

DRUG AND ALCOHOL PROGRAM REQUIREMENTS

For the purposes of these Environmental Rules, the term “Contractor” means Zachry Construction Corporation, or, if the Agreement is between you and an affiliate of Zachry Construction Corporation, “Contractor” means the affiliate with whom you entered into the Agreement. All other capitalized terms have the same meaning as set forth in your Agreement with Contractor.

1. You agree that, as a condition of the Work, you are subject to the following provisions:
 - A. You agree that as a condition of entry on to the Site, your employees and agents may be required to consent to a drug and/or alcohol screen test to verify compliance with the Drug and Alcohol Policy of Contractor and/or the Owner of the Site. You warrant and agree that your employees have been informed of and have agreed to comply with this requirement as a condition of their entry on to the Site.
 - B. You warrant and represent that you have read and understood the drug and alcohol policy requirements of Contractor and of the Owner and that the provisions of such policies also apply to you, your employees and Subcontractors.
 - C. You warrant and agree that you shall have a Drug and Alcohol Program to test to the same level as Contractor and to implement the drug and alcohol policy requirements of Contractor and of the Owner to include pre-employment/pre-access, random, and post-accident drug and/or alcohol screen test being required of all your employees on a Contractor or Owner Site.
 - D. Specifically, you warrant and agree that you have advised your employees that:
 - 1) The use, possession, sale, manufacture, distribution, or dispensation of prohibited drugs and/or unauthorized alcoholic beverages on the Site by any employee or agent is prohibited by Contractor’s policy.
 - 2) Entry onto the Site by one of your employees constitutes agreement to abide by the terms of the Drug and Alcohol Policy of Contractor and/or Owner.
 - 3) Entry onto the Site constitutes consent to a vehicle and/or personal property search when entering, leaving, or at the Site.
 - 4) Your employees and agents, as a condition of entry on to the Site, may be required to consent to a drug and/or alcohol screen test.
 - 5) Anyone found in violation of these requirements or who refuses to consent to a search, or drug or alcohol screen test, or who is found in violation of the Drug and Alcohol Policy of Contractor and/or Owner will be asked to leave and will be barred from the property at the discretion of Contractor.
2. You shall comply in all respects with the requirements of the Drug Free Workplace Act of 1988 P.L. 41 USC 701, et. seq. Accordingly, you have required your employees to notify you of any conviction for a workplace violation of a criminal drug statute no later than five (5) Days following such conviction, and you agree to notify the appropriate federal granting agency within ten (10) Days after receiving such notice with a copy of such notice to Contractor.
3. Seller acknowledges and agrees that Contractor and Owner have a valid property right and interest in the Project, the preservation of safety on the Project, and the protection of both the Work and the Site from and against persons entering the same in violation of the Drug and Alcohol Policy requirements of Contractor and/or Owner. Accordingly, to the maximum extent permitted by applicable Legal Requirements, you agree to defend and hold Contractor and Owner harmless from and against any Claims arising out of or in any way related to Contractor’s enforcement of the Drug and Alcohol Policy.