

DOCUMENT 00 2100

ACCESS, INDEMNITY AND RELEASE AGREEMENT

Dated _____

POTENTIAL DESIGN-BUILD TEAM: _____

OWNER: CITY OF SANTA CLARITA

SITE: South / East corner of 9th Street and Railroad Avenue

PROJECT: **City of Santa Clarita Parking Structure - Old Town Newhall**

In consideration of the above-referenced Owner's permitting the undersigned potential Design-Build Team to have access to, and to conduct investigations, tests and/or inspections on the Site ("access"), and effective upon such access, Design-Build Team hereby agrees as follows:

- 1.01** To the greatest extent permitted by law, including without limitation California Civil Code Section 2782, Design-Build Team hereby releases, and shall defend, indemnify, and hold harmless Owner, and its officers, employees, consultants, representatives, and agents, and all other parties having any other interest in the Site, against any claim or liability, including attorneys' fees, arising from or relating to any Site-related access, investigation, test, inspection and/or other activity conducted by Design-Build Team or any of Design-Build Team's officers, employees, consultants, representatives, and/or agents, regardless of whether claim or liability is caused in part by the negligence of Owner or by any released and indemnified party.
- 1.02** Design-Build Team hereby waives the provisions of California Civil Code Section 1542, which provides as follows:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.
- 1.03** Design-Build Team shall repair any damage to the Site or adjacent property resulting from activities authorized hereunder, and comply with and be subject to all other requirements and obligations described or referenced in Document 00 3132 (Geotechnical Data and Existing Conditions).
- 1.04** Attached hereto (or to be delivered separately before Design-Build Team's visit to the Site) is a certificate for comprehensive general liability insurance satisfying the requirements of Document 00 7253 (General Conditions).

1.05 Although this Access, Indemnity and Release Agreement is not a Contract Document (see Document 00 5200 [Agreement]), it shall be fully effective and binding regardless of whether Design-Build Team submits a Proposal for the subject Project, is awarded a contract for the Project, or otherwise.

Design-Build Team: _____

By: _____
Signature

By: _____
Signature

Its: _____
Title (If Corporation: Chairman, President or Vice President)

Its: _____
Title (If Corporation: Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer)

END OF DOCUMENT