

**THE PORT AUTHORITY TRANS-HUDSON CORPORATION (PATH)  
REQUEST TO QUALIFY (“RTQ”)**

**FOR**

**RTQ #43924 – PATH - TUNNELS E AND F BETWEEN EXCHANGE PLACE  
AND WORLD TRADE CENTER – INFRASTRUCTURE REPAIRS –  
CONTRACT NO. PAT-650**

**December 2016**

**I. INTRODUCTION**

The Port Authority of New York and New Jersey (the “Port Authority” or the “Authority”) is a body corporate and politic created by the States of New York and New Jersey with the consent of the Congress of the United States. The Port Authority, together with its wholly-owned subsidiaries, including the Port Authority Trans-Hudson Corporation (“PATH”), provides the region with integrated transportation and trade services and operates facilities in connection therewith, including, but not limited to, five major regional airports, four bridges and two tunnels that serve interstate traffic, a bus terminal, a bus station, the PATH rapid transit system, the Hoboken-lower Manhattan ferry service, the World Trade Center site and certain New York-New Jersey port facilities.

The Port Authority will be accepting bids for PAT-650 – Tunnels E&F Between Exchange Place and World Trade Center – Infrastructure Repairs (hereinafter referred to as “Bid”) following a 2 Step Bid process as follows:

- Step (1): Interested firms must respond to this RTQ in order to qualify to receive bid documents for PAT-650; and
- Step (2): Firms who are determined to meet the qualifications outlined in this RTQ will be invited to submit bids for PAT-650.

Please note that the submission of qualifications under the referenced RTQ shall remain open throughout the solicitation period. Firms will be qualified on a rolling, ongoing basis up until the bid due date. Issuance of the bid documents are currently contemplated to be on or about February 2017. At which time, the Port Authority of New York and New Jersey anticipates releasing bid documents to the qualified list.

**Firms are encouraged to submit their qualification information early, as the evaluation process and security screening process may take time, and may result in a delay to receipt of bid documents.**

Contracts awarded as a result of this RTQ may be funded in whole or in part by the Federal Transit Administration (“FTA”). Accordingly, all Contractors must comply with the applicable provisions set forth in the Bid Documents, which will be provided to all prequalified bidders.

## **II. PROJECT DESCRIPTION**

PATH wishes to receive bids from qualified firms for Contract No. PAT-650 – Tunnels E and F Between Exchange Place and World Trade Center – Infrastructure Repairs. It is anticipated, but not guaranteed, that work required under the Contract may include, but may not necessarily be limited to, the following:

### **A. Electrical, Signal and Communications – Removal and replacement of the following:**

- a. High Voltage Feeders (15kV AC, 27 kV AC) and Inter-tripping cable
- b. Traction Power Feeders (650V DC) and Negative Return cables
- c. Cable splicing
- d. Track Circuit Breakers and Disconnect Switches
- f. Low Voltage Electrical (277 V/480 V) (panel boards, UPS, transformers)
- g. Lighting (tunnel lighting fixtures)
- h. Impedance bonds
- i. Signal cabling and equipment
- j. Communications – Radio, Multi-Pair Copper and Fiber Optic cables
- k. Corrosion Control System

### **B. Track Equipment – Removal and replacement of the following:**

- a. Running rail
- b. Contact Rail
- c. Rail clips, base plates, pads and anchor bolts
- c. Brackets and Insulators
- d. Cover board
- e. Guardrail system

### **C. Tunnel Work Hours:**

12:01 AM Saturday to 11:59 PM Sunday, 35 weekends per year. The weekends may not necessarily be consecutive, and the number of weekends will be prorated for any partial calendar year occurring during the Contract with 48 hours per weekend for a tunnel outage.

**Work performed under this Contract shall be compliant with Federal Railroad Administration (FRA) requirements.**

#### **D. Estimated Total Contract Costs**

For information purposes only, PATH estimates that the total value of work required to be performed under the Contract will be in the range of \$150 Million to \$250 Million. The award of this Contract will be made at the discretion of PATH with the approval of the Board of Commissioners of the Port Authority of New York and New Jersey.

#### **E. Anticipated Contract Schedule**

It is presently anticipated, but not guaranteed, that bid documents may be available to pre-qualified bidders on or about February 2017. It is anticipated that the Work under the Contract shall be completed as noted in the estimated Milestone Schedule below, which is based on a single tunnel closure for 35 weekends per calendar year. PATH may direct the contractor to accelerate the schedule assuming additional tunnel closures and or track time becomes available:

<u>Project Milestone</u>	<u>Timeline</u>
<u>Notice of Award</u>	<u>September 2017</u>
<u>Tunnel Availability Begins - Single tunnel closure for 35 weekends per calendar year</u>	<u>1<sup>st</sup> Quarter 2018</u>
<u>Completion of Work in Tunnels E between Ex. Place and WTC</u>	<u>1<sup>st</sup> Quarter 2021</u>
<u>Completion of Work in Tunnels F between Exchange Place and WTC</u>	<u>1<sup>st</sup> Quarter 2024</u>
<u>Substantial Completion</u>	<u>1<sup>st</sup> Quarter 2025</u>
<u>Final Completion</u>	<u>1<sup>st</sup> Quarter 2026</u>

#### **F. DBE Participation**

The Contract resulting from this RTQ is subject to the United States Department of Transportation Regulations on Disadvantaged Business Enterprises (DBEs) contained in Part 26 of Title 49 of the Code of Federal Regulations. The Port Authority's Office of Business Diversity and Civil Rights will set DBE

participation goals for this Contract. Only qualified and certified DBE firms will be counted towards meeting the goals.

### **III. SUBMITTAL INSTRUCTIONS AND CONTENT**

#### **A. Requirements**

To be considered for pre-qualification, the Respondent must demonstrate to the satisfaction of the Chief Engineer of the Authority that it meets the minimum requirements of the RTQ as stated in Paragraphs III A.1 and III. A.2 below. Company brochures alone shall not be submitted for the purpose of demonstrating experience and technical expertise. Submittals must be tailored to the specific requirements of this RTQ.

If the Respondent cannot demonstrate that it meets all of the below mentioned qualifications and criteria, then the Respondent may, with others, form a joint venture and request that the joint venture be pre-qualified as set forth in Paragraph III.B.5 below.

#### **1. Minimum Requirements of the Firm**

- a) The firm must have a minimum of ten (10) years of construction experience as a Prime or General Contractor.
- b) The firm shall have completed (or substantially completed) as a Prime or General contractor at least one (1) contract of comparable type, size and complexity to that described in Paragraph II. Each Contract submitted must include experiences as indicated in Paragraph II. The work must have been completed skillfully in a satisfactory manner, performing work to active train tracks, tunnels and stations, electrical substations, restrictive work hours and construction staging conditions. Such conditions shall include, but are not limited to, no construction activities being permitted during peak hour conditions.
- c) The firm, or joint-venture, must utilize its own work forces to perform a minimum of 50% of the total scope of work as described in Paragraph II.A.
- d) The firm may also qualify if, during the time period stated above, the firm (or persons or entities owning and controlling the firm) have satisfactorily performed, as persons or entities owning and controlling another firm, and completed services of scope similar to that required under this Contract. The work must have been completed skillfully in a satisfactory manner and on time.
- e) A firm may satisfy the requirements of Paragraph II.B above through a proposed subcontractor, which will operate under its supervision, coordination and control. The qualifications for said subcontractor shall be submitted with this RTQ response. In the event of an award, the Contractor will be required to enter into a contract with each of the subcontractor(s) identified and found qualified in this RTQ response, unless the Port Authority approves a substitute.

**2. Minimum Qualifications of the Project Manager and Superintendent:**

The firm's Project Manager and Superintendent must have a minimum of ten (10) years of construction experience on contracts comparable in size, type and complexity to that outlined in Paragraph II. The Superintendent must have work experience in an active railroad environment. Firm shall submit resumes for staff proposed to perform these roles.

**B. Submittals**

The following items must be submitted in order to be considered for qualification:

**1. Attachments**

In order to expedite the evaluation of the qualification information furnished, the Respondent must complete and submit the attached documents. Responses that fail to adhere to this requirement may be excluded from consideration. The following attachments are incorporated herein and must be submitted:

A. **Contractor's Qualification Statement**

B. **Agreement on Terms of Discussion**

C. **Non-Disclosure and Confidentiality Agreement** (Click [HERE](#) to download NDA form and [HERE](#) to download Instructions)

**2. Performance and Payment Bond**

The Contractor, upon award, will be required to obtain and provide a Performance Bond and Payment Bond for the total Bid amount from a surety company whose name appears on the current list of the Treasury Department of the United States as acceptable as a surety upon federal contracts.

A letter from the surety company confirming your firm's ability to be bonded must be submitted with your response to this RTQ.

**3. Experience Modification Rate**

The Respondent must submit a copy of its Experience Modification Rate (EMR) as a measure of the Respondent's safety record. If the rate exceeds 1.2, a written explanation shall be provided. The Authority reserves the right to reject any firm with an EMR exceeding 1.2.

#### **4. Required Licenses/Certifications**

The Contractor and/or proposed sub-contractors must have all required New York and New Jersey certifications and/or licenses to perform the work in accordance with applicable codes, rules and regulations. Contractor must proof of this with the RTQ response.

#### **5. Joint Ventures**

PATH will entertain requests for prequalification from joint ventures. If a joint venture is pre-qualified, or if two or more entities separately pre-qualified elect to submit a bid as a joint venture, all participants in the joint venture shall be bound jointly and severally and each participant shall execute the Bid. If the Respondent cannot demonstrate that it meets all of the required qualifications, then the Respondent may, with others, form a joint venture and request that the joint venture be deemed the Respondent (i.e., members of the joint venture may meet the qualification requirements collectively.)

#### **6. Proof of Information Security Controls**

##### (a) Designation of Security Information Manager

The pre-qualified firms (and the awarded Contractors) may require access to Port Authority Confidential or Confidential and Privileged Security Information. Confidential and Privileged Security Information is information belonging to the Port Authority that, if it were subject to unauthorized access, modification, loss or misuse could seriously damage the Port Authority, public safety, or homeland security. Protecting this sensitive information requires the application of uniform safeguarding measures to prevent unauthorized disclosure and to control any authorized disclosure of this information within the Port Authority or when released by the Port Authority to outside entities. These procedures are identified in the Port Authority's "Information Security Handbook". Respondents may obtain a copy of the Information Security Handbook from the Port Authority's website:

**<http://www.panynj.gov/business-opportunities/pdf/Corporate-Information-Security-Handbook.pdf>**

The Information Security Handbook requires that certain criteria be met prior to being granted access to Confidential Information. Generally, an individual must be a U.S. Citizen, or be an alien who has been lawfully admitted for permanent residency or employment (indicated by immigration status), as evidenced by Immigration and Naturalization Service documentation, or be a national of the United States as defined by the Immigration and Nationality Act. This requirement may be waived in exceptional circumstances and contractors should refer to § 3.2 of the Information Security Handbook for details on this policy and the process

for waiver. An individual may also be required to undergo background screening prior to being approved for receipt of certain information. As of January 29, 2007, the Secure Worker Access Consortium (S.W.A.C.) is the only Port Authority approved provider to be used to conduct background screening and personal identity verification, except as otherwise required by federal law and/or regulation (such as the Transportation Worker Identification Credential for personnel performing in secure areas at Maritime facilities). Information about S.W.A.C., instructions, corporate enrollment, online applications, and location of processing centers can be found at:

<http://www.secureworker.com>

S.W.A.C. may be contacted directly at (877) 522-7922 for more information.

Individuals may also be required to be attend an Information Security Awareness and Education training session. This training has been offered in the past, is offered from time to time and, if determined to be appropriate for this solicitation, will be offered again to the Pre-Qualified firms at a time and location to be determined at a later date.

Each Respondent, and each participant in a joint venture, if a joint venture is a Respondent, shall designate **at least one** Security Information Manager (“**SIM**”) responsible for identifying members of their team who will need electronic access to documents (generally, via Livelink) and for ensuring that those members have passed the requisite background checks and have completed the requisite Livelink access forms. SIMs shall be required to maintain their firm’s Livelink user account access list. In addition, the SIM shall identify an individual who will be trained by the Port Authority in the use of Livelink and that individual will subsequently be responsible for training the Respondent’s team.

For each SIM, please submit the following information:

- (1) Full legal name
- (2) Title
- (3) Physical address
- (4) Email address
- (5) Phone number and fax number and
- (6) Proof that the SIM has been issued a SWAC credential. \*

\* If your firm’s designated SIM has been issued a SWAC credential, submit a copy of the face of the SWAC card with your response. While firms are not required to have a SIM with SWAC at the time of RTQ submission, you are highly encouraged to do so. Firms may be asked to

supplement their responses to provide proof of issuance of a SWAC credential after they are notified of their Pre-Qualification determination.

(b) Checklist for Project Team

You must submit a Microsoft spreadsheet showing the status, at the time of the RTQ submission, of your firm’s team for this project with respect to information security requirements. The spreadsheet must list all persons at your firm that may require access to Port Authority Confidential or Confidential and Privileged Information, and must set forth their status as to whether they have (1) undergone Port Authority Information Security Training; (2) executed a Port Authority Non-Disclosure Agreement (“NDA”); (3) executed a Port Authority Exhibit A to a NDA; (4) executed an Exhibit B to the NDA; and (5) been issued a SWAC credential, if required.

Example Spreadsheet Illustration:

Name	Trained	NDA	Exhibit A (to NDA)	Exhibit B (to NDA)	SWAC
Jason Jones (Principal, C.E.O.)		1/31/2013	1/31/2013		
Noah Jacobs (Estimator)	2/12/2013		1/13/2013		Yes
Rodney Manning (SIM)	1/12/2013		1/12/2013		Yes
Franklyn Benjamin, P.E. (Subcontractor)	2/12/2013			2/15/2013	

**7. Non-Disclosure Agreement**

By submitting your firm’s pre-qualifications to PATH in accordance with this RTQ, your firm acknowledges and understands that if your firm becomes pre-qualified under this RTQ, it shall be required to execute a Non-Disclosure and Confidentiality Agreement prior to receiving any Confidential or Confidential and Privileged documents in accordance with the issuance of bid documents.

**8. Background Qualification Questionnaire Package**

The Port Authority has implemented a Project Corruption Prevention Program (“PCPP”) for this Project. One of the components of the PCPP is contractor and vendor screening, designed to ensure that, in addition to demonstrated records of quality performance and solid financial capacities, firms awarded contracts for work on PATH Projects possess high ethical standards and records of law abiding conduct. Screening is performed through the use of a background qualification questionnaire package (“BQQP”). This solicitation requires Respondents to complete and submit a BQQP as part of their RTQ. In addition, Respondents will also be required to ensure that their respective subcontractors, subconsultants and vendors, of all tiers, also complete and submit BQQPs.

The BQQP document may be downloaded at:

**IV. SUBMISSION INSTRUCTIONS**

**Respondents must clearly indicate the RTQ# and Title:**

**RTQ #43924 - PORT AUTHORITY TRANS-HUDSON- TUNNELS E AND F BETWEEN EXCHANGE PLACE AND WORLD TRADE CENTER – INFRASTRUCTURE REPAIRS – CONTRACT PAT-650**

**on the outside of any package or document submitted in connection with this RTQ.**

1. The Respondent shall submit seven hard copies of the required qualification information and seven electronic copies in CD-Rom or flash drive format.

**Submissions will be accepted on an ongoing basis, until the bid due date.**

**A. PLEASE NOTE THE FOLLOWING-**

All responses must be delivered in sealed envelopes and/or packages.

**PLEASE READ THE FOLLOWING DELIVERY REQUIREMENTS CAREFULLY. Respondents assume all responsibility for delays or problems in delivery.**

Submissions will be received at:

The Port Authority of New York and New Jersey  
Attention: Proposal Custodian  
Procurement Department  
4 World Trade Center, 150 Greenwich Street, 21st  
Floor  
New York, NY 10007

**At this address, responses will be accepted only via the United States Postal Service, UPS or hand delivery.**

**Clearly mark the solicitation number on the outermost package.**

- B. There is extensive security at the World Trade Center Site. You must present a

- valid government-issued photo ID to enter 4 WTC. Individuals without packages or carrying small packages, envelopes or boxes that can be conveyed by hand or on a hand truck may enter through the lobby. All packages, envelopes and boxes may be subject to additional security screening.
- C. There is no parking available at 4 WTC/150 Greenwich Street, and parking in the surrounding area is extremely limited.
  - D. Express carrier deliveries by commercial vehicles may be made only via vendors approved by Silverstein Properties, the WTC Property Manager, through the Vehicle Security Center (VSC). Presently, UPS is the only delivery vendor with approved recurring delivery times. UPS makes deliveries to 4 WTC around 9:30 a.m. each day. Please plan your submission accordingly.
  - E. As additional express carriers may be approved by Silverstein Properties and scheduled for recurring delivery times with the VSC, this information may be updated.
  - F. Under certain circumstances, a solicitation may allow for a commercial vehicle to be approved to make a delivery in accordance with the VSC procedures. If applicable, the specific solicitation document will include that information.
  - G. The Port Authority assumes no responsibility for delays, including, but not limited to, delays caused by any delivery services, building access procedures, or security requirements.
  - H. All responses must be delivered in sealed envelopes and/or packages. Address the RTQ response as provided above. In case of conflict, the reproducible original of the RTQ response shall take precedence over material on the compact discs/flash drives.
  - I. In each submission to the Authority, including any return address label, information on the compact disc and information on the reproducible original and copies of the RTQ response, the Respondent shall use its **FULL LEGAL NAME WITHOUT ABBREVIATIONS**. Failure to comply with this requirement may lead to delays in contract award and contract payments, which shall be the responsibility of the Respondent.
  - J. Provide the address of your firm to which any written correspondence should be sent.
  - K. The cover of your submittal must include the RTQ Number (as stated above) and the RTQ title. The Authority assumes no responsibility for delays caused by any delivery services.
  - L. If your RTQ response is to be hand-delivered, please note that only individuals with proper identification (e.g. photo identification) will be permitted access to the Authority's offices. Individuals without proper identification shall be turned away and their packages not accepted.

It is necessary to carry valid photo identification when attempting to gain access into the building to hand-deliver RTQ responses.

Any questions concerning this RTQ should be directed to Cory Mermer at [cmermer@panynj.gov](mailto:cmermer@panynj.gov). Neither Mr. Mermer nor any employee of the Port Authority or

PATH is authorized to interpret the RTQ or give additional information as to its requirements. Such interpretation or additional information will only be given by written addendum to this RTQ.

## **V. CONFLICT OF INTEREST**

If the Respondent or any employee, agent or subcontractor of the Respondent may have, or may give the appearance of a possible conflict of interest, the Respondent shall include in the RTQ response a statement indicating the nature of the conflict. The Authority reserves the right to disqualify the Respondent if, in its sole discretion, any interest disclosed from any source could create, or give the appearance of, a conflict of interest. The Authority's determination regarding any question(s) of conflict of interest shall be final.

## **VI. NOTIFICATION**

Notification as to whether a Respondent has been pre-qualified will be made only by a notice in writing, signed by the Chief Procurement Officer or her designated representative on behalf of the Authority and/or PATH and delivered to the office designated by the Respondent in its response to this RTQ.

**THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY  
CONTRACTOR'S QUALIFICATION STATEMENT  
REQUEST TO QUALIFY (RTQ)  
FOR**

**PATH - TUNNELS E AND F BETWEEN EXCHANGE PLACE AND WORLD  
TRADE CENTER – INFRASTRUCTURE REPAIRS – CONTRACT PAT-650**

**DECEMBER 2016**

**A. Contractor's General Business Information**

Statement submitted by:

**Name of Firm:**

**Name of Principal:**

**Business Address:**

**Telephone No:**

**Fax No:**

**E-mail:**

**Name & Telephone No of contact person, if not individual mentioned above:**

Check how bid will be submitted:  Single Entity  Joint Venture

**If a Joint Venture, each participant in such Joint Venture must submit all the information that is required for a single entity.**

Indicate the type of work generally performed with your own work force.

- 
- Indicate which part of the work indicated in paragraph II.A. of the attached Request To Qualify ("RTQ") you plan on performing with your own forces and what work you plan on sub-contracting to another firm.

Work to be performed with own forces:

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Work to be performed by sub-contractors:

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**B. Relevant Experience and Past Performance:**

- On **Schedule A**, below, list construction Contracts completed by your firm, which document **your firm's meeting of the requirements indicated in Paragraph II.A**. If a joint venture, list each joint venture partner's projects separately. Indicate if the contract was performed by your firm's own forces or by a sub-contractor.

**SCHEDULE A - CONTRACTS COMPLETED**

**Firm:** \_\_\_\_\_

<b>Project Name, Location and Description</b>	<b>Owner/ Name Address &amp; Tel No</b>	<b>Design Engineer*</b>	<b>Date Completed</b>	<b>Contract Amount</b>	<b>Percent age of Work Comple ted by Own Forces</b>

**\*Include Name, Address and Phone No. of Reference Contact**

**Note: Indicate amount of Firm's contract and if work was done as prime contractor**

- On **Schedule B**, attached, list the name and qualifications of the individual who will function as the **Project Manager**, as well as those of any other **key construction supervision personnel** to be assigned to the Contract, along with the anticipated function and relevant experience of each person.  
Attach resumes.

**Schedule B - Key Construction Supervision Personnel**

**Firm:** \_\_\_\_\_

Name	Position	Date started with Organization	Date started in Construction	Prior Positions and Experience in Construction

- On **Schedule C**, attached, list current projects **currently under construction** (**work on hand**) by your firm. If joint venture, list each joint venture partner's projects separately.

**Schedule C - Current Work on Hand**

**Firm:** \_\_\_\_\_

<b>Project Name, Location and Description</b>	<b>Owner. Name Address/ Tel No.</b>	<b>Design Engineer</b>	<b>Contract Amount</b>	<b>Scheduled Completion Date and Percentage Complete</b>

**Schedule D: Current Bids Submitted**

**Firm:** \_\_\_\_\_

<b>Project Name, Location and Description</b>	<b>Owner Name, Address &amp; Tel No</b>	<b>Design Engineer*</b>	<b>Contract Amount</b>	<b>Low Bidder (Y/N)</b>	<b>Anticipated award Date/Contract Duration</b>

**\*Include Name, Address and Phone No. of Reference Contact**

**Note: Indicate amount of Firm's contract and if work was done as prime contractor**

Does your firm have the required certification(s) and/or license(s) required under paragraph II.A?  Yes  No  Not Applicable

- If Yes - Submit documentation of required certification(s) and/or license(s)
- If No, indicate how you plan on meeting this requirement:

Has your firm ever failed to complete any construction contract awarded it?  
 Yes  No

If yes, describe the circumstances on a separate sheet of paper.

In the last five years, has your firm ever failed to substantially complete a contract in a timely manner?  Yes  No

If yes, describe the circumstances on a separate sheet of paper.

Identify prior contracts that contained stated goals for DBE participation and how such goals were met or exceeded:

Contract	Stated Goals	Actual % Obtained	Comments

**Financial Information:**

Can your Firm provide a Performance Bond and a Payment Bond for the full amount required?  Yes  No

Indicate approximate total bonding capacity: \_\_\_\_\_

Indicate name of your proposed surety company and name, address and phone number of agent:

➤ Name: \_\_\_\_\_

➤ Address: \_\_\_\_\_

\_\_\_\_\_

➤ Telephone No. \_\_\_\_\_

**Submit letter from your surety documenting your ability to submit the required Bond.**

**D. Certification**

I hereby certify that the information submitted herewith, including attachments is true to the best of my knowledge and belief.

\_\_\_\_\_  
(Business name of Firm)

By: \_\_\_\_\_  
(Signature of officer of Firm)

\_\_\_\_\_  
(Title of officer of Firm)

\_\_\_\_\_  
(Signature of officer of Firm)

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Type or print title of officer of Firm)

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**ACKNOWLEDGMENT BY NOTARY PUBLIC**

STATE OF \_\_\_\_\_)

)ss:

COUNTY OF \_\_\_\_\_)

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_, before me, the above undersigned, personally appeared \_\_\_\_\_, the \_\_\_\_\_, of \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity.

Name of Notary (print) \_\_\_\_\_

(Affix Notary Stamp Here) \_\_\_\_\_

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
(Notary Signature)

\_\_\_\_\_  
(Date)

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**AGREEMENT ON TERMS OF DISCUSSION**

**REQUEST TO QUALIFY - RTQ #43924 – PATH - TUNNELS E AND F BETWEEN  
EXCHANGE PLACE AND WORLD TRADE CENTER – INFRASTRUCTURE  
REPAIRS – CONTRACT PAT-650**

The Port Authority’s receipt or discussion of any information (including information contained in any proposal, vendor qualification(s), ideas, models, drawings, or other material communicated or exhibited by us or on our behalf) shall not impose any obligations whatsoever on the Port Authority or entitle us to any compensation therefor (except to the extent specifically provided in such written agreement, if any, as may be entered into between the Port Authority and us). Any such information given to the Port Authority before, with or after this Agreement on Terms of Discussion (“Agreement”), either orally or in writing, is not given in confidence. Such information may be used, or disclosed to others, for any purpose at any time without obligation or compensation and without liability of any kind whatsoever. Any statement which is inconsistent with this Agreement, whether made as part of or in connection with this Agreement, shall be void and of no effect. This Agreement is not intended, however, to grant to the Port Authority rights to any matter, which is the subject of valid existing or potential letters patent.

Any information (including information contained in any proposal, vendor qualification(s), ideas, models, drawings, or other material communicated or exhibited by us or on our behalf) provided in connection with this procurement is subject to the provisions of the Port Authority Freedom of Information Code and Procedure adopted by the Port Authority’s Board of Commissioners, which may be found on the Port Authority website at: <http://corpinfo.panynj.gov/documents/Access-to-Port-Authority-Public-Records/>. The foregoing applies to any information, whether or not given at the invitation of the Authority.

\_\_\_\_\_  
(Company)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

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DO NOT RETYPE.