

**ADDENDUM NO. 4
RIVERFRONT COLD STORAGE FACILITY PROJECT
BOARD OF COMMISSIONERS PORT OF NEW ORLEANS
Page 1 of 1**

February 4, 2010

1. ADD TO APPENDIX E-FORMS

Add the following additional forms required to be included in the Technical Proposal binders and in the sealed envelope containing the Contract Price and Time Proposal.

Refer to the Index provided in this Addendum to use as a checklist. Instructions are given in the Index and on the Forms:

Issued in this Addendum No. 4:

Index of Forms Required in the Proposal

NCA-Non Collusion Affidavit

CAIR-Commitment to Assign Identified Resources to Project

CRCF-Certification regarding Use of Contract Funds for Lobbying

DBEC-DBE/MBE/WBE/SBE Certification

KPI-Key Personnel Information

NS-Named Subcontractors

FOP-Form of Proposal

PTP-Price and Time Proposal

PPS-Periodic Payment Schedule

LSI-Letter of Subcontract Intent

SPCP-Schedule of Progress Checkpoints

PB-Proposal Bond

CR-Corporate Resolution



**Deborah D. Keller, P.E.
Director of Port Development**

**Riverfront Cold Storage Facility Project
Board of Commissioners Port of New Orleans**

INDEX OF FORMS REQUIRED IN THE PROPOSAL

BINDER FORMS

These forms do not indicate price nor contract time.

The following forms are to bound in the Technical Proposal binders:

The original of these forms are to be placed in the binder marked "original" with copies in the remaining binders:

Form Name

Form Title

NCA

Non-Collusion Affidavit

CAIR

Commitment to Assign Identified Resources to Project

CRCF

Certification Regarding Use of Contract Funds for Lobbying

DBEC

DBE/MBE/WBE/SBE Certification

KPI

Key Personnel Information

NS

Named Subcontractors

ENVELOPE FORMS

The following forms are to be sealed together in one envelope to be opened after all Technical Proposals are evaluated and scores are submitted to the committee chair:

ONLY one original of each of these forms is to be completed and signed where indicated. Place all of the following forms in one sealed envelope marked "Schedule and Price for the Riverfront Cold Storage Facility Project" with the name of the Design-Build Applicant Entity marked on the outside of the envelope.

Form Name

Form Title

FOP

Form of Proposal

PTP

Price and Time Proposal

PPS

Periodic Payment Schedule

LSI

Letter of Subcontract Intent

SPCP

Schedule of Progress Checkpoints

PB or Certified or Cashier's Check

Proposal Bond with Power of Attorney of Surety if used in lieu of a Certified or Cashier's Check as Proposal Security in the Amount of 5% of Total Project Proposed Lump Sum Contract Price

CR or other acceptable evidence

Corporate Resolution or other acceptable evidence of authority satisfactory to the Board of Commissioners Port of New Orleans to sign the proposal as applicable to the Design-Build Applicant Entity

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FORM NCA

NON-COLLUSION AFFIDAVIT

_____ **PARISH**

AFFIDAVIT

I hereby certify that I am (the) (a) _____ and duly authorized representative of the firm of _____, whose address is _____, and that neither I nor the above firm I here represent has participated in any of the following activities:

- A) Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above Design-Build Applicant Entity (Proposer) to solicit or secure this Contract; and
- B) Agreed, as an express or implied condition for obtaining this Contract, to employ or retain the services of any firm or person in connection with carrying out the Contract; or
- C) Paid, or agreed to pay, to any firm, organization, or person (other than a bona fide employee working solely for me or the above Proposer) any fee, contribution, donation, or consideration of any kind for or in connection with procuring or carrying out this Contract.

I acknowledge that this affidavit is furnished to the Board of Commissioners Port of New Orleans in connection with this Contract in accordance with the provisions of Louisiana Revised Statutes 38:2224 and is subject to applicable state and federal laws, both criminal and civil.

(Signature)

(Date)

SWORN TO AND SUBSCRIBED BEFORE ME AT _____,

THIS _____ DAY OF _____, 2010.

(SEAL)

BY: _____
Notary Public (signature)

Notary Public (printed name)

NOTARY PUBLIC NUMBER

EXPIRATION DATE

**Riverfront Cold Storage Facility Project
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FORM CAIR

COMMITMENT TO ASSIGN IDENTIFIED RESOURCES TO PROJECT

Design-Build Applicant Entity's
(Proposer's) Name: _____

Understanding the Board of Commissioners Port of New Orleans (Board) concerns that the Key Personnel resources specifically represented and listed in this Proposal actually be assigned to the Contract (if awarded to this Design-Build Applicant Entity (Proposer)) and not also be committed to other Projects, _____ (Name of Design-Build Applicant Entity (Proposer)) commits that the Key Personnel resources shown on Form KPI in the Technical Proposal, including identified key staff, will be available to the extent within its control. If awarded the Contract, it will undertake all reasonable efforts to provide all the Key Personnel identified in its Proposal on a full time basis for the periods necessary to fulfill their responsibilities.

In making this commitment, the Design Build Applicant Entity (Proposer) includes the following reservations: (If made without reservation, enter "NONE").

Signed: _____

Printed Name: _____

Title: _____

Date: _____

(To be executed by the Design-Build Applicant Entity's (Proposer's) designated Project Principal-in-Charge.)

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FORM CRCF

**CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR
LOBBYING**

The undersigned certifies, to the best of its knowledge and belief (after due inquiry and investigation), to the following:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement; and

2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “**Disclosure Form to Report Lobbying,**” in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned shall require that the language of this certification be included in all lower tier subcontracts which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

Date: _____, 2010

Signature

Title

[The Design-Build Applicant Entity (Proposer) may duplicate or modify this form as necessary so that it accurately describes the entity making the Proposal and so that it is signed on behalf of all partners, members, or joint venturers of the Design-Build Applicant Entity (Proposer) and all other Principal Participants.]

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FORM DBEC

DBE/MBE/WBE/SBE CERTIFICATION

As a condition of the Board's funding sources for this project, the requirements stated in Appendix "D"-Community Development Block Grants Compliance Provisions in the Request for Technical Proposals are a requirement of the contractual obligations of the Design-Builder and the Board who are party to the contract awarded.

Full compliance with all guidelines and requirements for Section 3 of the Housing and Urban Development (HUD) Act of 1968, as amended, 12 U.S.C. 1701u (section 3)-"Compliance in the Provision of Training, Employment and Business Opportunities" will be a Contract requirement.

All parties to the Design-Build contract must agree to comply with HUD's regulations in 24 DFR, part 135, which implements Section 3, as evidenced by their execution of the Contract. Parties to this Contract must certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations. Specifically, refer to Paragraph 5, page 5 of the Community Development Block Grants Compliance Provisions for Professional Services Contracts and Paragraph 7, page 13 of the Community Development Block Grants Compliance Provisions for Construction Contracts contained in Appendix "D" of the Request for Technical Proposals. Such certification will be required of the Design-Builder after Award of the Contract.

Furthermore, it is the policy of the Board to practice nondiscrimination based on social and economic disadvantage, race, color, sex, gender, disability or national origin. The Board reaffirms its commitment to doing business with all segments of the business community and requires, to the extent possible, the inclusion of firms certified as disadvantaged, minority, women and small business in all of its professional services, construction and business transactions.

The Design-Build Applicant Entities will be expected to fully comply with the DBE/MBE/WBE/SBE participation policy of the Board as stated above, and implementation of the Design-Build Applicant Entity's plan as stated in its Technical Proposal. The following information is to be submitted to indicate the Design-Build Applicant Entity's intentions.

- i. Forms KPI (Key Personnel Information) and NS (Named Subcontractors) are the forms in the Technical Proposal where DBE/MBE/WBE/SBE firms that are anticipated at the time of submitting the Proposal, to participate in the Design-Build contract as co/joint venture partners, subcontractors, suppliers, or vendors, etc. are to be listed and information provided. Form NS (Named Subcontractors) is where the participation (based on the percentage of total contract value without revealing the contract price contained in the sealed envelope) is to be shown for each of the DBE, MBE, WBE, SBE firms participating in the Design-Build contract. **Do not list dollar values on these forms.** Provide evidence of current

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FORM DBEC

DBE/MBE/WBE/SBE CERTIFICATION (continued)

DBE, MBE, WBE, SBE certification status issued by a certifying public entity or certifying trade association, such as the Louisiana Minority Supplier Development Council and the Women’s Business Enterprise Council-South with Form NS (Named Subcontractors).

- ii. Form LSI (Letter of Subcontract Intent) is the form **in the Proposal’s sealed envelope** that is to be used to indicate the type of work and estimated dollar value for each firm listed in the Technical Proposal on Forms KPI (Key Personnel Information) and/or NS (Named Subcontractors). **Form LSI must be signed by the subcontractor to be considered valid.**

The successful Design-Builder, as part of its contract with the Board, will be required to agree to use its “best efforts” to achieve the policy of the Board and to comply with the Design-Build contract requirements for monthly monitoring and reporting of the actual participation of all DBE/MBE/WBE/SBE firms, as specified in the RFTP.

By signing the Proposal, the Design-Build Applicant Entity (Proposer) certifies that (1) the above CBDG requirements and Board policy will be met by obtaining commitments equal to or exceeding the CBDG requirements and that the Design-Build Applicant Entity (Proposer) will provide a good faith effort to substantiate the attempt to meet the CBDG requirements and Board policy; and (2) if awarded the Contract, the Design-Build Applicant Entity (Proposer) will comply with the requirements as stated above.

Signed: _____

Printed Name: _____

Title: _____

Date: _____

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FORM KPI

KEY PERSONNEL INFORMATION

Complete Chart as Applicable to the Technical Proposal

Delete any Positions Not Used

Design-Build Applicant Entity

(Proposer) Name: _____

Position	Name	Years of Applicable Experience	Professional Registration (if applicable)	Firm Employed by in This Project	Percent of Time Dedicated to This Project
Principal-in-Charge					
Design-Builder's Project Manager					
Design-Builder's Deputy Project Manager					
Design Manager					
Construction Manager					
Quality Assurance/Quality Control Manager					
Design Quality Control Manager					

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Construction Quality Control Manager					
Safety Manager					
Environmental Compliance Manager					
Lead Geotechnical Engineer					
Lead Architect					
Lead Civil Engineer					
Lead Mechanical Engineer					
Lead Electrical Engineer					
Lead Surveyor					

KEY PERSONNEL INFORMATION (continued)

**Design-Build Applicant Entity
(Proposer) Name:** _____

Use additional sheets as needed. Indicate Design-Build Applicant Entity name on each sheet.

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FORM NS

NAMED SUBCONTRACTORS

Design-Build Applicant Entity (Proposer) Name: _____

Service or Type of Work to be Provided	% Participation Based on Total Contract Price (Do not show dollar amounts)	Name of Firm	City and State of Firm's Main Office	List the Certifications, if any, held by this firm only if documentation of current status is provided with this form. (See Form DBEC -(DBE,MBE,WBE, SBE)

Use additional sheets as needed. Indicate Design-Build Applicant Entity name on each sheet.

SHEET 1 OF ____

Riverfront Cold Storage Facility Project
Board of Commissioners Port of New Orleans

FORM FOP
FORM OF PROPOSAL

DATE: _____

PROPOSAL OF _____
(Design-Build Applicant Entity (Proposer) Name)

ADDRESS _____

LOUISIANA CONTRACTOR'S LICENSE No. _____

LOUISIANA PROFESSIONAL ENGINEER'S LICENSE No. _____

TO THE BOARD OF COMMISSIONERS PORT OF NEW ORLEANS:

The undersigned proposes to design and construct the **Riverfront Cold Storage Facility Project** in accordance with the Contract Documents and certifies to furnish and deliver all the materials and to do all work and labor required for the design and construction of the Project No. at the Henry Clay Avenue Wharf, in Orleans Parish, Louisiana, for the total Lump Sum Contract Price as stated below. The undersigned also certifies that it has examined the site of the proposed Work and the Request for Qualifications (RFQ), Request for Proposals (RFP), and all Addenda before submitting the Proposal and is satisfied as to the requirements therein. As further consideration for the Award of this Contract, the undersigned agrees to the following terms, conditions, and acknowledgments:

- A) To execute the Contract and to furnish Performance Bond and Payment Bond and all insurance certificates in the amounts specified in the Contract within 15 working days after Award and, failing to do so, to forfeit the accompanying Proposal Bond to the Board of Commissioners Port of New Orleans, and the Board may proceed to award the Contract to others.
- B) To commence Work within 60 calendar days of Notice of Contract Execution and after receipt of Notice to Proceed (NTP), or such additional time as may be allowed in writing by the Board and to reach Project Substantial Completion by the date specified in the Contract.
- C) To furnish a Performance Bond and Payment Bond in the penalty of full amount stated in the Contract as surety conditioned for the full, complete, and faithful performance of this Contract.
- D) In accordance with the Contract to repair, maintain, and guarantee all work performed thereunder until accepted by the Board, and for the same warranty period as provided for in the Louisiana Public Works Act LA R.S. 38:2211 et seq.

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FORM FOP

FORM OF PROPOSAL (continued)

The undersigned declares that it is the only entity or party interested in the Proposal as principal and that its officers, employees, subsidiaries, or parent corporations (check appropriate box below):

- have not in any way participated in any activities in restraint of trade or been debarred with relation to public contracts either in the State of Louisiana or any other state of the United States (US) during the five-year period immediately preceding this Proposal or either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this Proposal or Contract.
- have participated in activities in restraint of trade with relation to public contracts either in the State of Louisiana or any other state of the US during the five-year period immediately preceding this Proposal or entered into collusion or restraint of free competition in connection with this Proposal or this Contract and are of the opinion that they are a responsible Design-Build Applicant Entity (Proposer) entitled to the award of a contract involving public moneys and attach hereto an explanation of their activities in restraint of free trade, restraint of free competition, or collusion.

The Design-Build Applicant Entity (Proposer) also hereby certifies that it and its Principal Participants:

- (i) have developed and have on file at each establishment, affirmative action programs pursuant to 41 CFR Part 60-2 (Affirmative Action Programs) () or are not subject to the requirements to develop an affirmative action program under 41 CFR Part 60-2 (Affirmative Action Programs) ();
- (ii) have () or have not () participated in a previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 11246; 10925; and 11114, as amended; and
- (iii) have () or have not () filed with the Joint Reporting Committee, the Deputy Assistant Secretary, or the Equal Employment Opportunity Commission (EEOC) all reports due under the applicable filing requirements.

The Design-Build Applicant Entity (Proposer) acknowledges receipt of the following Addenda to the Request for Proposals: Addenda Numbers: _____

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FORM FOP

FORM OF PROPOSAL (continued)

The undersigned agrees that any and all claims that the undersigned may have for overcharges resulting from antitrust violations as to goods, services, and materials purchased in connection with this Proposal are hereby assigned to the Board, but only to the extent that such overcharges are passed on to the Board. The undersigned further agrees to require its Subcontractors to assign any and all such claims for overcharges to the Board, but only to the extent such overcharges are passed on to the Board, by executing an assignment on a form obtainable from the Board prior to the commencement of work by a Subcontractor. The undersigned retains all rights to any such antitrust claims to the extent of any overcharges not passed on to the Board.

The undersigned tenders herewith a Proposal Security in the amount of five (5) percent of the Total Project Lump Sum Contract Price to the Board of Commissioners Port of New Orleans.

Design-Build Applicant Entity (Proposer) Name: _____

Authorized Representative: _____

Title: _____

STATE OF _____

PARISH OF _____

SUBSCRIBED AND SWORN TO ME ON THIS:

_____ DAY OF _____, 2010

NOTARY PUBLIC

Commission Expires: _____

Note: Submittal of acceptable evidence of authorization of the representative of the Design-Build Applicant Entity (Proposer) satisfactory to the Board of Commissioners Port of New Orleans is a requirement.

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FORM PTP-PRICE AND TIME PROPOSAL

**TO BE SUBMITTED IN A SEALED ENVELOPE WITH FORM FOP (FORM OF PROPOSAL)
AND OTHER REQUIRED DOCUMENTS AS LISTED HEREIN**

Design-Build Applicant Entity Name: _____

This lump sum Price and Contract Time Proposal is submitted in response to the Request for Proposals, including Appendices A-F, as amended by Addenda _____ (list nos.), and includes the following:

TOTAL PROJECT PROPOSED LUMP SUM CONTRACT PRICE:

\$_____ (in figures)

NUMBER OF CALENDAR DAYS FROM NOTICE TO PROCEED TO FINAL ACCEPTANCE FOR THE PROJECT: _____ **(in figures)**

In addition to Form FOP (Form of Proposal) the following executed, original documents shall be enclosed in the sealed envelope and are a requirement of a responsive Proposal:

___ Form PPS, Proposal Periodic Payment Schedule

___ Form LSI, Letter of Intent to Subcontract

___ Form SPCP, Schedule of Progress Checkpoints

___ Proposal Security of at least 5 % of the above Total Project Proposed Lump Sum Contract Price in the form of a certified check, cashier's check, or an executed Form PB-Proposal Bond written by a Surety company licensed to do business in Louisiana, signed by the Surety's agency or attorney-in-fact, and meeting the requirements stated on Form PB.

___ Evidence of Authority to Sign Proposal, such as shown on Form CR, Corporate Resolution

Signed by Authorize Representative signing Form FOP (Form of Proposal):

(Signature)

(Date)

Note: Submittal of acceptable evidence of authorization of the representative of the Design-Build Applicant Entity (Proposer) satisfactory to the Board of Commissioners Port of New Orleans is a requirement.

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FORM PPS

PROPOSAL PERIODIC PAYMENT SCHEDULE

_____ estimates the following periodic

(Design-Build Applicant Entity (Proposer's) name)
payment schedule for the Work:

Month After Notice to Proceed (3)	Total Proposal Price ⁽¹⁾ \$ _____	Planned Cumulative Payment ⁽²⁾
---	---	---

1		
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24		

This schedule shall be submitted in the sealed envelope with the Proposal.

1. Enter proposed Total Project Proposed Lump Sum Contract Price in figures as submitted on Form PTP.
2. Enter planned cumulative payment for each month between Notice to Proceed and Final Acceptance date.
3. Add or delete months to table to reflect duration of Contract Time as submitted on Form PTP.

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FORM LSI

LETTER OF SUBCONTRACT INTENT

This Letter of Subcontract Intent shall be submitted in the sealed envelope with the Proposal.

_____ intends to subcontract Work for the
(Design-Build Applicant Entity (Proposer's) name)

Riverfront Cold Storage Facility Project

to _____
(Name of Subcontractor/Consultant)

for the following type(s) of Work:

The estimated minimum value of the subcontract is \$ _____ (in figures).

For the Design-Build Applicant Entity
(Proposer):

For the Subcontractor/Consultant:

(Signature of Authorized Representative)

Confirmed by: (Signature)

(Printed Name)

(Printed Name)

(Title)

(Title)

(Date)

(Date)

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FORM PB

PROPOSAL BOND

in lieu of Certified Check or Cashier's Check as Proposal Security

One of the above shall be submitted in the sealed envelope with the Proposal.

_____, as Authorized Representative of the Design-Build Applicant Entity and _____, as Surety, are bound unto the Board of Commissioners Port of New Orleans, (hereinafter called the Board) in the full and just sum of five (5) percent of the Design-Build Applicant Entity's (Proposer's) Total Project Proposed Lump Sum Contract Price (Contract Price) as shown on Form PTP (Price and Time Proposal), for payment of which sum, well and truly be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, as solidary obligors.

Signed and sealed this _____ day of _____, 2010

The condition of this obligation is such that, whereas the Authorized Representative has submitted a Proposal to the Board on a Contract for the design and construction of the Riverfront Cold Storage Facility Project, located in Orleans Parish, if the Proposal is accepted and the Authorized Representative, within fifteen (15) calendar days after receipt of written notice from Board that award is made, enters into a notarial Contract with the Board in writing and furnishes a Performance Bond and Payment Bond with Surety equal to the amount of Contract, acceptable to the Board for payment and performance of said Contract as stated herein, this obligation will be void; otherwise to remain in effect with forfeiture of the Proposal Security as liquidated damages.

Proposal Bond Requirements

The Proposal Bond shall be in the amount of five (5) percent of the Contract Price. This Form PB-Proposal Bond shall be executed by the Authorized Representative for the Design-Build Applicant Entity and a Surety licensed to do business in Louisiana. The Proposal Bond shall be signed by the Surety's agent or attorney-in-fact, accompanied by appropriate power of attorney.

The Surety must be listed on the current U.S. Department of the Treasury Financial Management Service list of approved bonding companies as approved for an amount equal to or greater than the amount for which it obligates itself in the Proposal Bond or must be a Louisiana domiciled insurance company with at least an "A-VIII" rating in the latest edition A.M. Best's Key Rating Guide.

If Surety qualifies by virtue of its A. M. Best's listing, the amount of the Proposal Bond may not exceed ten (10) percent of the policyholders' surplus as shown in the latest A.M. Best's Key Rating Guide. The Proposal Bond shall be in favor of the Board of Commissioners Port of New Orleans.

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PROPOSAL BOND

in lieu of Certified Check or Cashier's Check as Proposal Security (continued)

Performance Bond and Payment Bond Requirements

The Performance Bond and Payment Bond shall be written by a company licensed to do business in Louisiana with at least an "A-VIII" rating in the latest edition A.M. Best's Key Rating Guide in an amount equal to 100 percent of the Contract amount. The Performance Bond and Payment Bond shall be in favor of the Board of Commissioners Port of New Orleans.

By: Design-Build Applicant Entity Name

By: Signature of Authorized Representative of Design-Build Applicant Entity

By: Printed Name of Authorized Representative of Design-Build Applicant Entity

By: Surety Name

By: Signature of Surety Agent or Attorney in Fact (Seal)

By: Printed Name of Surety Representative

Attach to the Proposal Bond appropriate power-of-attorney of the Surety.

Note: Submittal of acceptable evidence of authorization of the representative of the Design-Build Applicant Entity (Proposer) satisfactory to the Board of Commissioners Port of New Orleans is a requirement.

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FORM CR

CORPORATE RESOLUTION

Evidence of authority of the person(s) who has signed the Proposal to bind the legal entity submitting the Proposal shall be submitted in the sealed envelope with the Proposal.

A Corporate Resolution is provided below as an example. Submittal of acceptable evidence of authority satisfactory to the Board of Commissioners Port of New Orleans with the Proposal is a requirement.

BE IT RESOLVED by the Board of Directors of _____

in a meeting duly assembled that _____

of the Corporation, be, and he/she is hereby authorized, empowered, and directed for on the Corporation to negotiate for and sign any and all bid proposals and/ or contractors which this corporation might enter into for the furnishing of services for the Corporation under such terms, conditions and stipulations, and for such consideration as he might deem to the best interest of the Corporation.

* * * * *

I, _____ (Name)

Secretary of _____ do

hereby certify that the above and foregoing is a true and correct copy

Of a Resolution unanimously adopted at a meeting of the Board of

Directors of said Corporation held on the _____ day of

_____, 20__, at which meeting all members of the Board of

Directors were present and voted thereon and that said Resolution has

been spread upon the minute books of the Corporation, and same is

now in full force and effect.

WITNESS MY SIGNATURE, this _____ day of

_____, 20__, at _____, _____.