

EQUIPMENT AND/OR MATERIAL USE AGREEMENT



WHEREAS, **Clancy & Theys Construction Company** has furnished for its own use and convenience, tools, equipment and material, in connection with work performed or to be performed at the _____ project;

WHEREAS, _____ (Contractor) desires to use such tools, equipment and/or said materials, performing certain work at said location;

NOW, THEREFORE, in consideration of the premises and of the undertakings of the contractor hereinafter stated, **Clancy & Theys Construction Company** hereby consents to said use by the subcontractor of such tools, equipment and/or other materials, at the convenience of **Clancy & Theys Construction Company**, subject to all of the following terms and agreements:

- (1) _____ (Contractor), agrees to indemnify and hold harmless **Clancy & Theys Construction Company** for loss, damage and expense because of injury to the person or property of the parties hereto and their employees, and to the person or property of any other person or corporation arising out of the existence, maintenance or use of said tools, equipment and/or other materials by the contractor.
- (2) The Contractor further agrees (A) to insure the liability assumed in paragraph (1) above, in a reliable and acceptable insurance company, and (B) to maintain insurance in such an insurance company providing the contractor with Workers' Compensation and Public Liability Insurance on the operations of the contractor at the premises described above and will furnish to **Clancy & Theys Construction Company** certificates to that effect.
- (3) **Clancy & Theys Construction Company** does not guarantee the safety or suitability of any said tools, equipment and/or other materials for the purpose of the contractor.
- (4) *The Subcontractor agrees to provide all necessary and/or required safety and operational training for each operator/user before initial use. Proof of training is required prior to the use of listed items below and shall be submitted to the C&T Project Superintendent.*

IN WITNESS WHEREOF, **Clancy & Theys Construction Company** and Subcontractor have executed this instrument this _____ day of _____, 2_____

Subcontractor (Contractor)

Clancy & Theys Construction Company

By _____
(Authorized Representative)

By _____
(Authorized Representative)

Specific tool(s), equipment, or material(s) to be used by said Subcontractor, including ID/Serial #:
