

AR 7210 PROFESSIONAL SERVICES

Upon approval by the School Board, the Superintendent or designee may contract for the services of an architect, engineer or land surveyor for any approved project in accordance with law.

(cf. 3312 - Contracts)

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| <i>Note: AS 36.90.300 requires an indemnification clause protecting school districts who enter into construction-related professional services contracts.</i> |
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The Superintendent or designee shall notify construction-related contractors with the following notice upon entering into professional services contracts:

The consultant/contractor shall indemnify, defend, and hold harmless the contracting school district from and against any claim of, or liability for, negligent acts, errors, and omissions of the consultant under this agreement. The consultant/contractor is not required to indemnify, defend, or hold harmless the contracting school district for a claim of, or liability for, the independent negligent acts, errors, and omissions of the contracting school district.

If there is a claim of, or liability for, a joint negligent act, error, or omission of the consultant and the contracting school district, the indemnification, defense, and hold harmless obligation of this provision shall be apportioned on a comparative fault basis. In this provision, "consultant" and "contracting school district" include the employees, agents, and contractors who are directly responsible, respectively, to each. In this provision, "independent negligent acts, errors, and omissions" means negligence other than in the contracting school district's selection, administration, monitoring, or controlling of the consultant, or in approving or accepting the consultant's work.

Legal Reference:

ALASKA ADMINISTRATIVE CODE

4 AAC 31.065 Selection of designers and construction managers

ALASKA STATUTES

36.90.300 Indemnification, defense, and hold harmless provision in certain construction-related contracts

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