

**CITY OF POUGHKEEPSIE
POUGHKEEPSIE, NEW YORK**



**RFB-COP-01-17-03
WATER TREATMENT CHEMICALS-
LIQUID CARBON DIOXIDE,
35% HYDROGEN PEROXIDE**

Hon. Robert G. Rolison, Mayor

Deborah McDonnell, City Administrator

Council Members

Chris Petsas
Mike Young
Lorraine F. Johnson
Lee David Klein

Ann Perry
Natasha Cherry
Randall A. Johnson II
Mathew McNamara

Prepared By:

City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, New York 12601

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THIS BID IS DUE ON February 15, 2017 @ 2:30 P.M.

**PLEASE PLACE ALL BIDS IN A SEALED ENVELOPE MARKED WITH THE NAME OF THE BID
AND THE NUMBER**

Return all bids to the: City of Poughkeepsie
Purchasing Department
62 Civic Center Plaza
Poughkeepsie, NY 12601

TO BE ADVERTISED: January 20, 2017 FOR ONE DAY ONLY

CITY OF POUGHKEEPSIE, NEW YORK
ADVERTISEMENT AND NOTICE TO BIDDERS

Beginning immediately, sealed bids are sought and invited by the City of Poughkeepsie for **Water Treatment Chemicals; RFB-COP-01-17-03**, as set forth in the specifications prepared by City of Poughkeepsie Purchasing Department.

Sealed bids will be received by the Board of Contract and Supply, c/o Purchasing Agent, 62 Civic Center Plaza, Poughkeepsie, NY 12601 on or before **2:30 pm on February 15, 2017** after which the will be publicly opened and read aloud in the third floor Common Council Chambers, with the contract being awarded as soon as practicable thereafter. All bids must be made upon and in accordance with the form of proposals and attached specifications and shall be submitted in sealed envelopes marked:

**PROPOSAL FOR BID #01-17-03: Water Treatment Chemicals –Liquid Carbon Dioxide –
35 % Hydrogen Peroxide**

This Contract consists Water Treatment Chemicals for our Joint Water Plant. **All questions must be submitted in writing via fax at 845-451-4175 or email to: ralstadt@pokwater.com by close of business (4:00 PM EDT) February 10, 2017.**

Specifications and Contract are subject to provisions of Chapter 605, Laws of the State of New York of 1959, Section 103-A of the General Municipal Law.

Specifications and bid forms are attached hereto. All mailed proposals will be sealed and **distinctly marked "Proposal for RFB-COP-01-17-03": Water Treatment Chemicals**. The City of Poughkeepsie officially distributes bidding documents from the Purchasing Office , the City of Poughkeepsie website, www.cityofpoughkeepsie.com or through the Hudson Valley Municipal Purchasing Group's Regional Bid Notification System. www.bidnetdirect.com/new-york. Copies of bidding documents obtained from any other source are not considered official copies. Only those vendors who obtain bidding documents from the Purchasing Office, the City of Poughkeepsie website, or the Regional Bid Notification System will be sent addendum information, if such information is issued.

If you have obtained this document from a source other than the City of Poughkeepsie Purchasing Office, or the HVMPG Regional Bid Notification System it is recommended that you obtain an official copy. You may obtain an official copy by registering on the HVMPG Regional Bid Notification System at www.bidnetdirect.com/new-york or by visiting www.cityofpoughkeepsie.com

STATEMENT OF NON-COLLUSION:

Bidders on the Contracts are required to execute a non-collusion bidding certificate pursuant to Section 103d of the General Municipal Law of the State of New York.

Attention of bidders is particularly called to the mandatory Compliance with the Davis-Bacon Act and other Federal Labor Standards Provisions: Title VI and other applicable provisions of the Civil Rights Act of 1964; Executive Order 11246; Section 3 of the Housing and Urban Development Act of 1968; Section 109 of the Housing and Community Development Act of 1974; and Executive Order 11625 (Utilization of Minority Business Enterprise). Bidders are also required to comply with the provision of Section 291-299 of the Executive Law of the State of New York.

The City of Poughkeepsie hereby notifies all Bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority and women business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, gender, color, or national origin in consideration for an award.

OWNERS RIGHTS RESERVED:

The City of Poughkeepsie expressly reserves the right to waive any irregularities in or to accept any bid or to reject any and all bids or to award on any or all items as the interest of the City of Poughkeepsie may appear to require.

Marc Nelson

Commissioner of Finance

Dated: January 20, 2017

Poughkeepsie New York

INSTRUCTIONS AND INFORMATION TO BIDDERS

PAGE 1 OF 2

- Read all documents contained in the bid specifications.
- Bidders are responsible for submitting their bids to the appropriate location at or prior to the time indicated in the specifications. **No bids will be accepted after the designated time or date indicated in the bid specifications.** It is suggested that registered mail be used to submit bids. Delay in mail delivery is not an exception to the receipt of a bid.
- Any questions or clarification to the bid specifications or technical specifications must be submitted in writing to the Water Administrator, Randy Alstadt, Via Fax to 845-451-4175 or by email to: ralstadt@pokwater.com prior to the bid opening. Such questions must be in the possession of the Water Administrator 72 hours prior to the bid opening, unless otherwise stated. Verbal questions will not be entertained.
- **Bidders shall indicate, on the outside of their sealed bid, the following information:**
 1. Title and Number of the Bid
 2. Date and Time of Bid OpeningFailure to do so may result in rejection of the bid as being unresponsive.
- **The following forms are necessary to be submitted as a bid, as well as any additional forms requested in the detailed specifications:**
 1. **CS-1 - Bid proposal form/price page(s). (except some bids, such as for the Department of Public Works or Engineering Department, where a separate form may be required). Such exceptions will be noted in the work specification.**
 2. **CS-2 – Non-Collusion Affidavit, completed, signed and dated.**
 3. **Iran Divestment Act Document, completed, notarized, signed and dated.**

It is not necessary to submit our technical specifications with the bid. They are to be retained by the bidder for their records.

- Official bid copies can be obtained on the following website: www.bidnetdirect.com/new-york, www.cityofpoughkeepsie.com or by contacting the Purchasing Agent by email sdavison@cityofpoughkeepsie.com
- **Bidders must submit one original and one copy of their bids, unless otherwise stated.** The original must be clearly marked. All bids must be filled out in ink, or be typewritten. Bids submitted in pencil will be rejected as unresponsive. Bids which have been corrected by white out or cross out, and have not been initialed and/or dated will be rejected as unresponsive.
- The City of Poughkeepsie is part of a group known as the "INTERAGENCY PURCHASING COOPERATIVE". This group consists of the County of Dutchess, Dutchess Community College, and 82 different school and fire districts, cities, towns, and

villages located throughout Dutchess County. The City of Poughkeepsie is also part of a group known as the “Hudson Valley Municipal Purchasing Group” (HVMPG), which consists of the Counties of Dutchess, Rockland and Ulster; Town of Cortlandt; City of New Rochelle and the Pearl River School District. Other municipal purchasing agencies in the Hudson Valley will be joining in this regional system. The prices submitted in this bid may be extended and offered to these various agencies for their consideration. If they choose to participate in the proposal they will be submitting their own purchase documents directly to the successful vendor(s).

- Samples may be requested by the City for the purpose of product evaluation. It is understood that samples will be provided at **no charge** to the City and will be returned, when requested, within 30 days after the evaluation is completed, at the expense of the vendor. All samples left longer than 30 days after the evaluation period will be discarded.
- Sealed bids for **Water Treatment Chemicals** will be received in the Purchasing Department, 62 Civic Center Plaza, Poughkeepsie, New York, **on or before 2:30 pm, February 15, 2017**, and at that time, and place bids will be publicly opened and read aloud. Specifications and bid forms are attached hereto.
- Should the bidder find discrepancies or omissions in the specifications, he shall notify the Purchasing Agent, at once. The Purchasing Agent will not assume responsibility for any oral instructions, or interpretations of meaning of the specifications or other contract documents to any bidder by any person or persons.
- The Purchasing Agent, and/or his/her designee, shall be the only one authorized to make changes or alterations to anything contained in these specifications. Such changes shall be in writing to all interested vendors clearly indicating the change or alterations.
- The City of Poughkeepsie officially distributes bidding documents from the Purchasing Office or the Hudson Valley Municipal Purchasing Group’s Regional Bid Notification System. Copies of bidding documents obtained from any other source are not considered official copies. Only those vendors who obtain bidding documents from the Purchasing Office or the Regional Bid Notification System will be sent addendum information, if such information is issued.
- If you have obtained this document from a source other than the City of Poughkeepsie Purchasing Office or the HVMPG Regional Bid Notification System it is recommended that you obtain an official copy. You may obtain an official copy by registering on the HVMPG Regional Bid Notification System at www.bidnetdirect.com/new-york or by visiting www.cityofpoughkeepsie.com or contacting the Purchasing Agent.
- All bids shall be made out on the proposal forms attached hereto and all the attached certificates must be completed and signed in compliance with the provisions of Section 103-d of the NYS General Municipal Law.

- The Purchasing Agent reserves the right to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when such rejection is in the best interest of the City. The contract will be awarded to the RESPONSIBLE BIDDER offering the best price. A responsible bidder is a manufacturer, producer, dealer, vendor, or bona fide manufacturer's agent... who has demonstrated judgment and integrity, is of good reputation, experienced in his work, whose record of past performance in the trade is established as satisfactory, and whose financial status is such to provide no risk to the City of Poughkeepsie in its contractual relations.
- No bidder may withdraw a bid within forty-five (45) days after the actual date of the bid opening.
- Upon acceptance of any bid, the successful bidder shall execute a contract, in accordance with the specifications, with the CITY OF POUGHKEEPSIE.
- Bidders who are required to adhere to the prevailing wage schedule shall obtain and maintain a current schedule form the New York State Department of Labor for the entire term of the contract. The City may audit adherence to this schedule at any time during or after the contract period.
- "The City of Poughkeepsie requires that any contractor or subcontractor have, prior to entering into a construction contract with the City of Poughkeepsie with a value in excess of \$100,000.00, apprenticeship agreements appropriate for the type and scope of work to be performed, which have been registered with the NYS Commissioner of Labor in accordance with Article 23 of the Labor Law and shall provide the City of Poughkeepsie with satisfactory evidence of registration with the New York State Commissioner of Labor
- by the deadline to submit its bid package for the construction contract on which it is bidding;"
- **CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT:**
- As a result of the Iran Divestment Act of 2012 (the "Act"), Chapter 1 of the 2012 Laws of New York, a new provision has been added to State Finance Law (SFL) § 165-a and New York General Municipal Law § 103-g, both effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) (the "Prohibited Entities List"). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date at which time it will be posted on the OGS website.
- **NEW YORK STATE OSHA 10-HOUR CONSTRUCTION SAFETY AND HEALTH COURSE S1537-A:**
- This provision, effective July 18, 2008, is an addition to the existing prevailing wage rate law, Labor Law §220, section 220-h. It requires that on all public work projects of at least \$250,000.00, all laborers, workers and mechanics working on the site, be certified as

having successfully completed the OSHA 10-hour construction safety and health course. It further requires that the advertised bids and contracts for every public work contract of at least \$250,000.00 contain a provision of this requirement. Rules and regulations will be promulgated and posted on the NYSDOL website www.labor.state.ny.us when finalized.

Marc Nelson
Commissioner of Finance
Date: January 20, 2017

WATER TREATMENT CHEMICALS
RFB-COP-01-17-03

SPECIFICATIONS

1.0 SCOPE

1.01 General

The Poughkeepsies' Water Treatment Facility has a requirement for six (3) water treatment chemicals for potable water for the period March 1, 2017 through February 28, 2018, with the option to renew for two (1) additional one year terms (March 1, 2018 to February 28, 2019 and March 1, 2019 to February 28, 2020) at the sole option of the City under the same terms and conditions of the original bid.

Any deviation from the specifications contained within the awarded bid shall be grounds for immediate bid termination.

2.0 DELIVERY

2.01 Location

Chemicals shall be delivered F.O.B. all freight and transportation paid to:

Poughkeepsies' Water Treatment Facility
3431 North Road
Poughkeepsie NY 12601

There shall be no extra Pallet charges, carboy deposits, tank rental or tank deposits allowed. If pallets and/or drums are used they will be returned to the vendor for removal with the next delivery.

2.02 Failure to Deliver

If, in the event that the successful supplier fails to deliver as per the specifications listed herein the City of Poughkeepsie shall reserve the right to terminate the successful vendors contract upon thirty (30) day written notice, and to award the contract to the next lowest bidder for that contract year.

2.03 Monitoring

At the time of delivery of all chemicals, the driver of the delivery vehicle must monitor the entire unloading process. Any spills or unloading problems must be reported to the Senior Operator as soon as possible.

The City/Town of Poughkeepsie shall not be held liable for any delivery problems associated with the trucking and unloading of chemicals to the City/Town Water Facility.

2.04 Qualifications

Delivery driver must be properly trained in the hazards of the chemical being delivered and follow recommendations of MSDS throughout the delivery process. Vendor is responsible for supplying evidence that chemical haulers have gone through background checks w/appropriate federal agencies.

2.05 Security

Supplier must FAX a picture ID of the driver to the Water Plant at 845-451-4175 prior to expected delivery date.

Deliveries will only be accepted during pre-arranged time and date. Changes must be prearranged.

All tanker hatches must be securely fastened, using individually identifiable “wire ties”, which correlate with number printed on bill of lading. In the event these numbers do not match, the tanker will be immediately turned away. Delivery of new product must be within 48 hours.

Day of delivery driver or dispatch must communicate approximate time of delivery. In the event the time line can not be met, denial of product may occur at no cost to the Treatment Facility.

Driver will be escorted while on site and /or the truck and driver will be under video surveillance.

Unexpected deliveries without prior approval will be denied.

3.0 REQUIREMENTS

3.01 Chemical Information

All chemicals must meet or exceed all current AWWA specifications and EPA standards with regard to potable water. A space will be allowed on the proposal sheet to list the current AWWA number.

Chemicals are certified under NSF/ANSI Standard 60. Each shipment and part thereof must have a certificate of weight, affidavit of compliance to this

specification (and any cited standard), and a chemical and screen analysis furnished at the time of each delivery.

3.03 Material Safety Data Sheets

The most current MSDS available shall be supplied with all chemicals, at no extra cost to Poughkeepsies' Water Treatment Facility, prior to the first shipment.

3.04 Delivery Time

All chemicals must arrive at the Water Treatment Facility between the hours of 7:00 a.m. and 1:00 p.m. Any shipments arriving later than 1:00 p.m. may be rejected by the owner at no cost to the owner or overtime incurred shall be paid by vendor.

3.05 Product Testing

Prior to product delivery, Poughkeepsies' Water Treatment Facility (PWTF) personnel reserve the right to perform additional quality control testing. AWWA protocols and SOP's shall be followed and documented for each chemical tested. In the event testing concludes product does not meet specifications the delivery will be rejected (at NO COST to PWTF) and a new lot of product will be delivered within 48 hours.

Sample will be collected in triplicate, labeled, and stored until it is determined product meets all QA/QC guidelines. In the event it does not the vendor has the right to submit one of triplicate samples to 3rd party for confirmation analysis. Fees and charges incurred for additional testing shall be the responsibility of chemical vendor.

Chemical samples shall be collected from sample taps used to offload product to site storage.

4.0 PRICE

All prices shall remain firm, without increase, for the first twelve months of the contract.

4.01 Price Adjustment

On each anniversary date of the awarded contract, the Contractor (or the City of Poughkeepsie) may request a rate change (increase or decrease) based upon the fluctuations in the latest published Consumer Price Index (CPI) as published by the U.S. Department of Labor, Bureau of Labor

Statistics. The index is also available at the Bureau of Labor Statistics web site at <http://data.bls.gov/PDO/outside.jsp?survey=cu> and then you need to select 1) Northeast Urban, NY Northern NJ, Long Island, NY-NJ-CT-PA

2) All Items

3) Not seasonally adjusted

Price adjustments involve changing the base payment by the percent change reflected in the CPI between the reference and subsequent time period. The price adjustment shall be calculated as follows: Take the CPI for the 3rd month prior to the month of the start of the contract, and subtract this figure from the CPI value for the 3rd month prior to the anniversary date of the contract (i.e. if the contract begins in December, use the September CPI). That sum is then divided by the original CPI Value, with the result being multiplied by 100 to equal the percent change, which is the price adjustment value. This percentage increase/decrease shall be applied to the next contract year, effective on the anniversary date of the contract.

The following example illustrates this calculation:

CPI 3 rd month prior to anniversary date	136.0
Less CPI at 3 rd month prior to contract start date	<u>-129.9</u>
Equals index point change	6.1
Divided by previous period CPI	129.9
Equals	0.047
Result multiplied by 100	$0.047 \times 100 = 4.7$ percent increase

All awarded contracts shall be entered into at prices bid in response to this bid solicitation, and may be adjusted on the anniversary date of the contract and in like manner as specified above.

The Contractor has the sole responsibility to submit invoices at the adjusted rate on the applicable anniversary date and shall provide a copy of the index and other supporting documentation necessary to support the increase or decrease to the City of Poughkeepsie, as appropriate. Should the Contractor fail to submit adjusted invoices and/or supporting documentation within three (3) months after the applicable anniversary date, the Contractor shall be deemed to have waived its right to any increase in price for that year, but the City of Poughkeepsie shall not be barred from making the appropriate adjustment in the case of a decrease determined in accordance with the above methodology

5.0 AWARD

Before any award is made on any chemical the successful vendor may have to submit a sample (if requested) to:

Mr. Randy J. Alstadt, P.E.
Water Plant Administrator
Poughkeepsies' Water Treatment Facility
3431 North Road
Poughkeepsie NY 12601

Each chemical may be awarded separately.

The city reserves the right to reject any/all bids if it is in the best interest of the city to do so.

6.0 CHEMICALS

All quantities are approximate and may be increased or decreased without penalty.

ITEM	Annual Usage
Liquid Carbon Dioxide (Bulk 14 ton)	75,000 to 125,000 pounds
35% Hydrogen Peroxide (55 gallon drums)	1,000 Gallons

Liquid Carbon Dioxide shall conform to AWWA standard B510. Carbon Dioxide shall be at least 99.5 percent by weight and certified in accordance with NSF/ANSI 60.

Hydrogen Peroxide shall be FDA approved.

CERTIFICATE - Each shipment and part thereof must have a certificate of weight, affidavit of compliance to this specification and any cited standard, and a chemical and screen analysis furnished at the time of each delivery

CITY OF POUGHKEEPSIE

Purchasing Department

BID PROPOSAL FORM

The undersigned, having carefully examined the appropriate specifications, Water Treatment Chemicals; Bid #RFB-COP-01-17-03, Dated February 15, 2017, does hereby agree to furnish and deliver to the City of Poughkeepsie, New York, the following items at the price(s) indicated:

SCHEDULE OF ITEMS	AWWA#	Unit of Measure	Price for Initial Term: 03/01/17-02/28/18
Water Treatment Chemicals			
Item 1- Liquid Carbon Dioxide (Bulk)			
Item 2- 35% Hydrogen Peroxide (55 GL Drum)			

Submitted by: _____
(Company Name)

Contact Person

Telephone _____

Fax #

CITY OF POUGHKEEPSIE
Purchasing Department
BID PROPOSAL FORM

Bid submitted by: _____

The undersigned hereby designates as his office to which such notice of acceptance may be mailed, telegraphed, or delivered:

The vendor hereby agrees to the provisions of Section 103-a of the General Municipal Law which requires that upon the refusal of a person, when called before a Grand Jury to testify concerning any transaction, or contract had with the State, any political subdivision thereof, a public authority, to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract,

(a) "such person, and any firm partnership or corporation of which he is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with any municipal corporation or any public department, agency or official thereof, for goods, work or services, for a period of five years after such refusal, and

(b) any and all contracts made with any municipal corporation or any public department, agency or official thereof, since the effective date of this law, by such person, and by any firm, partnership or corporation of which he is a member, partner, director or officer may be cancelled or terminated by the municipal corporation without incurring any penalty or damages on account of such cancellation or termination, but any moneys owing by the municipal corporation for goods delivered or work done prior to the cancellation or termination shall be paid."

The vendor does hereby certify that he or it is under no such impediment or disqualification from bidding created under Section 103-b of the General Municipal Law of the State of New York.

As required by Section 139-d of the New York State Finance Law, the bidder certifies that:

- (a) the bid has been arrived at by the bidder independently and has been submitted without collusion with any other vendor of materials, supplies, or equipment of the type described in the invitation for bids, and
- (b) the contents of the bid have not been communicated by the bidder, nor, to its best knowledge and belief, by any of its employees or agents, to any person not an employee or agent of the bidder or its surety on any bond furnished herewith prior to the official opening of the bid. The signature of the Contractor to this contract shall be deemed a specific subscription to the certificate required pursuant to Section 139-d of the State Finance Law and the Contractor affirms that the statements therein contained are true under the penalties of perjury."
- (c) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

Signed _____

By _____
(President)

Dated _____

If a corporation, give the State of Incorporation, using the phrase "corporation organized under the laws of

_____."

If a partnership, give names of partners, using also the phrase "co-partners trading and doing business under the firm name and style of

_____."

If an individual using a trade name, give individual name, using also the phrase "an individual doing business under the firm name and style of

_____."

CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (the "Act"), Chapter 1 of the 2012 Laws of New York, a new provision has been added to State Finance Law (SFL) § 165-a and New York General Municipal Law § 103-g, both effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) (the "Prohibited Entities List"). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date at which time it will be posted on the OGS website.

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, each Bidder/Contractor, any person signing on behalf of any Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under penalty of perjury, that once the Prohibited Entities List is posted on the OGS website, that to the best of its knowledge and belief, that each Bidder/Contractor and any subcontractor or assignee is not identified on the Prohibited Entities List created pursuant to SFL § 165-a(3)(b).

Additionally, Bidder/Contractor is advised that once the Prohibited Entities List is posted on the OGS Website, any Bidder/Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this solicitation must certify at the time the Contract is renewed, extended or assigned that it is not included on the Prohibited Entities List.

During the term of the Contract, should the City receive information that a Bidder/Contractor is in violation of the above-referenced certification, the County will offer the person or entity an opportunity to respond. If the person or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor in default.

The County reserves the right to reject any bid or request for assignment for a Bidder/Contractor that appears on the Prohibited Entities List prior to the award of a contract and to pursue a responsibility review with respect to any Bidder/Contractor that is awarded a contract and subsequently appears on the Prohibited Entities List.

I, _____, being duly sworn, deposes and says that he/she is the
_____ of the
_____ Corporation and that neither the Bidder/Contractor nor any
proposed subcontractor is identified on the Prohibited Entities List.

SIGNED

SWORN to before me this

_____ day of _____

20__

Notary Public: _____

WATER TREATMENT CHEMICALS
RFB-COP-01-17-03

Receipt of Addendum:

Addendum No.

Date Received
