

TO: BID RESPONDERS

FROM: Clark Hughes

DATE: October 10, 2025

SUBJECT: ACCC/JWBWH HVAC AS NEEDED RFP – RFI #1

Question:

- Can the following be added to Section 14 of the “Professional Services Agreement”

Consultant’s obligation to defend and indemnify shall exist only to the extent that any such claim is caused by the negligent acts or omissions of Consultant or by the breach of this Agreement by Consultant, or its subcontractor(s), or anyone directly or indirectly employed by them, or anyone for whose acts they may be liable, and provided further that, if such claim is caused by the joint or concurrent acts, omissions, or negligence of the parties, including the parties indemnified hereunder, the parties shall bear the defense and loss in proportion to their degree of liability.

Answer:

- No

Cc: Jim McDonald
Jason Resetar