

**KAISER
ENGINEERS**
INTER OFFICE MEMORANDUM

RECEIVED

AUG 6 1987

R. E. BONITZ

TO W. Hick
AT Pittsburgh

DATE August 6, 1987

FROM S. R. McDonald

COPIES TO J. Eriser
D. Bonitz

AT 5th Floor Oakland

JOB NO. 87070

SUBJECT LTV Coke Plant Demolition

The following supplement should be issued to each of the 106 contract packages as a result of review of the Terms and Conditions by Dick Bonitz.

- 1) Wherever the term "Republic Steel Corporation" appears it shall mean "LTV Steel."
- 2) Referring to General Terms and Conditions #13, the term "company" shall include Kaiser Engineers Inc.
- 3) With reference to insurance requirements, LTV Steel and Kaiser Engineers Inc should be named as additional insured under general liability and automobile liability insurance.
- 4) The following special clause should be added:

LIMITATION OF LIABILITY AND INDEMNITY

In connection with incidents involving Pollutants, contractor shall indemnify, defend and hold harmless, the Company and Kaiser Engineers from and against any and all suits, actions, legal or administrative or arbitration proceedings, claims, demands, damages, penalties, fines, losses, costs, and expenses of whatsoever kind or character, including but not limited to fees and charges of attorneys (hereinafter "Claims") arising or alleged to arise out of contractor's work. Such indemnification shall apply to the fullest extent permitted by law regardless of fault of Company or Kaiser Engineers. Without limiting the generality of the foregoing, the indemnity extends to Claims which arise out of the actual or threatened dispersal, discharge, escape, release or saturation (whether sudden or gradual) of any Pollutant in or into the atmosphere, or on, onto, upon, in or into (a) the surface or subsurface soil, or water or watercourses, (b) persons, (c) objects, or (d) any other tangible matter.

Pollutant(s) for purposes of this section shall mean any solid, liquid, gaseous or thermal irritant or contaminant including without limitation smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste including without limitation hazardous waste as defined in any Federal or State laws.

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