
	<p><b>Atacama Pathfinder EXperiment</b></p> <hr/> <p><b>Contractor Waiver and Release Agreement</b></p>	<p>APEX- APX- PRO-0004</p> <p>Revision: 1.0</p> <p>Release: 2004-08-17</p> <p>Category: 1</p> <p>Author: L.-A. Nyman</p>
---	---	--

# APEX Contractor Waiver and Release Agreement

L.-A. Nyman  
APEX Station Manager


APEX - European Southern Observatory

<p><b><u>Keywords:</u></b></p> <p style="text-align: center;">Safety, Contractor, Waiver</p>	
<p>Author Signature:</p>	<p>Date: 2004.08.03</p>
<p>Approved by: Prof. Dr. K. Menten</p> <p>Institute: Chairman of the APEX Board</p>	<p>Signature:</p> <p>Date: 2004.09.27</p>
<p>Released by: R. Güsten</p> <p>Institute: APEX Project Manager</p>	<p>Signature:</p> <p>Date: 2004.08.17</p>
<p><b><u>Distribution:</u></b></p> <p>Institute: APEX Council</p> <p>Institute: APEX Project Team</p> <p>Institute: APEX Partner Institutes</p> <p>Institute:</p> <p>Institute:</p>	

	<h1>Atacama Pathfinder EXperiment</h1> <hr/> <h2>Contractor Waiver and Release Agreement</h2>	<p>APEX- APX- PRO-0004</p> <p>Revision: 1.0</p> <p>Release: 2004-08-17</p> <p>Category: 1</p> <p>Author: L.-A. Nyman</p>
---	---	--

### Change Record


REVISION	DATE	AUTHOR	SECTIONS/PAGES AFFECTED	REMARKS
0.0	05.05.04	L.-A. Nyman	New issue	
0.1	14.07.04	R. Kurz	all	Edited for APEX
0.2	27.07.04	S. Berrington	all	
0.3	03.08.04	R. Kurz	All	More editing
1.0	27.09.04			approval of R0.3 by Board

	<h1>Atacama Pathfinder EXperiment</h1> <hr/> <h2>Contractor Waiver and Release Agreement</h2>	<p>APEX- APX- PRO-0004</p> <p>Revision: 1.0</p> <p>Release: 2004-08-17</p> <p>Category: 1</p> <p>Author: L.-A. Nyman</p>
---	---	--

### Purpose

The purpose of this document is to provide a Waiver and Release Agreement to be signed by contractors working at the ALMA/APEX Site in Chile (the San Pedro Base or Chajnantor).

Signing this **Waiver and Release Agreement** acknowledges that you fully understand that you are entering a closed, private area at high altitude, which has risk and can be potentially fatal. Your signature acknowledges that you are doing so **totally and entirely at your own risk**. You are assuring by your signature that you are doing so **without any recourse** (by you, your heirs or assigns), and are waiving all rights to any recourse to APEX, the legal responsible, or APEX representative or other entity referred to in the Waiver and Release Agreement.

	<h1>Atacama Pathfinder EXperiment</h1> <h2>Contractor Waiver and Release Agreement</h2>	<p>APEX- APX- PRO-0004</p> <p>Revision: 1.0</p> <p>Release: 2004-08-17</p> <p>Category: 1</p> <p>Author: L.-A. Nyman</p>
---	---	--

### Waiver and Release Agreement

I \_\_\_\_\_ (please print your name in capital letters) hereby acknowledge and agree that in consideration of being permitted to carry out work (strictly in accordance with the agreed statement of work) at the following locations in Chile as defined in the attached ALMA/APEX Site Map: the APEX Base at Sequitor, the ALMA Operations Support Facility, the ALMA Array Operations Site, including the APEX Telescope, and the interconnecting roads and highways (collectively referred to as the "ALMA/APEX Site") on activities organized, operated or authorized by APEX:

1. I do hereby waive, release and forever discharge APEX, its partner organizations (Max-Planck-Institut für Radioastronomie, European Southern Observatory, Onsala Space Observatory, and Ruhr-Universität Bochum-Astronomisches Institut), their governing bodies, officers, staff, independent contractors and agents or representatives, the Associated Universities Inc., Radioastronomy Chajnator Ltd. or their successors in title and all others (collectively referred to as the "Released Entities") from any and all responsibilities of liability for injuries or damages with regard to any claims resulting directly or indirectly from my involvement or presence in any activities or the use of equipment, tools, etc. at the ALMA/APEX Site.

2. I do also hereby release and agree to indemnify the Released Entities and any others acting on their behalf from any responsibility or liability for any injury or damage to myself, including those caused by the negligent act or omission of any of the Released Entities or others acting on their behalf or in any way arising out of or connected with, my preparation for, or participation in, the activities at the ALMA/APEX Site.

3. I hereby declare that I have read and understood the High Altitude Fact Sheet (which is not an exhaustive list of symptoms/illnesses caused by high altitude) being attached hereto which is an integral part of the Waiver and Release Form.

4. I understand and am aware that:


a) visiting a high altitude site and participating in activities at high altitude can be dangerous and can expose participants to many risks or hazards, some of which are described in the attached High Altitude Fact Sheet. Some of these risks are inherent in the very nature of the area and high altitude. Others may result from human error and negligence on the part of the persons involved in preparing, organizing and staging activities;

b) as a result of the aforesaid risks and hazards, I, as a contractor, may suffer serious personal injury, even death, as well as property loss;

c) some of the aforesaid risks and hazards are foreseeable, but others are not.

5. While acknowledging the risks described in Clause 4 above, I nevertheless freely and voluntarily decided to assume and accept the aforesaid risks and hazards, and do hereby assume all responsibility for my participation in all activities at the ALMA/APEX Site, i.e. such participation will take place entirely at my own risk.

6. Any question, difference, dispute or claim arising out of or in connection with this Contractor Waiver and Release Agreement shall be settled by negotiations between the Contractor and the Released Entities. Failing reaching an amicable settlement within 30 days after first conferring, the Contractor and the Released Entities hereby agree that all disputes arising out of or in connection with the present agreement shall be finally settled under the Rules of Arbitration of the Internatio-

	<h2>Atacama Pathfinder EXperiment</h2> <h3>Contractor Waiver and Release Agreement</h3>	<p>APEX- APX- PRO-0004</p> <p>Revision: 1.0</p> <p>Release: 2004-08-17</p> <p>Category: 1</p> <p>Author: L.-A. Nyman</p>
---	---	--

nal Chamber of Commerce by one or more arbitrators appointed in accordance with the said Rules.

7. For the purposes of the arbitration referred to in Article 6, it shall be assumed that Chilean law applies.
8. I have carefully read this Waiver and Release Agreement, and I fully understand the same. I am freely and voluntarily executing the same on behalf of myself and my heirs, my executors, administrators, personal representatives and assigns.
9. In the event of any injury or illness, I hereby authorize APEX staff or their designees to seek and provide such emergency or medical services as may be deemed necessary at the time.

CONTRACTOR'S Employee SIGNATURE \_\_\_\_\_

CONTRACTOR Name \_\_\_\_\_

DATE \_\_\_\_\_

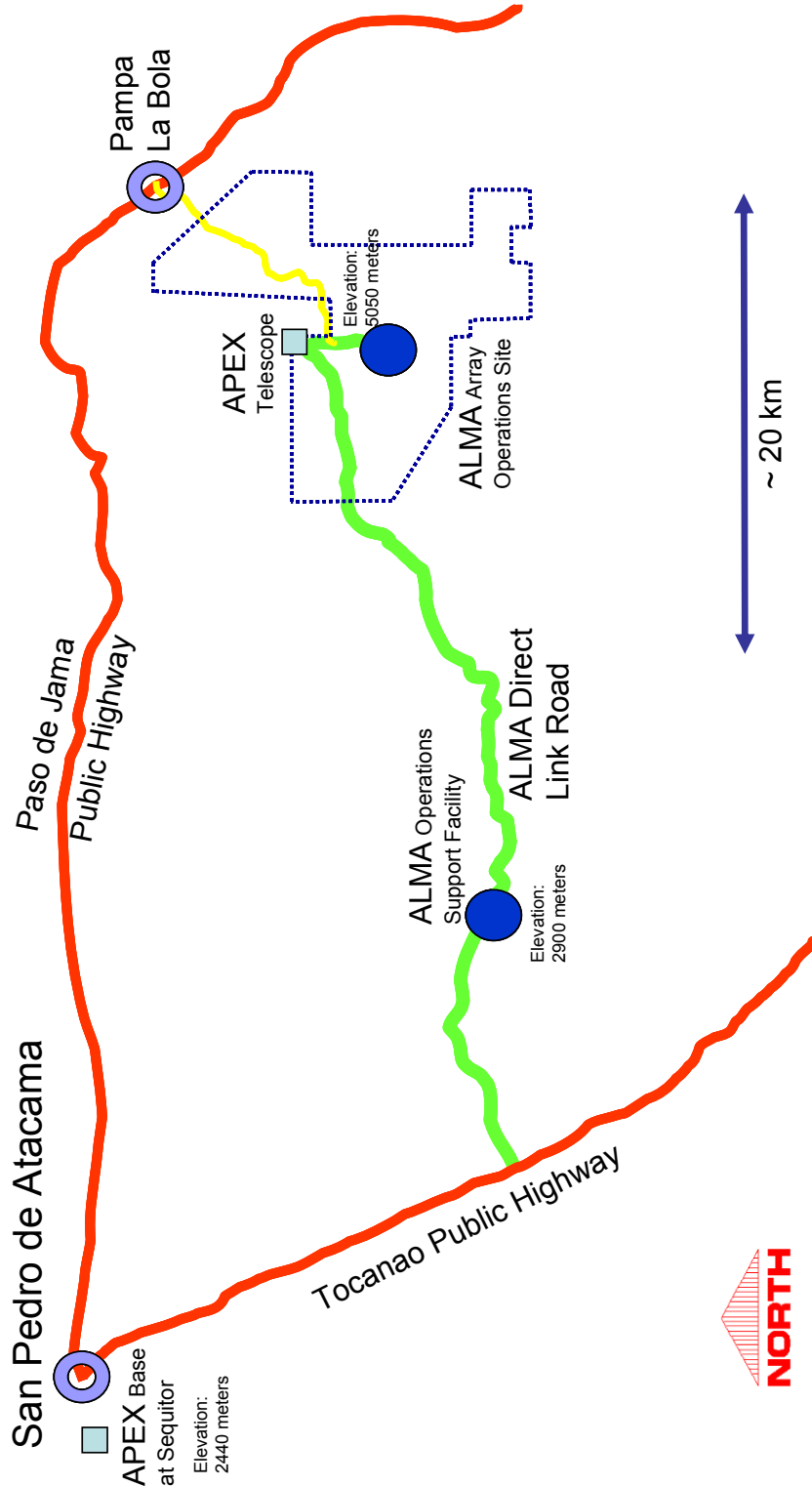



# Atacama Pathfinder EXperiment

## Contractor Waiver and Release Agreement

APEX- APX- PRO-0004  
 Revision: 1.0  
 Release: 2004-08-17  
 Category: 1  
 Author: L.-A. Nyman

**ALMA/APEX Site Map**



	<h1>Atacama Pathfinder EXperiment</h1> <h2>Contractor Waiver and Release Agreement</h2>	<p>APEX- APX- PRO-0004</p> <p>Revision: 1.0</p> <p>Release: 2004-08-17</p> <p>Category: 1</p> <p>Author: L.-A. Nyman</p>
---	---	--

### High Altitude Fact Sheet

***There are inherent risks in traveling at high altitude. This text is designed for general information only, and is not a substitute for specific training or experience and does not constitute a clinical document.***

When visiting the ALMA/APEX site, which is located at an elevation of 5000 meters (16,500 feet), you should be prepared to recognize and respond to the symptoms of altitude illness caused by the lower level of oxygen available at high altitudes.

#### Types and Symptoms of Altitude Illness

The symptoms of **Acute Mountain Sickness (AMS)** may include one or many of the following:

- headache
- insomnia
- irritability
- dizziness
- muscle aches
- fatigue
- loss of appetite
- nausea or vomiting
- swelling of the face, hands and feet

If you experience mild AMS symptoms, please inform APEX personnel immediately and limit your activity level. If appropriate for your medical status, aspirin or ibuprofen can be used for headache. If symptoms become worse during the visit, it is very important to descend until you begin to improve.


**High Altitude Cerebral Edema (HACE)** can be thought of as a worsening of AMS symptoms, with the addition of changes in consciousness and/or a loss of coordination as intracranial pressure increases. Those affected may appear confused and begin to stumble or stagger. They can have severe headaches and incapacitating fatigue. This is a dangerous form of altitude illness. It is crucial for the victim to descend and receive drug and oxygen treatment. Watch each other for symptoms, since victims may be unable to grasp the problem. People who have experienced HACE should not visit the high site.

**High Altitude Pulmonary Edema (HAPE)** is a buildup of fluid in the lungs that can occur along with HACE or as a separate illness. Those affected will be breathless and very tired when walking, and have a sense of fullness or pressure in the chest. Eventually victims will be short of breath even while resting. Victims must be guided back down and receive drug and oxygen treatment as soon as their illness is recognized as HAPE.

Consult your health care provider or travel medicine specialist for specific recommendations about prevention and treatment.

#### Prevention

The human body can adjust to changes in altitude by the process called acclimatization. Each person has their own "acclimatization altitude". Below it you probably won't experience altitude illness, but going above it causes symptoms to begin.

	<h1>Atacama Pathfinder EXperiment</h1> <hr/> <h2>Contractor Waiver and Release Agreement</h2>	<p>APEX- APX- PRO-0004</p> <p>Revision: 1.0</p> <p>Release: 2004-08-17</p> <p>Category: 1</p> <p>Author: L.-A. Nyman</p>
---	---	--

The simplest way to avoid or reduce the symptoms of altitude illness is to *ascend slowly* (less than 2500 m altitude gain per hour) to give your body time to become accustomed to changes in oxygen concentration. It's also important to increase your fluid intake to counteract symptoms of dehydration induced by dry mountain air and increased respiratory rate. Sufficient bottled water should be carried. Spending a night at the altitude of San Pedro de Atacama (2400 m or 8000 ft) may also help your body adjust.

### Recommendations

Prior to your visit inform your health care provider that you plan to travel to an altitude of 5000 meters and request an examination or consultation to get their advice and recommendations.

Symptoms of altitude illness occur during ascent, not descent. If you or a member of your party becomes ill during ascent, you should always assume the problem is due to altitude illness and act accordingly.

Avoid using alcohol or any unnecessary medications, since their effects may be increased at high altitudes. Sleeping pills, tranquilizers and narcotic-based pain relievers, in particular, can cause serious problems at high altitudes because they can decrease breathing rate. Consult your health care provider about any medications you plan to bring with you.

### Health Conditions

There is a good chance that those who have had altitude illness once will have it again at high altitudes. If you have had altitude problems previously, if you have heart or lung problems, or if you are planning to go to extremely high altitudes, consult your health care provider to discuss your options for prevention and treatment of illness. We want your visit to be safe and pleasant.

Further information can be found on the ESO web page – Work at High Altitude, which is located at: [http://www.eso.org/safety/high\\_alt.html](http://www.eso.org/safety/high_alt.html)