

PRE-CONSTRUCTION

PRE-CONSTRUCTION MEETING

A minimum of ten (5) days prior to starting construction, the CONTRACTOR shall contact the LANDLORD's Tenant Coordinator to arrange a Pre-construction Meeting at the site. Attendees should include the GENERAL CONTRACTOR, Superintendent, and Major subcontractors to be used in the construction.

At the Pre-construction meeting the GENERAL CONTRACTOR shall provide the following:

1) BUILDING PERMITS

A copy of each of all required Building Permits, and if applicable, health permits

2) WORKERS COMPENSATION CERTIFICATE

3) INSURANCE CERTIFICATE

The Certificate of Liability Insurance should be in the minimum amount of \$2,000,000, in the aggregate, \$1,000,000, each occurrence and should reflect the following as "Additional Insured"

BELLWETHER PROPERTIES OF MASSACHUSETTS, LIMITED PARTNERSHIP

4) PERFORMANCE, LABOR and MATERIAL BOND

5) SUBCONTRACTOR LIST

The subcontractors list shall set forth the name, address and telephone numbers (and emergency numbers) of TENANT'S General Contractor and Subcontractors.

6) PRE-CONSTRUCTION FEES (not subject to waiver or cap.)

A) Construction Deposit

A construction deposit in the amount of \$5,000 from which the LANDLORD may deduct LANDLORD'S cost to repair damage to common areas or other Tenants, caused by Tenant's contractor(s).

Make checks payable to: **Simon Property Group, Inc.**

B) Prepayment Check

Landlord reserves the right to provide and/or install any of the following for Tenant's Contractor at Tenant's Contractor's expense (contact the Tenant Coordinator for specific items elected by Landlord). In the event Landlord does not elect to provide and/or install any of the following, the same shall become Tenant's Contractor's responsibility at Tenant's Contractor's expense.

The General Contractor will be required to provide a cashier's check, Federal I.D. number included, as advance payment for services, material, construction, etc. as noted below.

Make the check payable to:

Simon Property Group, Inc
225 west Washington Street
Indianapolis, IN 46204

ITEM	
A. Dumpster.....	by Tenant
B. Electrical Power Consumption prior to Opening...0-1000sf	\$0.34
1000 - 5000sf	\$0.43
5,000+sf	\$0.53
C. Sprinkler Shut Down Fee.....1 @ \$500	
D. Electric Connection Fee.....	by Tenant
E. Temporary Toilets	by Tenant
F. Temporary Water.....	\$0.20/sf

UNION AFFILIATED GUIDELINES

In an effort to establish acceptable and unified construction quality and productivity standards, the landlord has chosen to engage a Union Affiliated Contractor for construction. As such, Landlord strongly recommends that all union trades, traditionally and customarily, performing construction crafts be engaged to promote project wide continuity.

This shall not serve as a limitation to a Tenant's right to employ the most qualified low bidder for a construction/trade contract. However, Tenant shall take all necessary action to avoid labor disputes and difficulties on the project and shall do all things to avoid work stoppage or delay on account thereof, regardless of whether the impact is to the Tenant, Landlord or other Tenants. In an event of work stoppage, Tenant will cooperate with Landlord to remove the source of the work stoppage at Landlord's sole discretion so that the project shall be completed on schedule in a cost efficient manner as initially contemplated.

PERMITS & LICENSING

1) PLAN REVIEW/PERMIT

Instructions for drawing submission for building permit.

All specifications are to be included within the construction drawings. Project manuals or specification booklets are not acceptable.

CITY: Burlington Building Department
Address: Town Hall Annex
25 Center Street
City, State, Zip: Burlington, MA 01810
Phone: Z

Plan Review/Permit applications can be found on-line at:
<http://www.burlington.org/departments/building>

A Fee Schedule can be found on-line at:
<http://www.burlington.org/departments/building>

For questions concerning code issues, contact:
Andy Ungerson, aungerson@burlington.org

Landlord requires all tenants to use the permit expeditor below:
Building Department prefers the Tenant's awarded General Contractor to apply for permits

Tenants with food operations please contact the following for additional requirements:

Health Department	Planning Department
Marlene Johnson, R.S. Health Agent Burlington Board of Health 61 Center Street Burlington, MA 01803 (781) 270-1949 mjohnson@burlington.org	25 Center Street Burlington, MA 01803 (781) 270-1645

2) LICENSING

All contractors must be licensed by the appropriate jurisdictional authorities.

3) SPRINKLER DRAWINGS

In addition to complying with the local authority requirements for submission of sprinkler shop drawings, the sprinkler contractors shall submit a minimum of four (4) sets of sprinkler shop drawings and hydraulic calculations (if applicable) to Global Risk Consultant's for approval.

States: CT, DE, MA, ME, NH, NJ, NY, PA, RI, VT
Global Risk Consultants Corp.
Attn: Alison Brackett / Simon Tenant Plan review
PO Box 821
Hollis, NH 03049
(603) 305-2680
E-Mail: alison.brackett@tvsud.com

Global Risk Consultants will return two (2) sets to the sprinkler contractor. Review time: two (2) weeks typically. Mark installation date on plans if plans need to be expedited.

4) MALL BUILDING DATA

OCCUPANCY/USE:	Mercantile
CONSTRUCTION CLASSIFICATION	1B
BUILDING LEVELS	Single Level (1)
SPRINKLER SYSTEM	Fully Sprinklered

5) TENANT'S ADDRESS

85 Middlesex Turnpike, Space #
Burlington, MA 01803

6) LEGAL OWNER*

*Contact the Tenant Coordinator for a legal property description, if required for permit.

7) MALL ADDRESS & PHONE

75 Middlesex Turnpike
Burlington, MA 01803
(781) 272-8688

8) LANDLORD CORPORATE OFFICE

Simon Property group
Attn: Tenant Coordination
225 West Washington Street
Indianapolis, IN 46204

Phone: (317) 636-1600
E-mail: tcmailbox@simon.com

CONSTRUCTION

TEMPORARY PROVISIONS

ALL TENANTS:

1) TEMPORARY CONSTRUCTION BARRICADE

If required by the LANDLORD a temporary construction barricade at the storefront shall be installed by TENANT at TENANT'S expense.

No barricades shall be removed or dismantled without the express written consent of the LANDLORD. Any barricade removed without prior consent will be reconstructed by LANDLORD at the CONTRACTOR'S expense.

2) CONSTRUCTION SIGNAGE

The CONTRACTOR is not allowed to post any company name or sign on the temporary construction barricade or anywhere outside the premises. The CONTRACTOR shall post all signage as required by the LANDLORD.

3) ELECTRIC POWER

The TENANT'S CONTRACTOR is responsible to coordinate temporary electric power by tying into the Tenant's permanent power source. Prior to this connection, TENANT'S CONTRACTOR to use generators.

4) TEMPORARY WATER

Contact the LANDLORD 's Field Tenant Coordinator for access to temporary water service.

5) TEMPORARY TOILET

The shopping center toilet facilities will not be available for contractors use. Contact the LANDLORD for temporary toilet locations.

CONSTRUCTION REQUIREMENTS

The following Rules govern TENANT'S construction on LANDLORD'S property. All references to "CONTRACTOR" shall mean the GENERAL CONTRACTOR or the TENANT if acting as its own contractor.

1) ON-SITE DOCUMENTS

The CONTRACTOR will keep the following documents on-site and accessible at all times during construction:

- A) LANDLORD approved TENANT drawings. The CONTRACTOR will build from ONE set of drawings by adding any Building Department comments into the LANDLORD'S approved set. This set of drawings will be primary working drawings and displayed at alltimes during construction.
- B) A complete set of building department permitted (stamped) drawings.
- C) LANDLORD'S construction manual. An illustrated manual depicting the LANDLORD'S "do's and do not's" for TENANT construction.

2) CONCRETE

Prior approval must be obtained from LANDLORD prior to penetrating any structural or structurally reinforced concrete. Concrete must be saw-cut or core-drilled (no jack-hammering or breaking of concrete is permitted).

Important! Buildings E and H have post tension slabs in the decks above and a special criteria has been posted for this on Landlord's Buzzsaw site. Strict adherence to this procedure will be required.

3) PROTECTION OF PROPERTY

The CONTRACTOR shall be responsible for protecting the LANDLORD'S and any other party's property from damage.

4) FIRE EXTINGUISHERS

The CONTRACTOR shall provide adequate fire extinguishers within the premises, tagged for date of inspection, while under construction.

5) SITE ACCESS AND PARKING

The CONTRACTOR shall be responsible to ensure that all construction employees working in the premises use the designated parking areas. There will be no construction trailers allowed on the property. Parking will not be permitted in any of the driveways, fire lanes, and truck docks except for temporary loading and unloading, as approved by the LANDLORD.

6) DELIVERY OF MATERIALS

The TENANT'S delivery address is the same as TENANT'S address.

The CONTRACTOR shall be responsible to coordinate all materials deliveries to the premises, whether for construction, fixturing or merchandising, in accordance to LANDLORD'S traffic control plan. All deliveries shall be made through the rear door of the premises either via the adjacent service corridor or truck dock area. Contact the LANDLORD prior to the delivery of materials and equipment which are too large to enter through the rear door of the Premises. Where there is no rear door to access space, all deliveries, trash removal, etc., must be coordinated as directed by the LANDLORD.

7) WORK AREA AND STORAGE

The CONTRACTOR'S work area will be restricted to TENANT'S leased premises. Service and fire corridors and truck docks shall be kept clear of all materials, equipment, debris and trash at all times.

8) SECURITY AND AFTER HOURS WORK

The CONTRACTOR is required to adhere to LANDLORD'S Security protocols at all times. The CONTRACTOR must receive the prior permission of the LANDLORD for work between 6:00 pm and 7:00 am and on weekends.

9) LANDLORD INSPECTIONS

The TENANT'S construction work will be observed periodically by the LANDLORD to verify that the work is being constructed as approved by the LANDLORD. All work not in conformance with LANDLORD'S approved Tenant drawings must be immediately corrected at CONTRACTOR'S expense.

10) SAFETY

The CONTRACTOR shall be responsible to ensure that all work is performed in accordance with O.S.H.A. standards. The LANDLORD may, without any liability therefore, stop work that is in violation of O.S.H.A. standards or which may, in the LANDLORD'S opinion, cause injury or harm to persons or property.

CONTRACTOR must obtain a written permit from the LANDLORD'S REPRESENTATIVE prior to any "hot" work (e.g. welding, soldering, torch-work, etc.) It shall be the duty and responsibility of the CONTRACTOR performing any cutting or welding to comply with the safety provisions of the National Fire Protection Association's National Fire Codes pertaining to such work and the CONTRACTOR shall be responsible for all damages resulting from failure to so comply. Use of fuel operated engines inside the building or close to any operating building fresh air intakes will not be permitted.

11) BELOW GRADE CONSTRUCTION

Prior to beginning any below grade construction work, the CONTRACTOR must meet with the LANDLORD to review the locations of any underground utility services that may be located in the premises. Any Below Grade construction must be inspected by LANDLORD prior to backfilling.

12) INTERRUPTION OF UTILITIES

The CONTRACTOR must receive the LANDLORD approval at least three (3) business days prior to any modification of utility services that may temporarily interrupt such service to other tenants or the shopping center.

13) TRASH REMOVAL AND DUMPSTER

All trash will be confined to the premises and removed at the end of each day by the CONTRACTOR. Any trash found in the service corridors, adjacent tenant units, and/or other public areas will be removed by the LANDLORD and the cost for same charged to the CONTRACTOR, plus a \$150 violation fee per first occurrence.

The location of the dumpsters will be determined by the LANDLORD.

LANDLORD'S compactors are not to be used by CONTRACTOR.

14) SPRINKLER DRAIN-DOWN

Tenant's CONTRACTOR shall contact Landlord's Field Tenant Coordinator for sprinkler drain-downs.

15) ROOF AND BUILDING MODIFICATIONS

Roofing penetrations require advance approval by the Landlord. All work including structural supports, curbing and flashing shall be installed in accordance with Landlord's Standard Project Details. All roof work including cutting of the roof shall be performed by the LANDLORD'S roofing contractor under contract to CONTRACTOR and at CONTRACTOR'S expense.

16) ROOF PROTECTION BOARDS

Roof protection boards shall be installed around any roof top HVAC equipment by the LANDLORD'S roofing contractor under contract to the CONTRACTOR at CONTRACTOR'S expense.

OPENING

OPENING REQUIREMENTS

1) PRE-GRAND OPENING WEEK AND WEEKEND CONST. RULES

In preparation for the Grand Opening events the following general rules will apply for all Tenant construction. More specific details will be issued in a field bulletin closer to opening.

Pre-Grand Opening Week:

1. All exterior construction must be completed by the end of the business day two days prior to Grand Opening Date.
2. Interior construction, fixturing and merchandising can continue inside Tenant space until the evening prior to the Grand Opening date. All deliveries must be through the rear corridor unless approved and coordinated with the on-site Tenant Coordinator.

Grand Opening Week:

1. There will be no construction permitted on site Friday through Sunday. Construction can resume Monday at 6:00 am.
2. Contact the on-site Tenant Coordinator for new rules and regulations for construction in an open Mall.

2) PUNCH LIST

Upon completion of construction and a minimum of three (2) days PRIOR to opening, the CONTRACTOR shall request that the LANDLORD conduct a final observation and compile a punch list. The premises will be allowed to open for business only after the items have been satisfactorily completed. TENANT'S construction deposit may be used by LANDLORD to correct said items if they still remain uncorrected 30 days after opening.

3) DOCUMENTS

The following Certificates/Documents shall be submitted to the LANDLORD prior to opening:

- A) Certificate of Occupancy
- B) Business License
- C) Certified Tenant Air Balance Report
- D) Health Permit (if applicable)
- E) Punch List
- F) Liquor License, if applicable

POST - OPENING

The CONTRACTOR will be required to submit the following items to LANDLORD'S REPRESENTATIVE within 30 days of store opening (forms are available from the LANDLORD).

- A) An original notarized "GENERAL CONTRACTOR'S Affidavit and Final Waiver of Lien"
- B) The original signed and notarized "Subcontractor's Affidavit and Waiver of Lien" for each CONTRACTOR with contracts over \$2,500.00.

UTILITIES

Contact the following utility company representatives for information concerning local installation requirements, application for service, billing procedures, etc.

GAS SERVICE:

Gas service is available for use by restaurants only.

Gas service is provided by LANDLORD. If a meter is required per LANDLORD'S approval on TENANT'S mechanical drawing, install in accordance with Landlord criteria.

Company: **National Grid**
Telephone: (978) 322-3626
Contact: Jessica Canada
Email: jessica.canada@nationalgrid.com

ELECTRIC SERVICE:

This is customer direct utility.

Service provider is:
Eversource, (800) 340-9822

WATER SERVICE:

Water service is redistribution by LANDLORD

TELEPHONE SERVICE:

Company: **Granite**
Telephone: (617) 804-4514
Contact: **David LaBrie**
DLaBrie@granitenet.com

CABLE SERVICE:

Call Mall Management for options

REQUIRED CONTRACTORS

FIRE PROTECTION CONTRACTOR

Simon Property Group prefers Tenants to use Johnson Controls for all of Tenant's sprinkler work. At the time of bidding, each tenant or tenant general contractor should call Johnson Controls Representative to obtain direction for pricing and scheduling.

Fire Sprinkler Contractor
Joshua Silva
Johnson Controls
(401) 651-7300
Joshua.silvia@jci.com

Fire Alarm Final Contractor
Tom Tosto
All Pro Electric
Senior Project Manager
Cell: (978) 423-6633
Office: (978) 469-0100

Frank Averill
Averill Electric CO.
Mobile: (781) 844-8102
Direct: (781) 815-1873
faverill@averillelectric.com

Electrical Tie-in to LL Equipment

Bobby Bealeau
A Phase Electric
(978) 851-4984

BMS Equipment Purchase/Connection

N/A

Flushing Chilled Water Lines

N/A

Roofing Contractor

Any and all roof work must be completed by the LANDLORD'S approved roofing contractor(s). Contact the following for pricing and scheduling:

Brian Young
Tecta America
(978) 436-9990

Preferred Vendors

Planning Expeditor:
Melissa M Cushing
Riemer | Braustein LLP
d: 617-880-3548
MCushing@riemertlaw.com

TENANT COORDINATION

CONTACT INFO

For questions regarding site access, storefront & architectural criteria, engineering design, delivery dates, construction rules & regulations, the scope of Landlord's and Tenant's work and store opening requirements, please contact your Tenant Coordinator, Kristen Harris (978.977.6351 | Kristen.harris@simon.com) for assistance.

PRE-CONSTRUCTION MEETING DRAWING

TENANT'S ARCHITECT MUST INCLUDE THIS DRAWING FOR PERMITTING AND BIDDING. LOCATE DRAWING IMMEDIATELY BEHIND TITLE SHEET.

TENANT'S ARCHITECT TITLE BLOCK