

Invitation for Bid

Laboratory Testing of Gasoline and Diesel Fuel and Related Support

Responses to written questions received as of February 9, 2010.

1. Question: Can we add the following statement to attachment 3a, 3b & 3c to govern what rates will be charged for requested services that are not addressed in the agreement? “Any services requested that are not detailed above will be subject to our prevailing published rates less xx%” Having this language in place will help our billing department invoice accurately.

Answer: No. The IFB states that negotiations will occur to agree on a price when deviations from the stated protocols occur. Any negotiations will be concluded before the tests are run and the agreed upon price will be verified in writing to the contractor. This applies also to additional incidental tests which are rare. Please refer to item 4 in the February 11, 2010 final amendments to the IFB made to clarify the issue.

2. Question: The second paragraph of appendix D under the heading of Payment addresses potential interest that can accrue in the case of late payments. Can we include what the interest level is and detail the parameters for when it becomes applicable?

Answer: The rules regarding interest on late payments are set by the State Comptroller and the interest rate is set by the State Department of Taxation and Finance. We cannot make contractual terms that differ from these rules.

3. Question: When will we have a chance to submit potential changes to the terms and conditions?

Answer: The terms and conditions for the contract have been set out in the IFB and associated documents, and are regulated by the State Comptroller’s rules and regulations. This is an established program and we expect there will be very limited opportunity to negotiate those terms and conditions in any contract that results from this IFB. Any remaining items that do arise will be addressed in the contract negotiation with the winning bidder in the period between selection of the low bidder and signing of the contract.

End of written questions