

RD2.23 TUTION OF SUBCONTRACTOR - INDEMNITY AGREEMENT and CONSENT

(see [III:1.5.2](#))

SUBSTITUTION OF SUBCONTRACTOR - INDEMNITY AGREEMENT and CONSENT

WHEREAS, on {DATE}, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (University) and {FULL NAME AND ADDRESS OF CONTRACTOR} (Contractor) entered into an agreement for the construction of {PROJECT NAME}, University of California, {FACILITY NAME} (Project); and

WHEREAS, Contractor's Bid, which was accepted by University for said Project, listed {NAME OF LISTED SUBCONTRACTOR} as Subcontractor for {Describe work activity} called for by the Specifications; and

WHEREAS, Contractor has represented and does hereby represent to University that {NAME OF LISTED SUBCONTRACTOR} has {List reasons for substitution};

In consideration of the consent of University to the substitution of: {NAME AND ADDRESS OF SUBSTITUTE SUBCONTRACTOR} for the {NAME OF LISTED SUBCONTRACTOR}, as subcontractor to provide {DESCRIPTION OF THE WORK} called for in the Specifications for the project, Contractor does hereby agree to indemnify the University and hold it harmless from any and all claims, expenses, losses or liabilities arising out of said substitution of subcontractor or said consent thereto, and to defend at Contractor's expense any and all claims, protests, suits, actions or other proceedings in connection therewith; provided, however, that the University shall be given prompt notice of all such proceedings and it shall be entitled, if it so desires, to participate in the response to or defense of any such proceedings. If any such proceedings causes or results in a delay in the completion of said Agreement, the loss to the University for such delay shall be deemed to be the amount determined by applying the liquidated damages provisions of said Agreement for the period of such delay.

IN WITNESS WHEREOF, this Indemnity Agreement has been executed this ___day of _____, 19___, at _____(location), California.

{CONTRACTOR NAME}

By _____

CONSENT TO SUBSTITUTION OF SUBCONTRACTOR

In consideration of the indemnification of University by Contractor, above, University agrees and does hereby consent to the substitution of {FULL NAME AND ADDRESS OF SUBSTITUTE SUBCONTRACTOR} for {FULL NAME OF LISTED SUBCONTRACTOR} as Subcontractor to provide {Describe work activity} called for by the Specifications for {PROJECT NAME}, University of California, {FACILITY NAME}.

IN WITNESS WHEREOF, University and Contractor have executed this Consent to Substitution of Subcontractors as of the above date.

{CONTRACTOR'S FULL NAME}

By _____

Title _____

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

By _____

Title _____

[\[Word version\]](#)



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