

CONDITIONS AND DISCLAIMER FOR USE OF AS BUILTS

Bidder has requested that it be permitted to examine the Alamo Heights Interceptor Main and Olmos Creek Interceptor Sanitary Sewer As Builts (the "As Builts"), prepared solely for the City of San Antonio and provided to the San Antonio Water System ("SAWS"). The As Builts are being provided to Bidders upon request for the Olmos Basin Central Watershed Sewer Relief Line (C-3) Sewer Rehabilitation at the University of the Incarnate Work, SAWS Job Number 08-2512 (the "Project.") SAWS will permit Bidder to view the As Builts conditioned on the following:

- The As Builts 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 As Builts represents all conditions that exist or that Bidder may encounter on the Project;
- SAWS is providing the As Builts 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 As Builts 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 As Builts may not represent all conditions that Bidder may encounter during performance of the work on the Project and that the As Builts 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 As Builts in any manner whatsoever in connection with preparing its bid, 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 As Builts 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 As Builts;
- The As Builts 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: _____