

other basis whereby the title to the equipment or materials does not pass to Owner upon payment by Owner, free and clear of any lien, financing arrangement, or other impediment to title.

4.8.7 If a development permit is required for the Project, then Construction Manager shall assume Owner's indemnification and hold harmless obligation to Lowndes County as set forth in the development permit application for the Project.

4.9 Safety.

4.9.1 Construction Manager shall design, implement, and maintain a safety program for the Work.

4.9.2 Construction Manager shall establish and require all Subcontractors or Suppliers to establish reasonable safety programs. No imposition of responsibility on Construction Manager for safety under this Agreement shall relieve any Subcontractor of its responsibility for safety of persons or property on or near the Site.

4.9.3 Construction Manager shall take necessary precautions for the safety of its employees at the Site, and shall comply with all applicable provisions of federal, state and municipal safety laws to prevent accidents or injury to persons on, about or adjacent to the Site. Construction Manager shall erect and properly maintain, at all times, as required by the conditions and progress of Work, necessary safeguards for the protection of workmen and the public.

4.10 Work Force.

4.10.1 The following supervisory personnel have been assigned by Construction Manager to the Project:

<u>Position</u>	<u>Name</u>
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4.10.2 Unless the assigned personnel identified in Paragraph 4.10.1 leave the employ of Construction Manager, they shall not be removed from the Project or promoted or transferred to a different position with respect to the Project without the prior reasonable approval of Owner. Construction Manager shall immediately notify Owner of any personnel changes caused by personnel leaving the employ of Construction Manager, and shall immediately submit substitute personnel for Owner's consideration and approval.

4.10.3 Construction Manager shall employ, and require all Subcontractors and Suppliers to employ, only skilled workmen properly qualified by experience and ability to perform the task assigned to them. Construction Manager shall be responsible to Owner for acts and omissions of Construction Manager's employees, Subcontractors and their agents and employees, and other persons performing portions of the Work.

4.10.4 Construction Manager and Subcontractors shall maintain and assign to the Work, at all times, sufficient staff and personnel to perform their services in a skilled, professional and satisfactory manner so as not to delay the progress of the Work. Construction Manager shall give Notice to Owner in writing of any Subcontractor or Supplier that it proposes to use on the Project that has a financial or corporate relationship to Construction Manager. Construction Manager shall not use such entities without written permission of Owner.

4.11 Hazardous Materials and Clean-Up.

4.11.1 Construction Manager shall ensure that neither it, its Subcontractors, nor their employees or agents bring any Hazardous Material or other materials regulated by state, federal or local law, which materials are not commonly used in the construction process or which materials are not listed in the Specifications for the Project, onto the Site without first obtaining Owner's advance Approval. Construction Manager shall ensure that any Hazardous Material or other materials regulated by state, federal or local law that Construction Manager, its Subcontractors or their employees or agents bring onto or generate at the Site are handled in accordance with all