

NATIONAL MAINTENANCE AGREEMENTS POLICY COMMITTEE, INC.

1501 Lee Highway, Suite 202
Arlington, Virginia 22209
Phone: (703) 841-9707

Impartial Secretary/CEO
Daniel M. Hogan

The following constitutes an official action of the National Maintenance Agreements Policy Committee, Inc.:

Bulletin No. V – 2 * National Maintenance Agreement

Subject: Article V – Subcontracting

Construction Manager Letter of Understanding

The Committee was requested to provide an understanding on the application of Construction Managers as they pertain to the National Maintenance Agreements.

Conclusion

The Committee concluded that a Construction Manager is an entity that does not direct hire craft manpower but rather acts as an agent of an owner/client by way of, but not limited to, letting contracts and/or directing subcontractors for work performed under the National Maintenance Agreements. The Committee further concluded that in those instances where an entity is acting as an agent of the owner/client then the attached Letter of Understanding - Construction Manager Participation form shall apply and may be obtained through the administrative office of the NMAPC, Inc. or at www.nmapc.org.

The NMAPC Impartial Secretary/CEO will consider fully executing the aforementioned form only after it has been submitted to the NMAPC administrative office along with a detailed description of the applicable scope of work. A \$2,000.00 fee is applied to each executed Letter of Understanding - Construction Manager Participation form that a company signs, with the exception of any company that is currently a Governing member of The Association of Union Constructors (TAUC).

Finally, the Committee encourages all entities submitting an NMAPC Letter of Understanding – Construction Manager Participation form also consider requesting that the NMAPC designate the scope of work in question as a “Yellow Card Project”. The “Yellow Card Project” designation process is outlined in NMAPC Policy Decision – Bulletin IV-6, entitled “Work Scope Determination Process for Application of the National Maintenance Agreement”, and should be submitted in conjunction with the Construction Manager Participation form.

Daniel M. Hogan
Impartial Secretary/CEO



October 20, 2021

APPROVED

Re: NMAPC Meeting of 10-20-21
NMAPC Meeting of 7-20-16
NMAPC Meeting of 4-21-16



NATIONAL MAINTENANCE AGREEMENTS POLICY COMMITTEE, INC.

1501 Lee Highway, Suite 202 • Arlington, Virginia 22209-1145
T: 703.841.9707 • F: 703.524.3364 • www.nmapc.org

Daniel M. Hogan
Impartial Secretary/CEO

Letter of Understanding - Construction Manager Participation

The undersigned, as Construction Manager, recognizes and understands that Owner and Contractor participation in the National Maintenance Agreements Program is predicated on the principles espoused by the National Maintenance Agreements Policy Committee, Inc. (“**NMAPC**”) which include economy, efficiency and harmonious labor relations.

The undersigned acknowledges its responsibility to ensure that contractors and their subcontractors working on the following project (print Owner Name, Project Name, City and State): _____ have applied for and are in possession of the appropriate National Maintenance Agreement(s) with permission by the appropriate International Union(s), at the time work is awarded, for their use at the project, as required in **Article XXVII-Administrative Procedures** of the Agreement(s).

*** (Please attach on separate letterhead a detailed description of the scope of work to be covered as a “Yellow Card Project” request per NMAPC Policy Decision IV-6)**

The undersigned agrees to monitor the performance of signatory contractors working at the project to ensure that each Contractor/Subcontractor is operating under the terms and conditions of the National Maintenance Agreement(s).

The undersigned agrees that it will not cause or require any Contractor/Subcontractor to perform work or operate in a manner which is not in compliance with the terms of the National Maintenance Agreement(s) or the policies and decisions of the NMAPC, including any decision or award rendered pursuant to **Article VI-Grievances** of the Agreement(s). If in a Step 4 proceeding under **Article VI** of a National Maintenance Agreement it comes to the attention of the NMAPC that the Construction Manager may have violated its duties or obligations under this paragraph, the undersigned agrees that the alleged violation may be heard by the NMAPC under the procedures of **Article VI of the National Maintenance Agreement(s)** beginning at Step 4, and that any finding and/or award by the NMAPC will be final and binding upon the Construction Manager as well as the Contractor/Subcontractor.

It is further agreed that the undersigned will facilitate and ensure that all Contractors/Subcontractors conduct pre-job conferences as stipulated in Article I, Section 3, as well as Article XXVII, Section 1 of the National Maintenance Agreement(s), and report all work hours performed under the National Maintenance Agreement(s) on a quarterly basis as stipulated in Article XXVI, Section 1 of the National Maintenance Agreement(s).

It is understood that any questions regarding the application, interpretation, and modification of the National Maintenance Agreement(s) and the policies and procedures of the National Maintenance Agreements Program will be submitted to the NMAPC for proper determination, as required in **Article XXVII-Administrative Procedures** of the Agreement(s).

Signed this _____ day of _____ on behalf of:

Accepted:

(Construction Manager)

(Address)

By: _____
(Sign Name)

(Print Name and Title)

Daniel M. Hogan
Impartial Secretary/CEO
NMAPC, Inc.

Phone: _____ Email: _____

Date: _____

Fax: _____ Date: _____