

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

## **REQUEST TO QUALIFY (“RTQ”)**

### **RTQ #55449 – IMMEDIATE REPAIRS WORK ORDER CONTRACTS FEBRUARY 2019 THROUGH DECEMBER 2022**

**January 2019**

#### **BACKGROUND**

For background with respect to The Port Authority of New York and New Jersey (the “Authority” or “Port Authority”) see [www.panynj.gov](http://www.panynj.gov). The Port Authority Trans Hudson Corporation (“PATH”) is a wholly owned subsidiary of the Port Authority. Additionally, the most recent electronic version of the Authority’s Annual Report is available at <http://www.panynj.gov/corporate-information/annual-reports.html>. Responses to this Request to Qualify (“RTQ”) are due on the Response Due Date and time set forth in the advertisement of this RTQ. Responses received after that date and time may not be accepted.

**Only pre-qualified firms that have received written approval from the Authority will be asked to respond to future solicitations on the specific project described below.**

**Note: In this RTQ, “firm,” “contractor,” “you,” “bidder,” “Respondent” and “Proposer” shall refer to the same party.**

Please note that the submission of qualifications under the referenced RTQ shall remain open throughout the solicitation period(s). Firms will be qualified on a rolling, ongoing basis up until the bid due date(s). It is anticipated that the bid document(s) will be available to pre-qualified bidders on call-in basis as needed. **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.**

#### **1. PROJECT DESCRIPTION**

The Authority wishes to pre-qualify firms to submit bids for two (2) Immediate Repairs Work Order Contracts on a call-in basis as needed. This pre-qualified list will be for a duration of four (4) years. This work will be performed at various Port Authority Facilities:

- New Jersey Port Facilities
- New York Port Facilities

Contract documents will be issued only to firms that have been selected pursuant to this RTQ to be placed on a pre-qualified list that the Authority anticipates will be valid for the years 2019-2022. The Authority reserves the right to supplement the pre-qualified list on an annual or biennial basis when such action will best serve the public interest, or at other times as would serve the public interest.

Contracts will be awarded based on a competitive bidding process in which all firms placed on the prequalified list will be asked to participate for a given project in the sole discretion of the Authority.

It is anticipated but it is not guaranteed that work required by the Contract may include, but may not necessarily be limited to the following:

**A. Scope and/or Nature of Work**

This contract provides for immediate repair work orders and inspection support work orders, to be issued by the Chief Engineer, to ensure public safety and maintain essential facility operations. These work orders will provide a mechanism for resolving structural integrity problems requiring immediate repairs, as required, to ensure public safety and/or maintain essential facility operations and may include, but not be limited to, requiring that the Contractor:

1. Provide labor, materials and equipment not more than 24 hours after notification of the need for an immediate repair by the Chief Engineer.
2. Respond to request for immediate repair with all construction disciplines. In addition, the firm shall demonstrate the ability to obtain construction permits, such as lane closure permits, and shall also be able to close lanes on major highways, sidewalk closure permits, road-opening permits, environmental permits and other permits required by state and local jurisdictions. All work needs to be completed in accordance with current federal, state and local environmental, health and safety regulations.
3. Provide inspection support services including, but no limited to, elevated access, lane closures, providing various types of equipment for the use of inspection team, removal/replacement of architectural finishes such as ceilings and cladding, etc. within 7 days notice by the Chief Engineer.
4. Complete multiple immediate repair and inspection support service responses simultaneously.

The firm shall i) provide timely contract estimates for each work order, ii) maintain detailed financial records and iii) schedule and manage multiple responses, and accordingly must have appropriate administrative and management procedures. In addition, the firm should have available written safety procedures for the various element of work.

**B. Estimated Total Contract Price**

For informational purposes only, the total cost of the Work Orders shall not exceed \$2,500,000 for each Work Order Contract..

**C. Contract Schedule**

It is presently anticipated, but not guaranteed that the work to be performed under the Contracts will be completed within four (4) years after the date of the acceptance of each confirmed Contractor's Proposal. However, if a Work Order is issued prior to the date four (4) years after the date of the Authority's acceptance of the Contractor's Proposal that requires Work to be performed after the aforementioned four (4)-year period, the Contractor shall perform such Work and the Contract shall continue in full force and effect until the completion of such Work Order.

**D. Security**

The Port Authority of New York and New Jersey operates facilities and systems at which terrorism or other criminal acts may have a significant impact on life safety and key infrastructures. The Authority reserves the right to impose multiple layers of security

requirements on the performance of the Work of the Contract, including on the Contractor, subcontractors and materialmen, depending upon the level of security required, as determined by the Authority.

All stages may require Contractor-provided security that meets airside operations criteria. All vehicles and equipment will be escorted to the airside work areas. All Contractor's employees must be accompanied by a guard(s). The contractor may be required to delineate majority of work areas with low-mass barriers and provide spaced security personnel 24 hours a day.

## **E. Schedule & Reporting**

In order to ensure compliance with an aggressive construction schedule, upon award the Contractor shall be required to submit a detailed milestone schedule with daily schedules for each section of work.

During construction, the contractor shall submit timely schedule updates and weekly look-ahead construction updates and demonstrate concurrence with the baseline schedule and milestones.

## **F. Submission of information**

The Authority will accept proposals on the Contracts only from pre-qualified bidders. Notwithstanding pre-qualification to bid, bidders will be required to submit certain additional information with their bids, and, if so required, shall submit further information after the submission of bids, all as will be stated in the Contract. The Authority reserves the right at any time to modify, waive or vary the terms and conditions of this RTQ Information.

## **G. Local Businesses**

Each prospective bidder will be required to make a good faith effort to maximize the use of local business enterprises.

## **H. Submittal Instructions and Content**

### **a. Requirements**

To be considered for prequalification, the Respondent must demonstrate to the satisfaction of the Chief Engineer of the Authority that it meets the minimum requirement of this RTQ as stated herein. Company brochures or other marketing materials alone shall not be submitted for the purpose of demonstrating experience and technical expertise. Submittals should be tailored to the specific requirements of this RTQ. If the Respondent cannot demonstrate that it meets all of the below mentioned qualifications, then the Respondent may with others form a joint venture and request that the joint venture be pre-qualified as set forth herein.

### **1. Minimum Experience of the Firm:**

The firm seeking to be pre-qualified must demonstrate that it has a minimum of 5 years construction experience, as a heavy or building general contractor, on contracts comparable in size, type and complexity to that contemplated by this RTQ. The prospective bidder must also demonstrate:

A) That during the last 5 years it has successfully completed or substantially completed as

a prime or general contractor at least one (1) contract of size, type and complexity comparable to those contemplated in this RTQ, each in excess of approximately \$2.5 million.

- B) Have a minimum of three (3) years experience in performing work as the prime contractor for the repair of waterfront structures including piers, berths, wharfs, docks, etc. during the last five (5) years.
- C) IT had at least one (1) previous contract, during the last three (3) years, showing it owns or has the capability to provide equipment, sufficient labor forces, to successfully complete the work and maintain multiple responses.
- D) It has a minimum of three (3) years' experience in performing work on a Call-In Basis or emergency Response on a 24 hour/ 7 days a week basis.

The firm may also qualify if, during the time period as stated above, the prospective bidder or persons or entities owning and controlling the prospective bidding firm, shall have satisfactorily performed, as owning and controlling another firm, having completed services of similar scope to those required under this Contract. The work must have been completed skillfully in a satisfactory manner and on time.

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

The Respondent's Project Manager and Superintendent must each have a minimum of ten (10) years construction experience on contracts comparable in size, type and complexity to those contemplated by this RTQ, and the Respondent's Superintendent must be experienced with the repair of waterfront structures including piers, berths, wharfs, docks, etc., utilities and other types of structures Respondents shall submit resumes for staff proposed to perform these roles.

## **B. Submittals**

The following items must be submitted in order to be considered for pre-qualification on this specific RTQ Submission:

### **1. Attachments**

In order to expedite the evaluation of this pre-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. Attachment A - Agreement on Terms of Discussion
- C. PA 4354 – “Code of Ethics for Port Authority Vendors- Compliance Certification.”  
– Accessible at the following link: <https://www.panynj.gov/business-opportunities/become-vendor.html>

## **2. Performance and Payment Bond**

The prospective bidder must be able to obtain a Performance and Payment Bond for the full amount indicated in Paragraph B 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 must be submitted with this RTQ.

**3. Experience Modification Rate**

The Respondent must submit a copy of its Experience Modification Ratio (EMR) Subcontractors as a measure of the Respondent's safety record. If the ratio exceeds 1.2, a written explanation shall be provided.

**5. Required Licenses/Certifications**

The Contractor and/or proposed sub-contractors must, upon award, have all required applicable New York and New Jersey and/or New York City certifications and/or licenses to perform the work in accordance with applicable codes, rules, and regulations.

**6. Resumes**

The Respondent must provide resumes of proposed Project Manager(s)/ Superintendent(s).

**7. Joint Ventures**

The Authority will entertain requests for prequalification from a joint venture. If a joint venture is pre-qualified to submit bids, or if two or more entities separately pre-qualified to bid 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 referenced qualifications, then the Respondent may, with others, form a joint venture and request that the joint venture be deemed to be the Respondent (i.e. members of the joint venture may meet the qualification requirement collectively.)

**8. Code of Ethics for Port Authority Vendors**

The Respondent's attention is directed to the Port Authority's "Code of Ethics for Port Authority Vendors" (the "Code"). Vendors must certify in writing that they will comply with every aspect of this Code. The Compliance Certification is a material and integral part of this Contract. The Contractor's Compliance Certification must be executed, and provided to the Port Authority, before the Contractor begins work under this Contract and before it receives payment in connection with a Port Authority project. The Code of Ethics and the Compliance Certification can be found on the Port Authority's website at <https://www.panynj.gov/business-opportunities/become-vendor.html>. An executed Compliance Certification should be submitted with the response.

## **9. Information Security Handbook Requirements**

Only firms that can satisfactorily demonstrate that they meet the requirements of the Port Authority of New York and New Jersey's Information Security Handbook (<http://www.panynj.gov/business-opportunities/pdf/Corporate-Information-Security-Handbook.pdf>) can view and/or obtain the Contract Documents.

Respondents must demonstrate that they meet the requirements of the Information Security Handbook in order to be prequalified. The requirements and instructions for submitting documentation that the requirements have been met are available on-line at <http://www.panynj.gov/business-opportunities/information-security-requirements.html>. The submission should be sent to [Egoldberg@panynj.gov](mailto:Egoldberg@panynj.gov).

Interested respondents should complete the Information Security Requirements submission as soon as possible, as the process may take several weeks

## **C. Performance Evaluation for Construction Contractor Source Selection Policy**

In accordance with the Authority's "Performance Evaluation for Construction Contractor Source Selection Policy," which can be found at <https://www.panynj.gov/business-opportunities/become-vendor.html>, Respondents should be aware that Port Authority will consider any Respondent's Unsatisfactory or Marginal Performance Evaluation as an important factor in determining whether the Respondent is deemed qualified, or recommended for ultimate contract award,

## **FINANCIAL INFORMATION**

The Respondent will be required to demonstrate that it is financially capable of performing Contracts in the dollar amount based on scope of work. The determination of the Proposer's financial qualifications and ability to perform such Contracts will be in the sole discretion of the Port Authority. The Respondent shall submit, with its Proposal, the following:

- A.** Certified Financial Statements, including applicable notes, reflecting the Proposer's assets, liabilities, net worth, revenues, expenses, profit or loss and cash flow for the most recent year or the proposer's most recent fiscal year.
- B.** If the Certified Financial Statements above are not available, reviewed statements from an independent accountant setting forth the aforementioned information shall be provided.

Where the statements submitted pursuant to aforementioned subparagraphs (a) and (b) do not cover a period which includes a date not more than forty-five (45) days prior to the Proposal Due Date, then the Proposer shall also submit a statement in writing, signed by an executive officer or his/her designee, that the present financial condition of the Proposer is at least as good as that shown on the statements submitted.

- C.** A statement of work which the Proposer has on hand, including any work on which a bid and/or proposal has been submitted, containing a description of the work, the annual dollar value, the location by city and state, the current percentage of completion, the expected date for completion, and the name of an individual most familiar with the proposer's work on these jobs.

- D.** The name and address of the Proposer's banking institution, chief banking representative handling the Proposer's account, the Proposer's Federal Employer Identification Number (i.e., the number assigned to firms by the Federal Government for tax purposes), the Proposer's Dun and Bradstreet number, if any, the name of any credit service to which the Proposer furnished information and the number, if any, assigned by such service to the Proposer's account.

All Proposals will be reviewed by the Port Authority to determine if they adhere to the format required in this RTQ, if they contain all required submissions and if the Proposer has the experience, skill and financial ability to perform the work that is anticipated.

#### **SUBMISSION INSTRUCTIONS:**

**Respondents must clearly indicate the RTQ# 55449 and Title: 'Immediate Repairs Work Order Contracts' on the outside of any package or document submitted in connection with this Contract.**

The Respondent shall submit three (3) hard copies of the pre-qualification information and one (1) copies in CD-Rom format to Emily C. Goldberg at the below address in sufficient time so that the Authority receives it no later than **2:00 p.m. on February 12, 2018.**

#### **PLEASE NOTE THE FOLLOWING:**

All proposals must be delivered in sealed envelopes and/or packages. The Procurement Department is located at 4 World Trade Center (4 WTC), located at 150 Greenwich St., 21st Floor, New York, New York, 10007.

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

<u>Proposal</u> submissions will be received at:
The Port Authority of New York and New Jersey Attention: Emily C. Goldberg Procurement Department 4 World Trade Center 150 Greenwich Street, 21st Floor New York, NY 10007
At this address, proposals <b>will be accepted only when submitted via the United States Postal Service, Express Carrier such as UPS, or hand delivery.</b> Express carrier deliveries by commercial vehicles will be made via vendors approved by Silverstein Properties, the WTC Property Manager, through the Vehicle Security Center (VSC).
<b>Clearly mark the solicitation number on the outermost package.</b>

- A. 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.
- B. There is no parking available at 4 WTC/150 Greenwich Street, and parking in the surrounding area is extremely limited.
- C. 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.
- D. As additional express carriers may be approved by Silverstein Properties and scheduled for recurring delivery times with the VSC, this information may be updated.
- E. 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.
- F. The Authority assumes no responsibility for delays, including, but not limited to, delays caused by any delivery services, building access procedures, or security requirements.
- G. All proposals must be delivered in sealed envelopes and/or packages. Address the Proposal as provided above. In case of conflict, the reproducible original of the Proposal shall take precedence over material on the compact discs.
- H. 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 Proposal, the Proposer 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 Proposer.
- I. Provide the address of your firm to which any written correspondence should be sent.
- J. 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.
- K. If your proposal 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 proposals. Late submittals may be rejected.

Any questions concerning this RTQ should be directed to Emily C. Goldberg at [egoldberg@panynj.gov](mailto:egoldberg@panynj.gov). Neither Emily C. Goldberg nor any employee of the Port Authority 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.

## CONFLICT OF INTEREST

If the Respondent or any employee, agent or subcontractor of the Respondent may have, or may give the appearance of having, a possible conflict of interest, the Respondent shall include in its proposal a statement indicating the nature of the conflict. The Authority reserves the right to disqualify the Respondent if, in the Authority's 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.

## **NOTIFICATION**

Notification as to whether a Respondent has been prequalified 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 mailed or 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 FOR REQUEST TO QUALIFY – RTQ #55449

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### 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.

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- ☐ Indicate which part of the work indicated in Paragraphs II.A and II.B of the attached Request to Qualify Information ("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 the RFQ**. 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. Submit each project on one page in the following format.

**SCHEDULE A- CONTRACTS COMPLETED:**

<b>Project Name, Location and Description</b>	<b>Name of Owner(s), Address, Tel No. &amp; Email</b>	<b>Design Engineer*</b>	<b>Date Completed</b>	<b>Contract Amount**</b>	<b>Percentage of Work Completed by Own Forces</b>

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

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

- ❑ On **Schedule B**, below, 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 in the format below.  
Attach resumes.

**SCHEDULE B - KEY CONSTRUCTION SUPERVISION PERSONNEL:**

<b>Name</b>	<b>Position</b>	<b>Date Started with Organization</b>	<b>Date Started in Construction Field</b>	<b>Prior Positions and Experience in Construction</b>

- ☐ On **Schedule C**, below, list projects **currently under construction** (work on hand) by your firm. If a joint venture, list each joint venture partner's projects separately. Please follow format below, one page per contract.

**SCHEDULE C - CURRENT WORK ON HAND:**

**FIRM NAME:** \_\_\_\_\_

[illegible]

- ☐ On **Schedule D**, below, list Bids submitted by your firm. If a joint venture, list each joint venture partner's projects separately. Please follow format below, one page per contract.

**SCHEDULE D: CURRENT BIDS SUBMITTED:**

**FIRM NAME:** \_\_\_\_\_

<b>Project Name, Location and Description</b>	<b>Name of Owner(s) Address, Tel No. &amp; Email</b>	<b>Design Engineer*</b>	<b>Bid Amount</b>	<b>Low Bidder (Y/N)</b>	<b>Anticipated Award Date/Contract Duration (If Applicable)</b>

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

- ☐ On **Schedule E**, below, provide information about past Performance Evaluations on Port Authority or PATH contracts. Submit a copy of this Schedule E completed for each entity that comprises the joint venture. Attach additional pages as necessary.

**SCHEDULE E: CONTRACTOR PAST PERFORMANCE**

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

Indicate below whether your firm's performance on a past Port Authority or PATH contract(s) has been rated less than satisfactory (e.g., received a Performance Evaluation rating of "Marginal" or "Unsatisfactory") within three years prior to submission of this RTQ.

- ☐ No.
- ☐ Yes. Further information (including rating(s) and contract(s)):

\_\_\_\_\_  
\_\_\_\_\_.

Indicate below whether an affiliate, subsidiary or parent company of your firm has been rated less than satisfactory (e.g., received a Performance Evaluation rating of "Marginal" or "Unsatisfactory") within three years prior to submission of this RTQ on a past Port Authority or PATH contract(s).

- ☐ No.
- ☐ Yes. Further information (including rating(s) and contract(s)):

\_\_\_\_\_  
\_\_\_\_\_.

Indicate below whether an entity in which your firm was a substantial component or over which your firm exerted substantial control has been rated less than satisfactory (e.g., received a Performance Evaluation rating of "Marginal" or "Unsatisfactory") within three years prior to submission of this RTQ on a past Port Authority or PATH contract(s).

- ☐ No.
- ☐ Yes. Further information (including entity (ies), rating(s) and contract(s)):

\_\_\_\_\_  
\_\_\_\_\_.

Indicate below whether an entity which has some of the same key senior personnel as your firm has been rated less than satisfactory (e.g., received a Performance Evaluation rating of “Marginal” or “Unsatisfactory”) within three years prior to submission of this RTQ) on a past Port Authority or PATH contract(s).

- ☐ No.
- ☐ Yes. Further information (including entity (ies), rating(s) and contract(s)):

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In accordance with the Authority’s “Performance Evaluation for Construction Contractor Source Selection” policy, which can be found at <https://www.panynj.gov/business-opportunities/become-vendor.html>, the Port Authority will not qualify, or recommend for award, any prospective bidder or bidder that has received one or more Marginal or Unsatisfactory ratings unless, in the sole discretion of the Chief Engineer or his or her designee with information from the evaluation committee, the prospective bidder or bidder has provided substantive information showing that the root cause of the adverse performance has been identified and definitively corrected or the circumstances giving rise to the Performance Evaluations have changed and will not reoccur. The determination of the Chief Engineer or his or her designee will be conclusive.



- ☐ Does your firm have the necessary certification(s) and/or license(s) required under the RTQ?

\_\_\_\_\_ **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 to it?  
\_\_\_\_\_ **Yes**                      \_\_\_\_\_ **No**

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

- ☐ In the last five years, has your firm ever failed to substantially complete a contract as per the Contract requirements manner? \_\_\_\_\_ **Yes**                      \_\_\_\_\_ **No**

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

- ☐ Identify prior contracts that contained stated goals for M/WBE participation and how such goals were met or exceeded:

<b>Contract</b>	<b>Stated Goals</b>	<b>Actual % Obtained</b>	<b>Comments</b>

**C. Financial Information:**

- ☐ Can your firm provide a Performance and 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.**

**E. Certification**

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

\_\_\_\_\_  
(Type or print business name of Firm)

By:

\_\_\_\_\_  
(Signature of Officer of Firm)

\_\_\_\_\_  
(Print name of Officer of Firm)

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

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

Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Public

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## **ATTACHMENT A**

### **AGREEMENT ON TERMS OF DISCUSSION**

The Port Authority's receipt or discussion of any information (including information contained in any proposal, vendor qualification, 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. The foregoing applies to any information, whether or not given at the invitation of the Authority.

Notwithstanding the above, and without assuming any legal obligation, the Port Authority will employ reasonable efforts, subject to the provisions of the Port Authority Freedom of Information Code and Procedure adopted by the Port Authority's Board of Commissioners on March 29, 2012, which may be found on the Port Authority website at: <http://www.panynj.gov/corporate-information/pdf/foi-code.pdf>, not to disclose to any competitor of the undersigned, information submitted which are trade secrets or is maintained for the regulation or supervision of commercial enterprise which, if disclosed, would cause substantial injury to the competitive position of the enterprise, and which information is identified by the Proposer as proprietary, which may be disclosed by the undersigned to the Port Authority as part of or in connection with the submission of a proposal.

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(Company)

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(Signature)

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(Title)

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(Date)

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