



**SUPPLEMENTAL GENERAL CONDITIONS**  
**FOR DRUG AND ALCOHOL TESTING**  
**DESIGN AND/OR CONSTRUCTION CONTRACTS**

July 1, 2010

1. These Supplemental General Conditions shall only apply to design or construction contracts in compliance with UCA Section 63G-6-604 and Utah Administrative Code Rule R23-7. (Note: the Administrative Rule is anticipated to have an effective date in early July, 2010 and will upon its being effective apply to those design and construction contracts issued on or after July 1, 2010, and the Statute itself is effective on July 1, 2010.) All applicable provisions of UCA Section 63G-6-604 and Utah Administrative Code Rule R23-7 are incorporated herein by reference as if fully set forth herein. The provisions below provide some, but not all of the provisions of said statute and administrative rule. The absence of the recitation of a provision of UCA Section 63G-6-604 or Utah Administrative Code Rule R23-7 below, shall not lessen its importance. Contractors and Designers are encouraged to read the complete UCA Section 63G-6-604 and Utah Administrative Code Rule R23-7 in order to assure compliance with all the applicable provisions.

2. Definitions. For the purpose of these Supplemental General Conditions, the definitions in UCA Section 63G-6-604 and Utah Administrative Code Rule R23-7 shall apply. For convenience, the following definitions are provided below:

a. **“Contractor” for purposes of these Supplemental General Conditions includes the Prime Contractor, a Designer (Architect/Engineer), and any of their subcontractors, consultants or subconsultants at any tier involved in design and/or construction. “Contractor” for purposes of these Supplemental General Conditions does not include a supplier who provide only materials, equipment or supplies to a Contractor, Designer or any of their subcontractors, consultants or subconsultants at any tier.**

b. "Covered Individual" means an individual who: (i) on behalf of the Contractor provides services directly related to design or construction under the contract; and (ii) is in a safety sensitive position, including a design position that has responsibilities that directly affect the safety of an improvement to real property that is the subject of a state construction contract

3. Contractor shall have a drug and alcohol testing policy in accordance with UCA Section 63G-6-604 and Utah Administrative Code Rule R23-7 during the period of the contract that applies to the “Covered Individuals” hired by the Contractor. Contractor shall post in one or more conspicuous places notice

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to “Covered Individuals” hired by the Contractor that the Contractor has the drug and alcohol testing policy described in UCA Section 63G-6-604 and Utah Administrative Code Rule R23-7-4(1)(a)(i). Said “Covered Individuals” shall be subject to random drug and alcohol testing under said policy if at any time during the period of the contract there are ten (10) or more “Covered Individuals” hired by the Contractor.

4. Contractor hereby certifies the following:

a. By executing this Contract, that the Contractor, including all entities included in the definition of Contractor in paragraph 2.a. above, shall comply with all provisions of Utah Administrative Code Rule R23-7 as well as UCA 63G-6-604, including having and maintaining a drug and alcohol testing policy, the posting and random testing requirements during the period of the contract that applies to Covered Individuals hired by the Contractor, including all entities included in the definition of Contractor in paragraph 2.a. above;

b. That the Contractor, including all entities included in the definition of Contractor in paragraph 2.a. above, shall have these requirements placed in all subcontracts for design or construction at any tier, in order that all such subcontractors, consultants and subconsultants at any tier have notice of these requirements and understand the need for compliance with these requirements;

c. That the subcontractors, consultants and subconsultants at any tier referred to in paragraph 4.b. above shall comply with the same requirements as the Contractor for having and maintaining a drug and alcohol testing policy, the posting and random testing requirements during the period of their contract;

d. That the Contractor, or any entity included in the definition of Contractor in paragraph 2.a. above may be suspended or debarred in accordance with the Utah Procurement Code for failure to comply as provided in UCA Section 63G-6-604(3)(a) and Utah Administrative Code Rule R23-7-4(3)(b); and

e. That the prime contractor or prime designer shall on a semi-annual basis throughout the term of this Contract, report to the Division in writing, information that indicates compliance with the provisions of UCA Section 63G-6-604 and Utah Administrative Code Rule R23-7.

5. Reasonable notice and an opportunity to cure any violation of UCA 63G-6-604 shall be provided to the Contractor before any suspension or debarment may be undertaken by the Division against the Contractor in light of the circumstances of the Contract or the violation. The greater the risk to person(s) or property as a result of noncompliance, the shorter this notice and opportunity to cure shall be, including the possibility that the notice may provide for immediate compliance if necessary to protect person(s) or property.

6. If a Contractor meets the requirements of UCA Section 63G-6-604 and Utah Administrative Code Rule R23-7, said statute and rule may not be construed to restrict the Contractor’s ability to impose or implement an otherwise lawful provision as part of a drug and alcohol testing policy.