

August 19, 2016

SUBJECT: REQUEST FOR PROPOSALS FOR THE PERFORMANCE OF EXPERT PROFESSIONAL CLEANING AND CLOSED CIRCUIT TELEVISION INSPECTION OF STORM DRAIN SYSTEMS AS REQUESTED ON A “CALL-IN” BASIS DURING 2017 – 2020 (RFP# 46557) – ADDENDUM #4

Dear Sir or Madam:

The Port Authority of New York and New Jersey (the Authority) hereby amends the subject Request for Proposal (RFP), dated July 26, 2016 as follows:

In the RFP Agreement, Page 3, Section 9.A., please insert the following after the first paragraph:

“The Consultant shall provide (and shall cause all subconsultants to pay or provide) to its operating engineers and laborers (who are employed by it to work on an hourly or daily basis at any trade or occupation at or about the facilities where services are required) at least the prevailing rate of wage and supplements for others engaged in the same trade or occupation in the locality in which the Services are being performed as determined by the Project Manager and notwithstanding that such rate may be higher than the rate in effect on the date of opening of the proposals.

For the purposes of this Agreement, for services being performed in the State of New Jersey, Consultants and any subconsultants are directed to utilize the State of New Jersey, Department of Labor and Workforce Development prevailing wage levels established pursuant to the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.) for workers engaged in public works projects in the Counties of Bergen, Essex, Hudson and Union. The applicable prevailing wage rates shall be those, which are in effect for the locality and for the period of time in which the work is to be performed. Current prevailing wage rates may be downloaded at: http://lwd.state.nj.us/labor/wagehour/wagerate/prevailing_wage_determinations.html.

In the event Stewart International Airport requires services under this Agreement, the applicable prevailing wages shall be those established by the New York State Department of Labor for Orange County, for the time period for which the work is being performed. The rates may be downloaded at: <http://wpp.labor.state.ny.us/wpp/publicViewPWChanges.do>.

For services performed in New York City, the annual prevailing wage and supplements schedules for the work being performed under this Agreement are those published by the Bureau of Labor Law, pursuant to Labor Law §§220 and 230 and New York City Administrative Code §6-109 and located at the New York City Comptroller’s website at <http://comptroller.nyc.gov/general-information/prevailing-wage/>, for the locality and for the period of time in which the work is performed.

The provisions of this clause are inserted in this Agreement for the benefit of such operating engineers or laborers as well as for the benefit of the Authority; and if the

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Consultant and/or any subconsultant shall pay or provide any such operating engineers or laborers, less than the rates of wages and supplements above described, such operating engineers and laborers shall have a direct right of action against the Consultant or such subconsultant for the difference between the wages and supplements actually paid or provided and those to which they are entitled under this clause. If such operating engineers and laborers are employed by any subconsultant whose subconsultant does not contain a provision substantially similar to the provisions of this clause (requiring the payment or provision of a least the above minimum, and providing for a cause of action in the event of the subconsultant's failure to pay or provide such wages and supplements) such operating engineers and laborers shall have a direct right of action against the Consultant. The Authority shall not be a necessary party to any action brought by any operating engineer or laborer to obtain a money judgment against the Consultant or any subconsultant pursuant to this clause.

Nothing herein contained shall be construed to prevent the Consultant or any subconsultant from paying higher rates or providing higher supplements than the minimum hereinbefore described; and nothing herein contained shall be construed to constitute a representation or guarantee by the Authority that the Consultant or any subconsultant can obtain operating engineers or laborers for the minimum hereinbefore described.

The Consultant's and/or subconsultant's failure to comply with any provisions of this numbered clause may be deemed as a substantial breach of the Agreement.”

The following question is from RFP recipients. The question and the corresponding Authority answer is provided for your information and use, as appropriate.

Question #10: Are prevailing wages required for this work?

Answer #10: See Addendum above.

The date for receipt of proposals for the subject RFP remains at 2:00 P.M. on August 25, 2016.

If you have any questions, please contact Ms. Monika Radkowska, Senior Contract Specialist, at mradkowska@panynj.gov.

Sincerely,

David Gutiérrez, CPPO
Assistant Director
Procurement Department