

# **THE PORT AUTHORITY OF NY & NJ**

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

6/25/2013

## **ADDENDUM # 2**

To prospective Bidder(s) on Bid # 32610 for Rail Car Floats for New York New Jersey Rail

Due back on 7/19/2013, no later than 11:00AM

### **I. CHANGES/MODIFICATIONS**

#### **Part III, Contract Specific Terms and Conditions:**

**Delete** Exhibit C, Buy America Certification and **Replace** with attached Exhibit C, Buy America Certification

### **II. 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 therefor in any manner whatsoever.

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

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| <b>Question #1</b> | <p>We have a question on the Buy American Certification (page 44 of the bid document), which refers to “49 U.S.C. 5323(j)(1) and the applicable regulations in 49 CFR Part 661.5.”</p> <p>Does this Buy American requirement pertain to only the materials (i.e. steel, iron, etc.), or to both the materials and the manufactured product? That is, must the car floats be produced in the USA?</p> |
| <b>Answer #2</b>   | <p>Refer to Part I, Standard Information for Bidders, Section 3, Buy America, to 23 USC 313 and 23 CFR 635.410 for the Buy America requirements.</p>   |

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 & SERVICES DIVISION

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

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

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

QUESTIONS CONCERNING THIS ADDENDUM MAY BE ADDRESSED TO EMILY BAXTER, WHO CAN BE REACHED AT (201) 395-3421 or at ebaxter@panynj.gov.

**EXHIBIT C**

**BUY AMERICA CERTIFICATION**

The undersigned Bidder hereby certifies on behalf of itself and all contractors (at all tiers) the following:

- A. Bidder certifies compliance with the statutory provisions of 23 U.S.C. 313 and with the Federal Highway Administration ("FHWA") Buy America Regulatory Requirements of 23 CFR 635.410.
  
- B. A false certification is a criminal act in violation of 18 U.S.C. 1001.

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

SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

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