

PROCUREMENT DEPARTMENT
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CITY OF PHILADELPHIA

Hugh Ortman
Procurement Commissioner

June 4, 2012

BID NUMBER: S3YQ0530
TITLE: Used (Refurbished) Office / Storage ISO Containers
DEPARTMENT: Office of Fleet Management
DATE TO OPEN: June 08, 2012 at 10:30 AM

ADDENDUM # 1

TO ALL BIDDERS:

You are hereby notified of the following changes to the above mentioned bid:

Vendor questions and answers are noted below. No additional questions will be accepted at this time.

1. Under the "Access to Information" provision, can the OEO require access to the cost elements of our bid – such as profit, overhead, G&A, etc.?

Answer: Yes. The goal of the request for additional information is to insure proper treatment by prime contractors towards their subs. OEO has access to payment information for City contracts, and will require additional information if necessary, especially if there are discrepancies.

2 & 3. If a bid is submitted by a Philadelphia woman-owned business which is registered by the City, can that business subcontract all of the work to us? Does that company get any preference? We are a company located in New Jersey company which is not specially registered with the City as woman-owned or disadvantaged or disabled business.

Answer: Bid No. S3YQ0530 does not request numeric ranges for both Minority and Women Business Enterprises (M/WBEs). Therefore, if only one subcontractor fulfills the needs of the prime, then having that one commitment is acceptable. Please note that all certified vendors given in the OEO registry at www.Phila.mwdsbe.com may be used as long as they perform a Commercially Acceptable Function (CAF). The CAF explanation is given within the bid document under; ANTIDISCRIMINATION POLICY- MINORITY, WOMAN AND DISABLED OWNED BUSINESS ENTERPRISES FORMS, INSTRUCTIONS AND SPECIAL CONTRACT PROVISIONS, Section A2. You may apply for the OEO registry as well by visiting www.Phila.mwdsbe.com.

4 & 5. We would like to place subcontractors with M/W/DSBEs, but there really are no opportunities that we can think of which would represent a meaningful subcontract. If we can identify no such meaningful opportunities, will we be (i) ineligible for the bid, or (ii) will our bid not receive a preference? If we can identify some opportunities for M/W/DSBEs, do those firms have to be registered with the City, or can they be located anywhere and not registered with the City – for example, can they be located in Delaware or Virginia?

Answer: According to the City's Antidiscrimination Policy Instructions given within this bid, the prime bidder is to make a Good Faith Effort to have inclusion of those vendors who are certified as M/WBEs. If no commitment is made, as stated within the Instructions, Section B3; "Bidder must explain what efforts the bidder made to achieve the M/W/DSBE participation ranges. Bidder must demonstrate, through the submission of documentary evidence, that it took all necessary steps and made reasonable efforts to achieve the M/W/DSBE participation ranges, even if these efforts were not fully successful."

Vendors given in the OEO registry are located in various places within the country. Please visit www.Phila.mwdsbe.com for information on the registry and registration.

6. If we call prospective subcontractors and they all say they can't do any subcontracting work for us, will we still be (i) eligible for the bid, or (ii) will our bid not be considered?

Answer: Please see the response to Questions 4 and 5.

7. What does it mean when you say that M/W/DSBE subcontractors must perform at least twenty percent (20%) of the cost of the subcontract?

Answer: If a prime contractor is planning to use a subcontractor who is a non-stocking supplier, and this subcontractor plans to order supplies over the phone and have the items drop shipped, that subcontractor's performance would not amount to 20%. In some instances only the mark up would be counted and would probably be less than 1%. A Commercially Acceptable Function (CAF) means that the work of both prime and subcontractor are related and relevant to the contract.

8. Is a performance bond required?

Answer: A performance bond is required when the awarded contract amount is greater than \$500,000. This Invitation and Bid is not expected to result in a contract award that is greater than \$500,000.

9. Does it have to be submitted with the bid or when a contract is awarded?

Answer: A performance bond, if required, would have to be submitted after a contract is awarded.

10. Is the amount of that bond described in paragraph 14 of the Terms and Conditions?

Answer: The amount of the bond, if required, would be noted in the City's official letter of award.

11. Is a Payment Bond required?

Answer: A payment bond is not required for this Invitation and Bid.

12. When does a Payment Bond have to be furnished?

Answer: Please see answer to question #11, above.

13. What is the amount of the Payment bond required?

Answer: Please see answer to question #11, above.

14. Is participation under the City's Master Performance Security Program required?

Answer: Yes, performance security must be obtained through participation in the City's Master Performance Security Program. This program requires the successful bidder to pay a fee to the City for the purchase of performance security. The fee is based on the estimated expenditures under the contract and is non-refundable despite fluctuations in the actual level of purchases made by the City.

15. Where is the program's requirements described?

Answer: The award notification letter provides the details and fees for enrolling in the program.

16. What is a "Performance Security Fee?"

Answer: The City requires a performance security fee to ensure that the successful bidder will perform according to all contract requirements.

17. On page 13 of 20 of the bid, paragraph 2.5 (entitled "Delivery") refers to paragraph 2.1.1.1. There is no paragraph 2.1.1.1 in the bid. What is the correct paragraph you are referencing?

Answer: The correct paragraph is 2.2.1.1.

18 and 19. We have an affiliate which had a predecessor company. We bought the business from the predecessor company about four years ago. It would be substantially impossible for us to find and search all records of the predecessor company to see if it received any profits from slavery or slaveholder insurance policies. Are we permitted to certify that to the best of our knowledge, the predecessor company did not receive any profits from slavery or slaveholder insurance policies? Are we even required to include a predecessor company of an affiliate in the affidavit?"

Answer: The affidavit requires that the business entity, under penalty of perjury under the laws of the Commonwealth of Pennsylvania, certify that the information provided is true and correct to the best of its knowledge. The business entity must note that it did or did not find any records from any of its predecessor companies related to participation or investments in or profits from slavery or slaveholder insurance policies. A predecessor company is defined as an entity whose ownership, title and interest, including all rights, benefits, duties and liabilities were acquired in an uninterrupted chain of succession by the business entity.

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20 to 22. Part of the products we will furnish include recycle materials. The Terms and Conditions of Bidding and Contract state that bidders intending to provide goods with recycled materials should notify the Procurement Department. When do we do that, before bidding, after bidding, or after a contract is received? Is there an approval necessary? Are there any standards as to what is acceptable and what is not acceptable?

Answer: Bidders shall submit with its bid information regarding the goods made with recycled material it intends to provide to the City. All products bid, including those containing recycled content, must meet or exceed the specifications noted in Section 2 of the bid.

Please sign, date and return this addendum with your bid to the Procurement Department, 1401 J.F.K Boulevard, Bid Room 170A, Philadelphia, PA 19102-1685 as it now becomes a part of the proposal.

A. Campfield
Buyer, A. Campfield

AUTHORIZED SIGNATURE

FIRM NAME (PRINT)

DATE

AC/sj