

**THE PORT AUTHORITY OF NY & NJ**

**PROCUREMENT DEPARTMENT  
2 MONTGOMERY STREET, 3<sup>RD</sup> FL.  
JERSEY CITY, NJ 07302**

3/20/2013

ADDENDUM # 1

To prospective Bidder(s) on Bid # 32527 to Supply and Deliver Natural Loam Soil to John F. Kennedy International Airport - Two-Year Requirements Contract

Due back on 3/22/2013, no later than 11:00AM

**I. BIDDER'S QUESTIONS AND ANSWERS**

The following information is available in response to questions submitted by prospective Bidders. The responses should not be deemed to answer all questions, which have been submitted by Bidders to the Port Authority. It addresses only those questions, which the Port Authority has deemed to require additional information and/or clarification. The fact that information has not been supplied with respect to any questions asked by a Bidders does not mean or imply, nor should it be deemed to mean or imply, any meaning, construction, or implication with respect to the terms.

The Port Authority makes no representations, warranties or guarantees that the information contained herein is accurate, complete or timely or that such information accurately represents the conditions that would be encountered during the performance of the Contract. The furnishing of such information by the Port Authority shall not create or be deemed to create any obligation or liability upon it for any reason whatsoever and each Bidder, by submitting its Bid, expressly agrees that it has not relied upon the foregoing information, and that it shall not hold the Port Authority liable or responsible therefor in any manner whatsoever. Accordingly, nothing contained herein and no representation, statement or promise, of the Port Authority, its Commissioners, officers, agents, representatives, or employees, oral or in writing, shall impair or limit the effect of the warranties of the Bidder required by this Bid or Contract and the Bidder agrees that it shall not hold the Port Authority liable or responsible therefore in any manner whatsoever.

The Questions and Answers numbering sequence will be continued sequentially in any forthcoming Addenda that may be issued.

<b>Question # 1</b>	What is the current contract price for Natural Loam Soil at JFK?
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PS11A11

<b><i>Answer # 1</i></b>	For informational purposes, attached is the pricing from the current Soil Contract.

This communication should be initialed by you and annexed to your Bid upon submission.

In case any Bidder fails to conform to these instructions, its Bid will nevertheless be construed as though this communication had been so physically annexed and initialed.

THE PORT AUTHORITY OF NY & NJ

KATHY LESLIE WHELAN, MANAGER  
COMMODITIES AND SERVICES DIVISION

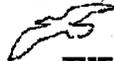
BIDDER'S FIRM NAME: \_\_\_\_\_

INITIALED: \_\_\_\_\_

DATE: \_\_\_\_\_

QUESTIONS CONCERNING THIS ADDENDUM MAY BE ADDRESSED TO  
LUZ SANTANA, WHO CAN BE REACHED AT (201) 395-3449 or at  
LSANTANA@panynj.gov.

No change or addition to the terms of this purchase order shall be valid unless in writing and signed by the party to be charged; acceptance by the vendor is limited to the terms contained in this purchase order; and the agreement between the parties formed by this purchase order and the acceptance of the vendor may not be supplemented by course of dealing or usage of trade or by course of performance. *Send invoice showing our PO number and vendor number to the Disbursements Section, Accounting Division, 1 PATH Plaza, JERSEY CITY, NJ 07306.*



**THE PORT AUTHORITY OF NY & NJ**

1 Madison Avenue, 7th Floor, New York NY 10010

Vendor No. 102166

ATLAS ROLL-OFF CORPORATION

ATTN: ABIGAIL MORALES

895 ESSEX STREET

BROOKLYN NY 11208

Telephone# (718) 345-6452

Fax# (718) 345-0086

Your person responsible JENNIFER LANGAN

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PO Number/Date

4500062555 / 07/21/2011

**PURCHASE ORDER**

Our fax number

212-435-3925

Deliver to Address:

John F Kennedy International Airport

Building No. 14 - Stockroom

Jamaica NY 11430

Deliver to this address unless a different address is shown below.

Recipient: D. POVEROMO

Unloading Pt: JFK

Notice: Unless otherwise provided, complete shipment of all items must be made in one delivery. Payments will not be made on partial deliveries unless authorized in advance by the party to be charged and discount will be taken on total order. Ship no goods C.O.D. or transportation charges collect, unless otherwise specified.

Payt. terms: Net 30 Days

Quantity	Description	Unit Price	Total
	<p>Supply and Deliver approximately 1,000 yards of Natural Loam Topsoil on an as needed basis for a two (2) year period to John F. Kennedy International Airport. Contract to commence on July 21, 2011.</p> <p>See attached document entitled "Requirements Contract" (5 pages) which applies to this RFQ and it will become part of contract.</p> <p>Price per RFQ #6000102783 dated 7/5/2011 and signed by Jennifer Langan of Atlas Roll-Off Corp.</p> <p>The sample provided for evaluation prior to award contained soil that is marginally out of spec for the following categories: pH, Organic Matter, % Sand and % Silt.</p> <p>However, a recommended conditional approval of this soil was granted based on this test, as long as future delivered soil does not exceed the levels of the test analysis dated July 20, 2011 provided by the Rutgers Soil Testing Laboratory. Attached is a copy of the test results from Rutgers Laboratory.</p> <p>Furthermore, from time to time samples will be taken</p>		

Sales to the Port Authority, as an instrumentality of the states of New York and New Jersey, are exempt from taxation, in those two states, and from federal taxation, including excise taxes. Certificate of Registry for tax-free transactions under Chapter 32 of the Internal Revenue Code No. 13-730079K. The vendor therefore certifies that there are no such taxes included in the prices shown hereon. The vendor shall retain a copy of the purchase order to substantiate the exempt sales.

For Director,  
Procurement Department

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Vendor No. 102166

PO Number/Date

ATLAS ROLL-OFF CORPORATION

4500062555 / 07/21/2011

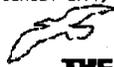
BROOKLYN NY 11208

Quantity	Description	Unit Price	Total
1,000 YD3	<p>from future deliveries to ensure that the parameters for the delivered soil meet the Specification Section 02921 - Screened Loam Soil.</p> <p>Questions regarding this contract should be addressed to the Contract Administrator, Dean Poveromo at 718-244-3622 or dpaveromo@panynj.gov.</p> <p>two year top soil contract Rel. ord. against contract 4600008727 Item 00010</p> <p><b>SPECIFICATIONS:</b></p> <p>Topsoil shall be natural loam topsoil, free from subsoil and weeds obtained from an area, which has never been stripped or treated with an herbicide and from a depth of no more than one (1) foot, or less of subsoil is encountered.</p> <p>1. It shall be of uniform quality, free from hard clods, stiff clay, hard pan, sods, partially disintegrated stone, lime, cement, ashes, slag, concrete, tar residues, tarred paper, boards, chips, sticks or any other undesirable material.</p> <p>2. It shall contain at least five (5) percent organic matter as determined by loss of ignition or moisture-free samples dried in accordance with the current method of the Association of Official Analytical Chemists and the activity range shall be pH 5.0 to pH 7.0 inclusive</p> <p>3. The soluble salts range shall be equal to or less than 1500 microhos per centimeter.</p>	24.49	24,490.00

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**For Director,  
Procurement Department**

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**THE PORT AUTHORITY OF NY & NJ**

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4500062555 / 07/21/2011

BROOKLYN NY 11208

Quantity	Description	Unit Price	Total															
	<p>4. The samples taken shall be in accordance with Article 2.02 QUALITY ASSURANCE and will be tested as follows: Sieve Analysis (By Wash Test. ASTM Destination d-1140)</p> <table border="0"> <tr> <td>PASSING</td> <td>RETAINED ON</td> <td>PERCENTAGE</td> </tr> <tr> <td>1"</td> <td></td> <td>99%</td> </tr> <tr> <td>1"</td> <td>Screen 1/4" Screen (gravel)</td> <td>5%</td> </tr> <tr> <td>1/4"</td> <td>No.100 U.S.S. mesh sieve (sand)</td> <td>40-60%</td> </tr> <tr> <td></td> <td>No.100 U.S. (Very fine sand, silt and clay)</td> <td>20%</td> </tr> </table> <p>Definitions of sand, silt and clay shall be those used by the Association of Official Analytical Chemists.</p> <p>5. When the topsoil otherwise complies with the requirements of the specification but show a deficiency of not more than one (1) percent in organic matter content, humus, peat moss or other approved organic matter may be incorporated when and as permitted by the Manager or his /her representative.</p> <p>Deliv. date 07/21/2011</p> <p>Freight Terms FOB Delivery Point, Freight Incl. Contact person/Telephone Luz Santana/212-435-3949</p>	PASSING	RETAINED ON	PERCENTAGE	1"		99%	1"	Screen 1/4" Screen (gravel)	5%	1/4"	No.100 U.S.S. mesh sieve (sand)	40-60%		No.100 U.S. (Very fine sand, silt and clay)	20%		
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**Total Delivered Price In USD**

**24,490.00**

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For Director,  
Procurement Department

## TERMS AND CONDITIONS

1. To be valid, this purchase order must be signed by the Director of Procurement of the Port Authority (PA), or her designee.
2. Unless otherwise provided, complete shipment of all items must be in one delivery, FOB delivery point, freight included. Payment will not be made on partial deliveries unless authorized in advance by the party to be charged and the discount, if any, will be taken on the total order.
3. Standard PA payment terms are net 30 days, unless otherwise stated.
4. Sales to the PA and to Port Authority Trans-Hudson (PATH) are currently exempt from New York and New Jersey State and local taxes and generally from federal taxation. The seller certifies that there are no federal, state, municipal or any other sales taxes included in the prices shown hereon.
5. Unless the phrase "No substitute" is indicated, bidder may offer alternate manufacturer/brands, which shall be subject to Port Authority Approval. Please indicate details of product being offered with bid.
6. If the vendor fails to perform in accordance with the terms of this purchase order, the PA may obtain the goods or services from another contractor and charge the seller the difference in price, if any, plus a reletting cost of \$100, plus any other damages to the PA.
7. The vendor may subcontract the services including using a supplier for the furnishing of materials required hereunder, to such persons or entities as the Manager, Purchasing Services may from time to time expressly approve in writing. All further subcontracting shall also be subject to such approval.
8. Upon request, vendors are encouraged to extend the terms and conditions of this agreement with the PA to other government and quasi-government entities by separate agreement.
9. If the vendor's office set forth herein is not located in the states of New York or New Jersey, this agreement shall be construed in accordance with the laws of the State of New York, not including conflict of law provisions.
10. All notices in connection with this agreement shall be sent by the vendor to the Port Authority of NY & NJ, Manager, Purchasing Services Division, One Madison Ave. - 7th floor, New York, New York 10010.
11. The vendor shall not issue nor permit to be issued any press release, advertisement, or literature of any kind, which refers to the Port Authority or to the fact that goods have been, are being or will be provided to it and/or that services have been, are being or will be performed for it in connection with this Agreement, unless the vendor first obtains the written approval of the Port Authority. Such approval may be withheld if for any reason the Port Authority believes that the publication of such information would be harmful to the public interest or is in any way undesirable.