



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Request and Waiver for Release of Electronic Files

Project Name: _____

Company: _____

Name of Requestor (Printed): _____

Title*: _____

E-mail Address for files: _____

I, the undersigned, hereby request electronic AutoCAD files associated with the above-named project. By signing this "request and waiver for release of electronic files", I acknowledge and agree, on behalf of the above-named Company, that:

- 1) said electronic files are furnished solely for the convenience of the above-named Project; and,
- 2) said electronic files are not considered part of the contract documents; and,
- 3) no representation or warranty is or has been made by County or by its agents, officers, employees, or consultants, either express or implied, with regard to the accuracy or suitability of said electronic files for any purpose whatsoever; and,
- 4) any use whatsoever of said electronic files, by the Company or by any of its sub-consultants or others to whom it may provide said electronic files, will be at the sole risk of the above-named Company.

Signature: _____

Date: _____

* For this request to be considered, this document must be signed by an individual authorized to incur obligations on behalf of the Company.

PROVOST&PRITCHARD CONSULTING GROUP

455 W Fir Ave • Clovis, CA 93611 • (559) 449-2700
www.provostandpritchard.com

RE: **Electronic File Transfer for County of Fresno Elkhorn Recharge Project**

Per your request, we will provide electronic files for your convenience and use, subject to the following terms and conditions:

Electronic files are **only** provided in the current version of software we are using. We make no representation as to the compatibility of these files with your hardware or software. Data contained on these electronic files are part of our instruments of service to you and shall not be used by you or anyone else receiving this data through or from you for any purpose other than as a convenience in the Fresno County Elkhorn Recharge Basin project. Any other use by you or by others will be at your sole risk and without liability or legal exposure to us. You agree to make no claim and hereby waive, to the fullest extent permitted by law, any claim or cause of action of any nature against us, our officers, directors, employees, agents or sub consultants that may arise out of or in connections with your use of the electronic files.

Furthermore, you shall, to the fullest extent permitted by law, indemnify and hold the County of Fresno and Provost & Pritchard Consulting Group harmless against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising out of or resulting from your use of these electronic files.

These electronic files were developed as an instrument of service. Differences may exist between these electronic files and corresponding signed final documents. We make no representation regarding the accuracy or completeness of the electronic files you receive. In the event that a conflict arises between the electronic files and the signed and sealed document then the signed hard copy or electronically viewable documents (such as PDFs) shall govern. You are responsible for determining if any conflict exists. By your use of these electronic files, you are not relieved of any responsibilities with the use of the electronic files, including, and without limitation to, the need to check, confirm and coordinate all dimensions and details, take field measurements, and verify field conditions.

Because information presented on the electronic files can be modified, unintentionally or otherwise, we reserve the right to remove all indicia of ownership and/or involvement from each electronic display. We will furnish you the following electronic files:

139723004-Sur-Topo.dwg	->	Original Topo drawing
EG.xml	->	Existing Topo Surface Data
REF-EXST-Topo-P&P.dwg	->	Existing Topographic Background Map
REF-PROP-Site.dwg	->	Proposed Base Map drawing
MOD-FG.dwg	->	Proposed Surface drawing
MOD-FG-ADD-ALT-D1-BASIN-R1.dwg	->	Extra Proposed Surfaces for Phasing -> No LandXML provided
FG-Base Bid-Complete.xml	->	Proposed Surface Data
FG-Basin-Ultimate.xml	->	Proposed Surface Data
FG-Channel.xml	->	Proposed Surface Data

Under no circumstances shall delivery of the electronic files for use by you be deemed a sale by us, and we make no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall we be liable for any loss or profit or any consequential damages as a result of your use or reuse of these electronic files.

Signature below acknowledges acceptance of above terms and conditions:

Third Party Recipient

Date