

NEW JERSEY SUPPLEMENTAL TERMS AND CONDITIONS

VERSION 1.0, REVISED AUGUST 15, 2022

The following clauses apply to Work in the State of New Jersey. To the extent these clauses conflict with any term or condition in the *Standard Terms and Conditions*, the Parties shall (i) endeavor to interpret the clauses in harmony, otherwise (ii) these *New Jersey Supplemental Terms and Conditions* take precedence.

Subcontractor agrees to flow down and incorporate all applicable clauses to its Lower Tier Subcontractors and its Lower Tier Suppliers.

1. REVISIONS TO THE STANDARD TERMS AND CONDITIONS.

1.1 Insert *Section 3.11 Waiver of the Prompt Payment Act* into the *Standard Terms and Conditions* in its entirety:

“3.11 **Waiver of Prompt Payment Act**

The Contractor and Subcontractor agree that the payment provisions in Article 3 of the *Standard Terms and Conditions* control this Agreement. Therefore, the Subcontractor waives the provisions of the New Jersey Prompt Payment Act as it relates to this Agreement. Further, the Subcontractor agrees that payment disputes shall be exclusively resolved in accordance with Article 11 *Claims and Disputes* in the *Standard Terms and Conditions*.

2. PROVISIONS REQUIRED BY LAW DEEMED INSERTED.

Each and every provision of laws and clauses required by law to be inserted in this Subcontract Agreement and will be deemed to be inserted herein and incorporated by reference. The Subcontract Agreement will be read and enforced as though it were included and if—through mistake or otherwise—any such provision is not inserted or not correctly inserted, then upon the application of other party the Subcontract Agreement will be amended to make such insertion.