

## TOWN OF SALEM

### VOLUNTARY THIRD PARTY PLAN REVIEW POLICY ACKNOWLEDGMENT AND INDEMNIFICATION

1. **Acknowledgement.** This Acknowledgment and Indemnification is executed by the undersigned as consideration for registration as a Third Party Plan Reviewer ("Third Party") to perform plan review services for construction projects in the Town of Salem. The Third Party acknowledges receiving a copy of the Town of Salem Voluntary Third Party Plan Review Policy ("Policy"), and understands that it contains important information regarding expectations, responsibilities and obligations of a Third Party participating in the Voluntary Third Party Plan Review Program ("Program"). The Third Party agrees to abide by and conform to the rules, policies, and procedures set forth in the Policy and acknowledges that if the Third Party fails to do so, it may be removed from the Program at the sole discretion of the Chief Building Official for the Town of Salem.

2. **Indemnification.** The Third Party does hereby covenant and agree to waive all claims and release the Town of Salem and all of its officials, officers, agents and employees in both their public and private capacities, from any and all liability, claims, suits, demands or causes of action including all expenses of litigation and/or settlement which may arise from the Third Party's negligent acts or omissions or the negligent acts or omissions of the Third Party's employees, agents or subcontractors relating to the performance of plan review services for construction projects in the Town of Salem under the Program. The Third Party further agrees to indemnify and hold harmless the Town of Salem from and against liability for damages a) to the extent covered by and up to the limit of Third Party's available insurance<sup>1</sup>; b) to the extent said damages arise from the negligent acts, errors, or omissions of the Third Party or any other entity for whom the Third Party is legally responsible; and c) to the extent said damages arise from the Third Party's performance of its obligations under the Third Party Plan Review Program.

3. **No Employment Relationship.** The Third Party agrees to contract directly with the Permit Applicant for performance of plan review services, on terms agreed to by the parties. The Third Party shall not be deemed an officer, agent, employee or subcontractor of the Town of Salem. The Town of Salem shall have no liability to the undersigned or to any person retained by the undersigned, including but not limited to liability for payment for services.

#### THIRD PARTY

By: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

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<sup>1</sup> Proof of insurance, in the form of a Certificate of Insurance naming the Town of Salem as a certificate holder, is required as a condition precedent to participating in the Program.