

November 19, 2018

To: All Bidders

From: Kate Bailey
Director of Procurement

Re: **ADDENDUM NO. 1**
Project 18-152.0
Emergency Demolition of K-2 Crane at Packer Avenue
Marine Terminal

This Addendum No. 1 is issued to:

1. Issue a **revised bid form** to reflect language revisions to our approved apprenticeship training program. (attached)
2. Provide a revised Section 17 and 27 to our Instructions to Bidders (attached)
3. Provide a copy of the non-mandatory pre-bid sign in sheet (attached)
4. Clarify that a Prime Bidder who is a certified Minority, Women, Veteran, Service-Disabled Veteran, or LGBT will NOT be allowed to use their own certification status towards their credited Historically Underutilized Business (HUB) participation.
5. Clarify that all contracts awarded for construction will have a minimum HUB participation level set by the Director of Procurement, but in no event shall it be less than 20% of the contract value. The participation for each award must include at least 2 of the categories that are identified as HUB with no less than 5% participation for every category being included.
Historically Underutilized Business Enterprise (HUB) A Business Enterprise that is: 1. an MBE 2. a WBE 3. a Veteran or Service-Disabled Veteran Business Enterprise 4. an LGBT Business Enterprise

All other terms and conditions remain unchanged.

Bidders shall acknowledge receipt of this addendum by immediately faxing a copy of the completed acknowledgment to Kate Bailey at 215-426-6800 or email procurement@philaport.com



Philadelphia Regional Port Authority
3460 North Delaware Ave. 2nd Floor
Philadelphia, PA 19134

ACKNOWLEDGMENT OF RECEIPT OF ADDENDUM NO. 1
Project # 18-152.0
Emergency Demolition of K-2 Crane at Packer Avenue
Marine Terminal

Date_____

By_____

Company_____

Telephone_____

Fax_____

Email_____

Revised Bid Form

I. Monetary Section:

The undersigned, _____ (“Bidder”), having familiarized himself with the local conditions affecting the cost of the work and with the Bidding and Contract Documents, including (A) this Bid Form, which includes (i) the Monetary Section, (ii) the Bidder Responsiveness Section, (iii) the Bidder Responsibility Section, (iv) the Project Point of Contact Section, (v) the Acknowledgment of Disclaimers Section and (vi) the Representation and Authorization Section, (B) the Instructions to Bidders, (C) the Diversity Inclusion Plan Forms, (D) General Conditions, and (E) the Plans and Specifications, hereby proposes to perform the Work, and to provide and furnish all labor, material, necessary tools, equipment, and all utility and transportation services necessary to perform and complete in a workmanlike manner all of the Work required to be performed within thirty-five (35) consecutive calendar days, counting from the date of notice of approved work plan, for the following prices:

TOTAL LUMP SUM BID AMOUNT:

\$ _____
Written in words

\$ _____
Written in numbers

II. Bidder Responsiveness Section:

A. The Bidder certifies to the best of his knowledge, information and belief that:

- i. That for the Bidder and his Subcontractors required to be disclosed or approved by PhilaPort, and as of the date of its execution of this Bid, neither the Bidder, nor any such Subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Bidder cannot so certify, then it agrees to submit, along with its Bid, a written explanation of why such certification cannot be made and why the Contract should nonetheless be awarded to Bidder.
- ii. That as of the date of its execution of this Bid, the Bidder has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.
- iii. That the Bidder possesses all required business, contracting and trade licenses required to perform the Work.
- iv. That the Bidder possesses all the technical qualifications and resources, including equipment, personnel and financial resources, to perform the Work.
- v. (1) That the Bidder (or the labor force) participates at the time of the bid submission in an approved Apprenticeship Program as defined in the General Conditions for each craft or trade of the labor force contemplated to perform the work, (2) that such Program is currently registered with the Pennsylvania Apprenticeship and Training Council and (3) that such Program has apprentices and trainees currently participating.
- vi. That the information provided in connection with PhilaPort's Diversity Inclusion Plan Forms is accurate and the mandatory information on form is filled out completely.
- vii. That the Bidder shall perform on the site and with HIS own organization at least 20 percent of the total amount of Work to be performed under this contract.

B. The Bidder shall perform the following Work:

Percentage of Work to be performed by my organization _____% Estimate cost of Work to be performed by my organization

\$ _____

III. Bidder Responsibility Section:

A. The Bidder certifies that:

- i. He has a satisfactory record of past contract performance and past law compliance that demonstrates a solid history of both technical competency and business integrity sufficient to justify receiving a Port PhilaPort contract; and
- ii. He currently possesses all qualifications, skills, resources, equipment personnel, financial resources and other required performance capabilities needed to successfully complete the prospective contract it is seeking to perform; and
- iii. He will comply with all relevant security requirements;
- iv. He will have sufficient workforce that possess Transportation Worker Identification Credentials to gain access and properly perform the Work by the date of Notice to Proceed with the Work.
- v. He will utilize labor enrolled in approved Apprenticeship Programs as defined in the General Conditions for the full duration of the contract Work.

B. The Bidder certifies the following responses to the questions posed to assist PhilaPort in its determination of Bidder Responsibility:

1. Has the Bidder been suspended and/or debarred or voluntarily agreed not to bid as a result of an action by any federal, state or local government agency or authority in the past three years?

Yes No

2. Has any officer, director, owner or managerial employee of the Bidder been convicted of a felony relating to construction, maintenance, service or repair contracting industries?

Yes No

3. Has the Bidder defaulted on any project in the past three years?

Yes No

4. Has the Bidder had any type of business, contracting or trade license revoked or suspended by any government agency or authority in the past three (3) years?

Yes No

5. Has the Bidder been found in violation of any other law relating to its contracting business, including, but not limited to antitrust laws, licensing laws, tax laws, wage or hour laws, environmental or safety* laws, by a final decision of a court or government agency authority in the past three (3) years?

Yes No

*For purposes of this question, violations of safety laws may be limited to serious or willful safety violations.

6. Has the Bidder been the subject of voluntary or involuntary bankruptcy proceedings at any time in the past three years?

Yes No

C. Bidder's Vendor Data Management Unit Number is: _____

IV. Bidder's Point of Contact Section:

Contact Information for the Bidder on this project (for purposes of affirming bid price, issuing notice to proceed, insurance information, diversity information, etc.):

Name: _____

Title: _____

Phone: _____

Email: _____

V. Acknowledgment and Disclaimers Section:

It is understood that the right is reserved by PhilaPort to reject any or all bids and to waive any informalities in the Bid, as may be provided in the Instructions to Bidders.

Submission of false or misleading information or statements in connection with this Certification shall render the Bidder ineligible to perform work for PhilaPort and/or shall be considered a material breach of any contract entered and entitle PhilaPort to all applicable remedies available at law or in equity.

Further, in the event Contractor fails to gain entry or cannot perform Work due to noncompliance, the Authority reserves the right to provide escorts to be billed to the Contractor with no increase in cost under the contract or terminate the contract for failure

to perform.

VI. Representation and Authorization Section:

By making this Bid, Bidder understands, represents, acknowledges and certifies:

- a) That the foregoing representations regarding the past performance and present qualifications of the undersigned Bidder are true and correct;
- b) The Bidder has read and understands the terms and conditions of the Invitation for Bids and this Bid is made in accordance with those terms and conditions;
- c) The item(s) offered in the Bid will be in conformance with the specifications referenced in the Instructions for Bids without exceptions;
- d) The price(s) and amount of the Bid have been arrived at independently and without consultation, communication, or agreement with any other contractor, bidder or potential bidder;
- e) Neither the price(s) nor the amount of the Bid, and neither the approximate price(s) nor the approximate amount of the bid, have been disclosed to any other firm or person who is a bidder or potential bidder, and they will not be disclosed prior to the bid opening;
- f) No attempt has been made or will be made to induce any firm or person to refrain from bidding on the contract, or to submit a bid higher than the bid, or to submit an intentionally high or noncompetitive bid or other form of complementary bid;
- g) The Bid is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive bid;
- h) This bid has been completed by an authorized representative of the Bidder that the sufficient knowledge and information to address all matter addressed herein;
- i) If an award is made to the Bidder, the Bidder agrees that it intends to be legally bound to the contract that is formed between PhilaPort and the Bidder; and
- j) If an award is made to the Bidder, the Bidder will enter into and execute a contract based upon this bid, without delay, upon notice of award of contract, and will not withdraw this bid in accordance with the Instructions to Bidders and Applicable Law.

Project 18-152.0 REVISED Bid form per Addendum 1

*[Signature pages to follow; select the page that is appropriate
to your form of business organization.]*

[SIGNATURE PAGE FOR INDIVIDUAL BIDDER]

Name of Bidder (Printed)

Signature of Individual

Trading and doing business as:

Business Address:

Tax Identification Number:

**If fictitious or trade name is employed in conduct of business, complete, by deletion as appropriate, the following statement:*

[Foregoing fictitious or trade name (has) (has not) been registered by the individual proprietorship under Pennsylvania Law.]

[SIGNATURE PAGE FOR PARTNERSHIP BIDDER]

Name of Partnership

Name of General Partner (Printed)

By: _____
(Signature of General Partner)

Witness: _____

Business Address:

Tax Identification Number:

The partners constituting the partnership herein named are:

Partner: _____

Address: _____

Partner: _____

Address: _____

Add additional lines for the names and addresses of additional Partners, if there are more than four Partners in the Partnership, by attaching an additional page or pages to this Bid.

*If fictitious or trade name is employed by the partnership in conduct of its business, insert name here:

Next, complete, by deletion as appropriate, the following statement:

[Foregoing fictitious or trade name (has) (has not) been registered by the partnership under Pennsylvania Law.

[SIGNATURE PAGE FOR CORPORATE BIDDER]

Name of Corporation

Attest:

Signature of Secretary, Assistant Secretary
Treasurer, Assistant Treasurer or
other authorized representative**

By:

Signature of President, Vice President or
other authorized representative*

(Print Name of Representative)

(Print Name of Representative)

** If a representative other than the President or a Vice President of the Corporation signs this Bid on its behalf, then attach a valid corporate resolution or other appropriate proof, dated prior to or as of the date of the Bid, evidencing authority to execute this Bid on behalf of the Corporation.*

*** If a representative other than the Secretary, an Assistant Secretary, the Treasurer or an Assistant Treasurer attests to the signature of the corporate representative, then attach a valid corporate resolution or other appropriate proof, dated prior to or as of the date of the Bid, evidencing authority to attest to the execution of this Bid on behalf of the Corporation.*

Tax Identification Number:

(1) Complete the following statement: The Corporation has been organized and is existing under laws of the State/Commonwealth of: _____.

(2) *If Corporation has been organized under laws of a State other than those of the Commonwealth of Pennsylvania, complete, by deletion as appropriate, the following statement:*
[The Corporation (has) (has not) been granted a certificate of authority to do business in the Commonwealth of Pennsylvania under applicable laws.]

(3) *If Corporation has been organized under laws other than those of the Commonwealth of Pennsylvania and has NOT been granted a certificate of authority, complete, by deletion as appropriate, the following statement:*
[The Corporation (has) (has not) applied for a certificate of authority to do business in the Commonwealth of Pennsylvania and (has) (has not) attached a copy of the pending application to this Bid.]

[SIGNATURE PAGE FOR A LIMITED LIABILITY COMPANY (LLC) BIDDER]

Name of Limited Liability Company

Attest:

By:

Signature of an Authorized Representative*

Signature of Authorized Representative**

(Print Name of Representative)

(Print Name of Representative)

** The individual attesting verifies and represents that the person whose signature is affixed to this Bid on behalf of the Limited Liability Company (LLC) is duly authorized in accordance with the representations hereafter set forth.*

*** Check the box which applies to this Bid:*

_____ *The Certificate of Organization provides that LLC is to be managed by managers, and this Bid has been executed by a Manager fully authorized by the Certificate, by the Operating Agreement and by Resolutions of the LLC. Copies of the relevant documents are provided with the Bid or can be provided upon request within three (3) working days.*

_____ *The Certificate of Organization does not provide that LLC is to be managed by managers, and this Bid has been executed by a Member fully authorized by the Certificate, by the Operating Agreement and by Resolutions of the LLC. Copies of the relevant documents are provided with the Bid or can be provided upon request within three (3) working days.*

_____ *This Bid has been executed by a representative of the LLC who is not a Manager or a Member of the LLC, and instead who holds the office of _____ (insert title), and the execution of this Bid is fully authorized by the Certificate, by the Operating Agreement and by Resolutions of the LLC. Copies of the relevant documents are provided with the Bid or can be provided upon request within three (3) working days. The Bidder and the individuals signing and attesting to the execution of this document further represent that (1) execution of the Bid is carrying on business in the usual way; (2) the LLC authorizes the execution of this Bid even if execution and submission of this Bid is not carrying on business in the usual way for the LLC; and (3) to the best of the individuals' information and belief, the Owner has no knowledge of the Member's or the Manager's lack of actual authority, or of any applicable and relevant restriction on his or her authority.*

Tax Identification Number:

(1) Complete the following statement: The LLC has been organized and is existing under laws of the State/Commonwealth of _____.

(2) If the LLC has been organized under laws of a State other than those of the Commonwealth of Pennsylvania, complete, by deletion as appropriate, the following statement:

[SIGNATURE PAGE FOR A LIMITED LIABILITY COMPANY (LLC) BIDDER]

[The LLC (has) (has not) been granted a certificate of authority to do business in the Commonwealth of Pennsylvania under applicable laws.]

(3) If the LLC has been organized under laws other than those of the Commonwealth of Pennsylvania and has NOT been granted a certificate of authority, complete, by deletion as appropriate, the following statement:

[The LLC (has) (has not) applied for a certificate of authority to do business in the Commonwealth of Pennsylvania and (has) (has not) attached a copy of the pending application to this Bid.]

Revised Instruction to Bidders - Sections 17 & 27

Addendum 1:

1. Section 17 of the Instructions to Bidders is replaced in its entirety with:

Section 17 Requests for Additional And Corrected Information:

A. Evaluation of Responsibility. In evaluating the Bid Proposal Form, in addition to price, PhilaPort may consider completion time, Bidder's experience, past record of Bidder in meeting commitments and any other general factors that may be deemed pertinent to the Bidder's responsibility as a contractor and the best interests of PhilaPort. PhilaPort reserves the right to request Bidder to provide additional information prior to award of contract.

B. Evaluation of Responsiveness. The failure to execute or complete a blank on the Bid Form shall cause the Bid to be rejected only if the amount of the base Bid or a Unit Price cannot be determined. The failure of the Bidder to sign the Bid Proposal Form shall be conclusively treated as a nonresponsive Bid, and the Bid shall be rejected. The failure to attest to the signature made on behalf of a corporate Bidder or a Bidder which is Limited Liability Company shall not make the Bid nonresponsive.

C. Conditioned Bid. The Bidder shall not condition, qualify, or otherwise assert a stipulation of any kind in the Bid. Any condition, qualification or stipulation added to the Bid and Certification Form shall be disregarded and the Bid accepted as if the condition, qualification or stipulation did not appear. Only in the event that, notwithstanding the disregarding of the condition, qualification or stipulation, the amount of the Base Bid cannot be determined shall the Bid be rejected.

D. Incomplete and Insufficient Submittals. Provided that the integrity of the amounts of the Base Bid, Alternatives, and Unit Prices are not compromised, the failure of the Bidder to submit with his completed and executed Bid and Certification Form, (1) a document required by these Instructions, including but not limited to a Non-Collusion Affidavit, (2) documents required to establish participation in an approved Apprenticeship Program, (3) documents otherwise required to be included with the Bid, or to provide a complete document, shall be conclusively treated as an irregularity which, in the discretion of PhilaPort may be ignored and the Bid accepted, provided that the omitted document or missing portion of the document is submitted after the Bid within three (3) days of written notice from PhilaPort of the deficiency and of the opportunity to cure. In the event the Bidder fails, refuses or neglects to submit any requested information within the three (3) business days of the request, Bidder's bid guaranty may be forfeited to the use of PhilaPort.

2. Section 27 of the Instructions to Bidders is replaced in its entirety with:

Section 27 Apprenticeship Training Program Participation:

To qualify as a responsive bidder for the purposes of this bid, the Bidder must certify (1) that the Bidder (or the labor force) participates at the time of the bid submission in an approved Apprenticeship Program as defined in the General Conditions for each craft or trade of the labor force contemplated to perform the work, (2) that such Program is currently registered with the Pennsylvania Apprenticeship and Training Council and (3) that such Program has apprentices and trainees currently participating.

To qualify as a responsible contractor and to comply with contractual requirements, the awarded Contractor shall utilize labor enrolled in an approved Apprenticeship Program registered with the Pennsylvania Apprenticeship and Training Council for each craft or trade of the labor force necessary to perform the work for the full duration of the contract Work.

3. A new bid certification form is attached to this addendum.
4. Paragraph 2 of Section III, E. of the General Conditions is replaced in its entirety with:
 2. The Contractor and all Subcontractors of whatever tier agree to employ or utilize labor that participates in an approved Apprenticeship Program as defined herein for each craft or trade of the labor force performing the Work. An approved Apprenticeship Program is one that is registered at the time the Contract is executed with the Pennsylvania Apprenticeship and Training Council. Apprentices employed on the Project shall be those participating in the approved Apprenticeship Program and whose training and employment are in full compliance with the provisions of the Act dated July 14, 1961 (P.L. 604), as amended, known as “The Apprenticeship and Training Act” and the rules and regulations issued pursuant thereto. Any employee using the tools of a craft who does not qualify as an apprentice within the provisions shall be paid the minimum wage predetermined for journeymen in that particular craft and/or classification.

PRE BID SIGN IN SHEET

PRE-BID SIGN-IN
Emergency Demolition of K-2 Crane at Packer Avenue Marine Terminal

18-152.0

DATE: 11/19/2018

TIME: 10:00 A.M.

By attending this site pre-bid meeting, the undersigned agrees that the sole purpose of access to the Terminal is for the purpose of this meeting. The undersigned is not authorized to access any other part of the facility except for the location/s identified by the authorized PRPA personnel. PRPA does not assume responsibility for any loss or injury that may occur while the undersigned is on PRPA property. The undersigned further agrees that they will comply with all directions from authorized PRPA personnel including Maritime Security Regulations

PLEASE PRINT CLEARLY

SIGNATURE	PRINTED NAME	COMPANY	TELEPHONE	EMAIL	DIVERSITY TYPE Choose from: MBE, WBE, VBE, SDVBE or LGBT
	Kevin Delaney	RE. Pierson	609-743-7206	kdelaney@repierson.com	
	KEVIN BRENNAN	" "	609-743-7100	KBRENNAN@REPIERSON.COM	
	Gregg Wiliano	RHOADS 267-728 6367 (CA)	215-559-1058	g.wiliano@rhoadsinc.com	
	James Tammert	Tammert Construction	215-416-5384	James.Tammert@tammert.com	
	Robert S. Deelman	RC Construction	856-227-2030	PRR10@RCCONSTRUCTION.COM	
	Mike Diefly	EIG	215-458-7602	mdiefly@eig3.com	
	Kevin Killen	IPC Group	856-232-6400	Estimating@ipcgroupinc.com	
	Ernest Landolfo	Source LLC	781-291-9573	ERNEST@SOURCELLC.COM	
	Rob Hany	TERA Technical	610 656 8968	RHANY@GOTERRA.COM	
	Jason Fairman	Saathor / TCS	609-381-0044	JFairman@Saathor.com	
	Philpart				
	Philpart				
	Garrett Fleming				