

**THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY  
TWO MONTGOMERY STREET - 1st FLOOR  
JERSEY CITY, NJ 07302**

February 5, 2018

**ADDENDUM NO. 3**

**TO PROSPECTIVE BIDDERS ON CONTRACT AKO-284.051 - OUTERBRIDGE  
CROSSING - MAIN SPAN PIER AND FENDER UPGRADES**

The following changes are hereby made in the Contract Documents for the subject Contract.

This communication should be physically annexed to back cover of the book and initialled by each bidder before submitting his bid.

In case any bidder fails to conform to these instructions, his Proposal will nevertheless be construed as though this communication had been so physically annexed and initialled.

CHANGES IN THE CONTRACT BOOKLET

Page 1- In the second line of the first paragraph, change the date for receipt of Bids to "March 8, 2018".

Pages 4 through 6- Delete these pages in their entireties and substitute therefor new pages that are attached hereto and made a part hereof.

**THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY**

James Starace, P.E.  
Chief Engineer/Director

INITIALLED BY THE BIDDER:

---

- E. The Form of Contract bound herewith, with the bidder's Lump Sum inserted in the clause thereof entitled "General Agreement". The amount must be given both in figures and in writing and, in case of discrepancy, the writing shall control. One copy of each addendum, if any, issued during the bidding period shall be initialed and attached to the Bid, but any Bid submitted without such addendum initialed and attached will nevertheless be construed as though such addendum had been initialed and attached.
- F. The bidder's analysis of bid filled in on the form furnished herewith. The Contractor will be required to furnish a more detailed analysis of bid at a later date in accordance with the requirements of the Section of Division 1 of the Specifications referring to the Detailed Analysis of Bid.
- G. Form PA 4254 "Compliance Certification: Vendor" furnished herewith, required by the clause of the "Form of Contract" entitled "Code of Ethics for Port Authority Vendors".

#### **4. QUALIFICATION INFORMATION**

- A. Each bidder shall submit with his Bid 6 (six) hard copies and 1 (one) flash drive of the information requested in B. below. This information shall be presented in an organized fashion in 8-1/2 inch by 11 inch bound volumes. Each copy shall be reproducible. The information shall be categorized and sub-categorized in exact accordance with the following paragraphs. The bound volumes shall include tabs for quick reference to the various sections described below.
- B. The bidder must demonstrate to the satisfaction of the Authority that it, or the entity performing the applicable work, meets the minimum requirements stated in B.1., B.2 and B.3 below to the satisfaction of the Chief Engineer. If the bidder cannot demonstrate that it, or the entity performing the applicable work, meets all of the below mentioned qualifications, then the bidder may, with others, satisfy the requirements by forming a joint venture and demonstrate that the joint venture itself, or any of its participants individually, meet the requirements.
  - 1.) A minimum of ten (10) years of continuous experience as a general contractor, specifically in contracts of comparable size, type and complexity.
  - 2.) Completed or substantially completed at least two (2) contracts of similar size, type and complexity.
  - 3.) The bidder's Project Manager and Superintendent must each have a minimum of ten (10) years construction experience on contracts comparable in size, type and complexity.
- C. At any time after the opening of Bids, the Chief Engineer may give oral or written notice to one or more bidders to attend a pre-award meeting and to furnish the Authority with information relating to his qualifications to perform the Work, including the following, which information shall be furnished within seven (7) days thereafter:
  - 1.) The bidders MBE/WBE Participation Plan and Affirmation Statement submitted on the form annexed hereto as Schedule A (see the clause hereof entitled "Minority and Women's Business Enterprises Program") and a detailed list of the plant and equipment which the bidder proposes to use, indicating which portions it already possesses.

- 2.) Detailed information relating to work which the bidder has completed for others, including personal and corporate references, sufficient to the Authority to determine the bidder's responsibility, experience and capacity to perform the Work. If required by the Chief Engineer, the foregoing information shall include information to demonstrate to the satisfaction of the Chief Engineer that the bidder has within the past five years been a contractor on at least one contract of the same general type, extent and complexity as the contract on which the Bid has been submitted, and completed the work skillfully, in a satisfactory manner and on time.
- 3.) Information to supplement a) data shown in the financial statements and the statement of work on hand required to be submitted with the Bid; and b) any statement submitted under the clauses hereof entitled "Certification of No Investigation (Criminal or Civil Anti-Trust), Indictment, Conviction, Suspension, Debarment, Disqualification, Prequalification Denial or Termination, Etc.; Disclosure of Other Required Information", "Certification of Participation in a State-Registered or United States Department of Labor-Registered Apprenticeship Program" or "Non-Collusive Bidding and Code of Ethics Certification; Certification of No Solicitation Based on Commission, Percentage, Brokerage, Contingent Fee or Other Fee".
- 4.) Moreover, in the event that the bidder's performance on a past Port Authority or PATH contract or contracts has been rated less than satisfactory (e.g., received a Performance Evaluation rating of Marginal or Unsatisfactory) within three years prior to submission of his Bid, the Chief Engineer, or his or her designee, may request the bidder furnish information demonstrating to the satisfaction of the Chief Engineer, or his or her designee, that, notwithstanding such rating, the root cause of the adverse performance has been identified and definitively corrected or the circumstances giving rise to the rating have changed and will not reoccur.
- 5.) If the bidder has performed a contract for the States of New York or New Jersey, or any governmental entity within such States and has filed a questionnaire or other document required to be submitted in order for the bidder to qualify to perform the contract, the bidder may be requested by the Chief Engineer to submit the most recent completed questionnaire or other such document, or if the most recent completed questionnaire or other such document is not available, to submit a written statement indicating the approximate date of the contract and the name of the governmental entity which awarded them the contract.
- 6.) Any additional information relevant to the bidder's Bid including information to supplement the bidder's initial analysis of bid.
- 7.) Detailed information in writing setting forth the affirmative action which the bidder proposes to take to ensure equal employment opportunities as required by clause A of the clause of the Form of Contract entitled "No Discrimination in Employment". This action which for the purpose of convenience is referred to as an "Affirmative Action Program", shall be in addition to the action required under clauses B through G thereof. Solely for the information of the bidder and without in any way limiting or defining the affirmative action program to be proposed by the bidder, there are available for inspection in the office of the Director, Office of Business Diversity and Civil Rights of the Port Authority of New York and New Jersey, copies of sample affirmative action programs.

In the event that any of the foregoing in C. above is requested and is not furnished within seven days thereafter or within such additional time as the Chief Engineer, in his sole discretion, may allow, the Authority may not be in a position to determine whether the bidder is qualified, whether the bidder understands the requirements of the contract or whether the bid is responsive and may, in its sole discretion, reject the bidder's Bid.

In the event that the Chief Engineer or his or her designee finds, in his or her sole discretion, that the bidder has not satisfactorily demonstrated that the circumstances surrounding a Marginal or Unsatisfactory Performance Evaluation rating have been successfully mitigated, the Authority may determine that award to the bidder is not in the best interest of the Authority and may, in its sole discretion, remove the bidder from consideration for award. In making such a determination, the Chief Engineer or his or her designee may initiate a hearing at which time the Contractor will have to demonstrate to a committee of Port Authority staff that the circumstances leading to the Marginal or Unsatisfactory Performance Evaluation rating have been mitigated and that the factors that led to the rating are no longer applicable. The determination of the Chief Engineer or his or her designee will be conclusive.

The giving of such notice to the bidder in connection with any of the foregoing lists, statement or information shall not be construed as an acceptance of his Bid. However, the Authority reserves the right in its sole and absolute discretion, to accept the Bid of a bidder despite the fact that said bidder has not submitted any information, list or statement required pursuant to this Section within the above-stated time period.

## **5. ACCEPTANCE OR REJECTION OF BID**

Within ninety (90) days after the opening of the Bids, the Authority will accept one of the Bids, if it accepts any.

The acceptance of a Bid will be only by mailing to or delivering at the office designated in the Bid a notice in writing specifically indicating acceptance signed by an authorized representative on behalf of the Authority who is at present the Authority's Chief Procurement Officer. No other act of the Authority, its Commissioners, officers, agents, or employees shall constitute acceptance of a Bid. Such notice will state whether or not the Authority elects to require the bidder to furnish a Performance and Payment Bond. Rejection of a Bid will be only by either (a) a notice in writing specifically stating that the Bid is rejected, signed by an authorized representative on behalf of the Authority who is at present the Authority's Chief Procurement Officer and mailed to or delivered at the office designated in the Bid or (b) omission of the Authority to accept a Bid within ninety (90) days after the opening of Bids; and no other act of the Authority, its Commissioners, officers, agents or employees shall constitute rejection of a Bid, including any counter offer or other act of the Authority, its Commissioners, officers, agents or employees.

The Authority reserves the unqualified right, in its sole and absolute discretion, to reject all Bids or to accept that Bid if any, which in its judgment will under all the circumstances best serve the public interest and to waive defects in any Bid.

In the event that a successful bidder defaults upon the Contract by failing to furnish a satisfactory Performance and Payment Bond, if required, and the Authority terminates the Contract, the Authority reserves the option to accept the Bid of any other bidder within ninety (90) days after the opening of Bids, in which case such acceptance shall have the same effect as to such other bidder as though he were the originally successful bidder.