



# LEWIS AND CLARK COUNTY

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## Public Works Department

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**REQUEST FOR QUALIFICATIONS**  
**From Engineers for Public Works Road Projects**  
**Questions/Answers**  
**February 10, 2024**

1. **Q:** *Can the County confirm the indemnification language (Section 12) in the contract is in alignment with State Statute 28-2-2111 for professional liability insurance?*
  - A. Montana Code Annotated § 28-2-2111 disallows a contract requiring one party to defend the other party for the other party's negligence, recklessness, or intentional misconduct. The language in Provision 12 is limited to a consultant's actions; the waiver relates to any claim or recourse against the county for actions of the consultant and an agreement to indemnify the county for any actions of the consultant by a third party.