS:

- ◆ A written 72-hour advanced notice to Landlord is required prior to shut off of fire sprinkler lines.
- ◆ A written 48-hour advanced request to Landlord is required for shell HVAC unit start up. This work must be completed by the shell mechanical contractor to maintain warranty.
- ◆ With respect to Gray Shell spaces, it is the Tenant Improvement Contractor's responsibility to certify the duct smoke detectors installed during shell construction. Please note that such certification is required to attach a Certificate of Occupancy.
- ◆ To maintain warranties it is required that any Tenant revisions made to the building shell be completed by the designated shell subcontractor as noted as follows.
- ◆ Tenant Improvement Contractors shall coordinate with the existing electrical, mechanical and plumbing, installed per Federal and City Codes, so as not to eliminate the access to the junction boxes for exterior lights and signage, etc.

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5. **CONTRACTOR'S OFFICES AND BUILDINGS:**

Arrangements for the location of the contractor's staging area, project office trailer, sheds, roll-off dumpster, waste containers, portable toilets, etc. shall be made with the Tenant Coordinator during your pre-construction meeting. All staging areas must be secured with 6' high chain-link fencing with green mesh screening material installed. **NO EXCEPTIONS!** You may be asked to relocate your field operations during the course of construction. This relocation must be completed within ten (10) days of notification by Vestar Development Company. All costs associated with a move are the contractor's responsibility.

6. **PROJECT WORK HOURS:**

This site is accessible from 5:30am to 5:30pm seven (7) days per week. Vestar Development Company will post any variations to these hours. Special consideration will be given for off-hour access on an individual, as needed, basis.

7. **JOB SITE STORAGE:**

It will be determined during your pre-construction meeting with the Tenant Coordinator if a staging area for materials, tools and equipment is available on site. Job site storage is limited and it may be necessary to arrange for off site storage. If a site location is available, it will be on a temporary basis only. You may be asked to relocate to accommodate base building and/or site work.

Any damage or losses resulting from storage of materials, tools and equipment shall be remedied at the cost of the contractor. The contractor is responsible for erection, dismantling, maintenance, utilities, fencing, telephone, security, etc. that it deems necessary in setting up its offices, sheds and storage areas.

Materials and Equipment temporarily stored at the Premises shall be located so as not to interfere with the work of any other contractor. Storage areas are to be maintained in a clean, orderly manner and to Vestar Development Company's satisfaction.

8. **DRINKING WATER:**

Each contractor is to provide ice and portable water at the job site for use by contractor's field workmen.

9. **TEMPORARY TELEPHONE:**

Each contractor is responsible for providing a required telephone service for performing the work under his or her respective contract.

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10. TEMPORARY POWER AND LIGHTING:

Each contractor is responsible for providing temporary power as required for its job completion. The Site Superintendent will advise of availability and location.

11. MISCELLANEOUS TEMPORARY FACILITIES:

Each contractor, at his own expense, shall provide any other temporary facilities and/or requirements the trade contractors believe to be required by his work.

12. TRAFFIC CONTROL:

The contractor is responsible for any traffic control and barricades necessary to perform their work. The project speed limit is 10 mph.

13. ACCESS AND MATERIAL DELIVERY:

All construction personnel and deliveries are required to use the access route designated by Tenant Coordinator. It is the responsibility of the contractor to ensure that all personnel and vendors making deliveries to the job site are aware of the job site location and access route. **Vestar Development Company will not direct or accept your deliveries.** You will be notified should project conditions necessitate an access route change.

Deliveries to the site shall be controlled so that materials are not stored for excessive periods before erection and incorporation into the structure or structures.

14. PARKING:

Contractors and their employees are restricted to the staging areas designated by the Lease Exhibit (or in the absence of a Lease Exhibit, by Vestar Development Company) and are subject to change. Construction vehicles parked other than in designated areas may be subject to towing without prior notification. Towing and retrieving costs are at the vehicle owner's expense.

Parking in driveways, fire lanes and established loading zones is strictly prohibited. Delivery vehicles must be completely unloaded at curbside and then moved out. Unattended vehicles in loading zones will be tagged or towed at the vehicle owner's expense.

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15. PROTECTION OF EXISTING UTILITIES:

The contractor is responsible for verifying the exact location of all existing utilities. The contractor shall protect utilities left in service including construction temporary power and telephone lines at all times. Any damage to utility lines caused by the contractor operations shall be reported promptly to the owning utility company. The utility company shall make repairs at the contractor's expense.

16. MISCELLANEOUS PROTECTION:

The contractors are responsible for protecting property, personnel and the work of other contractors in carrying out their work. The contractor is responsible for all cost of patching, repairs and replacement for work damaged by their work forces. The contractor shall take all reasonable precautions to protect their work from damage by other contractors including providing and maintaining protection and barricading of their work area. This includes, but is not limited to, any open trenches, pits and shafts, holes in floor or walls, and similar potentially hazardous areas. All contractors shall fence their respective work and staging area.

17. CLEAN-UP/TRASH:

Clean up shall include removal and legal disposal of all debris from the site. The contractor shall remove empty carton, crates and other combustible refuse from the premises daily. Dirt or rubbish is not allowed to accumulate so it becomes detrimental to employees or to the work of the various trades. If a dispute should arise between the contractors and separate contractors as to their responsibility for cleaning up the project site, Vestar Development Company may clean up the site and charge the cost against the contract amount of the contractors responsible as Vestar Development Company determines to be just.

18. SECURITY:

The contractor is responsible for all temporary security of the facilities the contractor believes is required.

19. HELICOPTER LIFTS:

Helicopter lifts should not be required on this project. If required, the following standards shall apply:

- a) Lifts must be coordinated with Vestar Development Company two (2) weeks in advance.
- b) Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration, O.S.H.A. and local and state governing authorities.
- c) Helicopter lifts may not interfere with base building construction or site work and must occur before or after normal working hours. Weekday lifts are possible and Monday is the day preferred by Vestar Development Company.