

THE PORT AUTHORITY OF NY & NJ

**PROCUREMENT DEPARTMENT
2 MONTGOMERY STREET, 3RD FL.
JERSEY CITY, NJ 07302**

1/8/2013

ADDENDUM # 3

To prospective Proposer(s) on **RFP # 31644** for **AIRPORT NOISE & OPERATIONS MANAGEMENT SYSTEM CONTRACT FOR JOHN F. KENNEDY INTERNATIONAL (JFK), LAGUARDIA (LGA), NEWARK LIBERTY INTERNATIONAL (EWR), STEWART INTERNATIONAL (SWF) AND TETERBORO (TEB) AIRPORTS**

Due back on 1/29/13, no later than 2:00PM

I. CHANGES/MODIFICATIONS

The following changes/modifications are hereby made to the solicitation documents:

RFP, Section 5, page 10, "Evaluation Criteria and Ranking": The first and second criteria are equally weighted.

II. PROPOSER'S QUESTIONS AND ANSWERS

The following information is available in response to questions submitted by prospective Proposers. The responses should not be deemed to answer all questions, which have been submitted by Proposers 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 Proposer 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 Proposer, by submitting its Proposal, 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 Proposal or Contract and the Proposer 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.

Question #28	If the company submitting the bid is a public company, traded on the NYSE, and all financial records are reported via 10-Ks and 10-Qs, can this be substituted for certified financial statements?
Answer # 28	No.
Question# 29	The proposal asks for the residential addresses of the officers of any Company. As a public Company we do not and cannot release residential address of our officers. Can we provide office addresses?
Answer # 29	No. Residential addresses are requested for the officers of the company.
Question #30	<p>In the RFP it states that all bidders must sign the Agreement of Terms of Discussions with no changes. However, the Terms of Discussions states that nothing provided to the PANYNJ is given in confidence and can be used for any purposes The PANYNJ records Act provides exclusions from release that: (1) “if disclosed, would impair, or give a competitive advantage in connection with, present or imminent awards or negotiations of ... leases... contract, or other agreements, open procurement matters, contracts not yet awarded...”; (2) “trade secrets...which if release would cause injury to the competitive position of the subject enterprise, including resumes of individuals submitted by unsuccessful bidders, internal business protocols, systems or strategies specific to the commercial enterprise or the project, as well as technology or equipment that the unsuccessful bidder has developed” . . ; and (3) personal identification information. However, much of the data being provided to the PANYNJ, including pricing (line item pricing) and certain solutions are trade secrets and company proprietary. How can a bidder ensure that such items as line item pricing, trade secrets, personal employee information and company proprietary information (including Human Resource Policies) are not released to the general public as they would be excluded on the PANYNJ Records Act? (Act Attached – I printed out a copy of the new changes).</p> <p style="text-align: center;">-</p>

Answer # 30	Please refer to the following link: http://www.panynj.gov/corporate-information/pdf/foi-code.pdf .
Question #31	In the RFP Section L Multiple Contract Awards - the PANYNJ states that it reserves the right to award multiple contracts. Is the PANYNJ planning to issue the award as a multiple award contract with task orders for each task? Or is the PANYNJ reserving the right to make multiple awards and divide up the work, award specific tasks to one contractor and other tasks to a different contractor?
Answer #31	The Authority intent is to award to a single vendor however, the Authority reserves the right to make multiple awards.
Question #32	Would the PANYNJ provide a word copy of the General Contract Provisions to the bidders to allow them to redline that, rather than providing requested changes on separate sheets of paper?
Answer #32	No.
Question #33	Will a bidders requested changes to the General Contract Provisions be an evaluation factor in the award as any requested changes are for negotiating purposes, as in general contract terms are negotiated with the parties after award?
Answer #33	Proposers will be evaluated based on the evaluation criteria detailed in the RFP Section 5, "Evaluation Criteria and Ranking", page 10.

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

In case any Proposer fails to conform to these instructions, its Proposal 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

FIRM NAME: _____

INITIALED: _____ DATE: _____

QUESTIONS CONCERNING THIS ADDENDUM MAY BE ADDRESSED TO
Jeanette Anderson AT (201) 395-3430 or jeanette.anderson@panynj.gov.