

CONDITIONS AND DISCLAIMER FOR USE OF REPORT

Bidder has requested that it be permitted to examine the **Subsurface Exploration and Geotechnical Data Report Proposed SAWS Western Extension B Project (December 18, 2010)** and the **Subsurface Exploration and Geotechnical Data Report Proposed SAWS Western Extension B Project Additional Borings (April 15, 2012)** (the "Reports"), prepared solely for the San Antonio Water Systems ("SAWS") by its design engineering consultant, CAS Consulting & Services, Inc. for use in design of this project, the **W-31 IH-10 Boerne Stage to Old Fredericksburg Rd.** SAWS Job Number 09-2502 (the "Project.") SAWS will permit Bidder to view the Reports conditioned on the following:

- The Report shall not be considered a part of the Contract Documents as defined in the Contract for the Project and does not supplement, amend or in any way change or alter any of the bid requirements or provisions for the Project;
- SAWS makes no representation and expressly disclaims any representation that the Report represents all conditions that exist or that Bidder may encounter on the Project;
- SAWS is providing the Report to Bidder for informational purposes only and not for purposes of Bidder using or relying on this information in preparing its costs for performing the work and Bidder agrees and reaffirms that Bidder is solely responsible for determining all site conditions that may affect the work on the Project;
- Bidder understands and agrees that the Report is not to be relied on by the Bidder in determining means or methods for performing the work on the Project;
- Bidder agrees and expressly understands that the Report may not represent all conditions that Bidder may encounter during performance of the work on the Project and that the Report is indicative of only those locations where tests were performed or observations were made and conditions may vary greatly at other locations on the Project and Bidder is responsible for determining such actual conditions;
- Bidder agrees that it will not rely upon the Report in any manner whatsoever in connection with preparing its bid/proposal, the contract to construct the work, or in the performance of the work on the Project;
- Bidder expressly agrees that they shall not utilize or assert the Report for purposes of asserting a claim for additional costs in the performance of the work due to a changed condition on the Project;
- SAWS is providing the information to Bidder for its use only and SAWS prohibits the unauthorized reproduction or sale of the Report;
- The Report may not under any circumstances, be copied, reproduced, or published in any form or media, or transferred to another without the prior written permission of SAWS.

If Bidder agrees to these conditions please so indicate by signing the below.

AGREED TO:

Printed Name

Authorized Agent Signature

Typed/Printed Firm Name

Date: _____