Purchase Agreement Amendment

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ONE CAPITOL HILL
PROVIDENCE RI 02908

VENDOR	
	822 LINCOLN ENVIRONMENTAL INC 333 WASHINGTON HWY SMITHFIELD, RI 02917 United States

Amendment Date: 26-JUL-07 Original Award Date: 01-AUG-06 Buyer: J Moynihan Phone #: 401-574-8119 FOB: Destination Terms: NET 30	Change Order Number **5** Award Number **68M00353054** Effective Period 28-JUL-06 - 26-JUL-07

SHIP TO	INVOICE
MASTER PRICE AGREEMENT SEE BELOW RELEASE AGAINST, RI MPA United States	MASTER PRICE AGREEMENT SEE BELOW RELEASE AGAINST, RI MPA United States

REMOVE/INSTALL FUEL TANKS

Description	Bid Number	Change Order Req#
REMOVE/INSTALL FUEL TANKS		

Line #	Code	Class-Item	Quantity	Unit	Unit Price
		CHANGE TO PO 68M00353054 PO 68M00353054 IS CANCELLED. VENDOR NAME CHANGED: FROM: LINCOLN ENVIRONMENTAL INC TO: ATC GROUP SERVICES, INC PO 3039089 REPLACES 68M00353054 AND IS ISSUED TO ATC GROUP SERVICES FOR THE REMAINDER OF THE CONTRACT.			

STATE PURCHASING AGENT

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Notice of Price Agreement Award

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VENDOR
LINCOLN ENVIRONMENTAL INC
333 WASHINGTON HWY
SMITHFIELD RI 02917

REMOVE/INSTALL FUEL TANKS

Award Number: **68M00353054**

Effective Period: **7/28/06 - 6/30/08**

SHIP TO
ADMINISTRATION
MASTER PRICE AGREEMENT
RELEASE AGAINST RI MPA

Date: 08/01/2006
Buyer: JEROME MOYNIHAN
Shipping: F.O.B., Destination
Terms: Net 30

INVOICE
ADMINISTRATION
MASTER PRICE AGREEMENT
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Department		Bid Number	Requisition Number
ADMINISTRATION	MPA-240	B06445	

Item		Unit	Unit Price
	7/28/06 - 6/30/08 MASTER PRICE AGREEMENT #240 THIS IS A NOTICE OF AWARD, NOT AN ORDER. Any quantity reference in the agreement or in the bid preceding it are estimates only and do not represent a commitment on the part of the state to any level of billing activity, other than for quantities or volumes specifically released during the term. No action is to be taken except as specifically authorized, as described herein under AUTHORIZATION AND RELEASE. ENTIRE AGREEMENT - This NOTICE OF AWARD, with all attachments, and any release(s) against it shall be subject to: (1) the specifications, terms and conditions set forth in the Request/Bid Number cited herein, (2) the General Terms and Conditions of Contracts for the State of Rhode Island and (3) all provisions of, and the Rules and Regulations promulgated pursuant to, Title 37, Chapter 2 of the General Laws of the State of Rhode Island. This NOTICE shall constitute the entire agreement between the State of Rhode Island and the Vendor. No assignment of rights or responsibility will be permitted except with the express written permission of the State Purchasing Agent or his designee. CANCELLATION, TERMINATION and EXTENSION - This Price Agreement shall automatically terminate as of the date(s) described under CONTRACT PERIOD unless this Price Agreement is altered by formal amendment by the State Purchasing Agent or his designee upon mutual agreement between the State and the Vendor. STATEWIDE APPLICABILITY - Political Subdivisions (cities, towns, schools, quasi-public agencies), as authorized by law, may participate in this Agreement. All ordering and billing shall be between the vendor and the political subdivision (only).		

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ADMINISTRATION	MPA-240	B06445	

Item		Unit	Unit Price
	AUTHORIZATION AND RELEASE. In no event shall the Vendor deliver goods or provide service until such time as a duly authorized release document is certified by the ordering Agency. A Direct Purchase Order (DPO) shall be created by the agency listing the items ordered, using the pricing and format set forth in the Master Blanket. All pricing shall be as described in the Master Blanket and is considered to be fixed and firm for the term of the Agreement, unless specifically noted to the contrary herein. All prices include prepaid freight. Freight, taxes, surcharges, or other additional charges will not be honored unless reflected in Master Blanket. ANNUAL RENEWAL INSURANCE CERTIFICATES FOR WORKERS' COMPENSATION, PUBLIC LIABILITY, PROPERTY DAMAGE INSURANCE, AUTO INSURANCE, PROFESSIONAL LIABILITY INSURANCE (AKA ERRORS & OMISSIONS), BUILDER'S RISK INSURANCE, SCHOOL BUSING AUTO LIABILITY, ENVIRONMENTAL IMPAIRMENT (AKA POLLUTION CONTROL), VESSEL OPERATION (MARINE OR AIRCRAFT) PROTECTION & INDEMNITY, ETC., MUST BE SUBMITTED TO THE SPECIFIC AGENCY IDENTIFIED IN THE "BILL TO" SECTION OF THE PURCHASE ORDER. CERTIFICATES ARE ANNUALLY DUE PRIOR TO THE BEGINNING OF ANY CONTRACT PERIOD BEYOND THE INITIAL TWELVE-MONTH PERIOD OF A CONTRACT. FAILURE TO PROVIDE ANNUAL INSURANCE CERTIFICATION MAY BE GROUNDS FOR CANCELLATION. THIS IS A MULTI-YEAR BID/CONTRACT. PER RHODE ISLAND STATE LAW 37-2-33, CONTRACT OBLIGATIONS BEYOND THE CURRENT FISCAL YEAR ARE SUBJECT TO AVAILABILITY OF FUNDS. CONTINUATION OF THE CONTRACT BEYOND THE INITIAL FISCAL YEAR WILL BE AT THE DISCRETION OF THE STATE. TERMINATION MAY BE EFFECTED BY THE STATE BASED UPON DETERMINING FACTORS SUCH AS UNSATISFACTORY PERFORMANCE OR THE DETERMINATION BY THE STATE TO DISCONTINUE THE GOODS/SERVICES, OR TO REVISE THE SCOPE AND NEED FOR THE TYPE OF GOODS/SERVICES; ALSO MANAGEMENT OWNER DETERMINATIONS THAT MAY PRECLUDE THE NEED FOR GOODS/SERVICES. THIS PURCHASE ORDER IS AWARDED SUBJECT TO EQUAL OPPORTUNITY COMPLIANCE.		

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Department		Bid Number	Requisition Number
ADMINISTRATION	MPA-240	B06445	

Item		Unit	Unit Price
1.0	REMOVAL/DISPOSAL OF 275 GALLON TANK	EA	1,350.00
2.0	REMOVAL/DISPOSAL OF 500 GALLON TANK	EA	1,350.00
3.0	REMOVAL/DISPOSAL OF 1,000 GALLON TANK	EA	1,800.00
4.0	REMOVAL/DISPOSAL OF 1,500 GALLON TANK	EA	1,850.00
5.0	REMOVAL/DISPOSAL OF 2,000 GALLON TANK	EA	2,350.00
6.0	REMOVAL/DISPOSAL OF 2,500 GALLON TANK	EA	2,400.00
7.0	REMOVAL/DISPOSAL OF 3,000 GALLON TANK	EA	2,700.00
8.0	REMOVAL/DISPOSAL OF 5,000 GALLON TANK	EA	4,400.00
9.0	REMOVAL/DISPOSAL OF 10,000 GALLON TANK	EA	6,100.00
10.0	SUPPLY/INSTALL 275 GALLON TANK - ABOVE GROUND	EA	1,944.00

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ADMINISTRATION	MPA-240	B06445	

Item		Unit	Unit Price
11.0	SUPPLY/INSTALL 275 GALLON TANK - BELOW GROUND	EA	8,780.00
12.0	SUPPLY/INSTALL 500 GALLON TANK - ABOVE GROUND AS SPECIFIED OR OPTIONAL CONVAULT	EA	6,990.00
13.0	SUPPLY/INSTALL 500 GALLON TANK - BELOW GROUND	EA	9,512.00
14.0	SUPPLY/INSTALL 1,000 GALLON TANK - ABOVE GROUND AS SPECIFIED OR OPTIONAL CONVAULT	EA	8,590.00
15.0	SUPPLY/INSTALL 1,000 GALLON TANK - BELOW GROUND	EA	10,692.00
16.0	SUPPLY/INSTALL 2,000 GALLON TANK - ABOVE GROUND	EA	11,206.00
17.0	SUPPLY/INSTALL 2,000 GALLON TANK - BELOW GROUND	EA	14,024.00
18.0	SUPPLY/INSTALL 3,000 GALLON DIKED TANK - ABOVE GROUND TO INCLUDE RAIN SHIELD	EA	18,166.00
19.0	SUPPLY/INSTALL 3,000 GALLON TANK - BELOW GROUND	EA	18,908.00

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ADMINISTRATION	MPA-240	B06445	

Item		Unit	Unit Price
	UNDERGROUND TANKS MAY BE SUPPLIED IN EITHER STEEL OR FIBERGLASS CONSTRUCTION IN COMPLIANCE WITH DEPARTMENT OF ENVIRONMENTAL MANAGEMENT REQUIREMENTS. BIDDER MAY QUOTE PRICE FOR STEEL OR FIBERGLASS WHICHEVER IS LOWER WITHOUT NEED TO SPECIFY MATERIAL TYPE ON THE BID SUMITTAL. DUE TO DIFFERENT SITE CONDITIONS, PRICES BID FOR UNDERGROUND TANKS DO NOT INCLUDE ELECTRICAL, PIPING, SECONDARY CONTAINMENT, MONITORING, OR SHORING. SERVICES REQUIRED UNDER THESE CATEGORIES WILL BE SUBJECT TO NEGOTIATION AND ANY MPA RATES THAT MAY BE APPLICABLE. ITEMS 10, 12, 14, 16, 18 (SUPPLY/INSTALL ABOVE GROUND TANK) - BID PRICE DOES NOT INCLUDE A CONCRETE SLAB. REQUIREMENTS FOR CONCRETE SLABS, BOLLARDS, OR FENCING WILL BE SITE SPECIFIC AND SUBJECT TO NEGOTIATION. UNIT PRICES FOR THE FOLLOWING ADDITIONAL SERVICES OR EQUIPMENT AS MAY BE REQUIRED, AUTHORIZED AND APPROVED BY THE AGENCY:		
20.0	REMOVE/DISPOSE OF LIQUIDS IN EXCESS OF 5% PETROLEUM HYDROCARBONS INCLUDED UNDER BID ITEMS 1 THROUGH 9. PRICE PER 55 GALLON DRUM.	GAL.	140.00
21.0	REMOVE/DISPOSE OF SOLIDS IN EXCESS OF 5% PETROLEUM HYDROCARBONS INCLUDED UNDER BID ITEMS 1 THROUGH 10. PRICE PER 55 GALLON DRUM.	GAL.	140.00
22.0	FLOWABLE FILL - PRICE PER CUBIC YARD	CUYD	69.00
23.0	REMOVE AND DISPOSE OF ANY SOIL CONTAMINATION BY PETROLEUM PRODUCTS #2, #4, OR #6 OR DIESEL IN AMOUNT LESS THAN 20 TONS. PRICE PER TON (EXCLUDING TRANSPORTATION)	TON	67.00

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ADMINISTRATION	MPA-240	B06445	

Item		Unit	Unit Price
24.0	REMOVE AND DISPOSE OF ANY SOIL CONTAMINATION BY PETROLEUM PRODUCTS #2, #4, OR #6 OR DIESEL IN AMOUNT GREATER THAN 20 TONS. PRICE PER TON (EXCLUDING TRANSPORTATION)	TON	64.00
25.0	REMOVE AND DISPOSE OF ANY LIQUID CONTAMINATED WITH PETROLEUM PRODUCTS #2, #4, OR #6 OR DIESEL. PRICE PER GALLON (EXCLUDING TRANSPORTATION)	GAL.	1.00
26.0	PROVIDE GRAVEL TO FILL EMPTY TANK HOLES TO GRADE. PRICE PER CUBIC YARD.	CUYD	15.00
27.0	REPLACE ASPHALT AS REQUIRED TO 3" THICKNESS AND ROLLED - LESS THAN 100 SQUARE FEET. PRICE PER SQUARE FOOT.	SQFT	10.00
28.0	REPLACE ASPHALT AS REQUIRED TO 3" THICKNESS AND ROLLED - MORE THAN 100 SQUARE FEET. PRICE PER SQUARE FOOT.	SQFT	8.00
29.0	REPLACE ASPHALT AS REQUIRED TO 3" THICKNESS AND ROLLED - MORE THAN 1,000 SQUARE FEET. PRICE PER SQUARE FOOT.	SQFT	2.40
30.0	DISPOSE OF ASPHALT (EXCLUDES TRANSPORTATION). PRICE PER TON.	TON	5.00
31.0	DISPOSE OF CONCRETE (EXCLUDES TRANSPORTATION). PRICE PER TON.	TON	5.00
32.0	REPLACE CLEAN LOAM SUITABLE FOR SEEDING. PRICE PER CUBIC YARD.	CUYD	23.00
33.0	RESEEDING (INCLUDES MATERIAL AND LABOR) - PRICE PER SQUARE FOOT.	SQFT	.60

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Item		Unit	Unit Price
34.0	FOREMAN - PRICE PER HOUR	HOUR	77.00
35.0	LABORER - PRICE PER HOUR	HOUR	68.00
	EQUIPMENT		
36.0	EXCAVATOR (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	HOUR	175.00
37.0	BACKHOE (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	HOUR	95.00
38.0	LOADER (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	HOUR	175.00
39.0	DUMP TRUCK (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	HOUR	90.00
40.0	TRACTOR/TRAILER COMBO (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	HOUR	115.00
41.0	SERVICE VAN (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	HOUR	80.00
42.0	VACUUM TRUCK (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	HOUR	110.00

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ADMINISTRATION	MPA-240	B06445	

Item		Unit	Unit Price
	MATERIALS (NOT INCLUDING REPLACEMENT TANKS AND OTHER THAN THOSE PROVIDED FOR IN UNIT PRICE SCHEDULE) AS AUTHORIZED AND APPROVED BY THE STATE: CONTRACTOR TO SHOW PROOF OF ACTUAL COST CONTRACTOR'S ACTUAL COST PLUS 8% NOTE: 1. MILEAGE OR TRAVEL TIME SHALL NOT BE CHARGED BY THE CONTRACTOR OR ALLOWED BY THE STATE. 2. THE CONTRACTOR SHALL NOT BE COMPENSATED AT AN OVERTIME RATE FOR SELF-DIRECTED WORK DURING "PREMIUM" HOURS WHICH ARE DEFINED AS DAILY WORK BEFORE 7:00 A.M. OR AFTER 5:00 P.M., OR ON SATURDAYS, SUNDAYS, OR HOLIDAYS. 3. CLOSURE ASSESSMENTS WILL BE PERFORMED BY THE STATE. 4. CLOSURE APPLICATION FEES SHALL BE PAID BY THE CONTRACTOR AND REIMBURSED BY THE STATE. 5. DISPOSAL OF MATERIALS MUST BE IN ACCORDANCE WITH ALL APPLIABLE LAWS AND REGULATIONS. DISPOSAL SITES SHALL NOT BE LIMITED TO "IN STATE."		

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Item		Unit	Unit Price
	6. ALL TANK INSTALLATION AND REMOVALS WILL BE INCLUSIVE OF ALL LABOR AND MATERIALS NECESSARY TO PERFORM THE SERVICES. 7. THE STATE, SOLELY AT ITS OPTION, SHALL RESERVE THE RIGHT TO USE OTHER CONTRACTORS TO PERFORM SPECIFIC TASKS LISTED IN THIS MPA. 8. ALL ABOVE GROUND TANKS WILL HAVE SECONDARY CONTAINMENT AND NOT BE DIKED TANKS UNLESS SPECIFIED. 9. TESTING FEES REQUIRED BY THE DISPOSAL SITE SHALL BE PASSED THROUGH FOR PAYMENT AT ACTUAL COST WITH NO MARK-UP. 10. SOIL REMOVAL AND DISPOSAL WILL BE INCLUSIVE OF EXCAVATION, STORAGE, TRANSPORTATION AND DISPOSAL. AWARDED CONTRACTORS UNDER THIS SOLICITATION SHALL BE RESPONSIBLE FOR THE FOLLOWING:		

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	- PREPARATION AND SUBMISSION OF D.E.M. TANK REGISTRATION AND CLOSURE CERTIFICATES. - OBTAINING ALL OTHER NECESSARY PERMITS AS REQUIRED BY LAW, INCLUDING COST IF APPLICABLE. - COORDINATE D.E.M. AND FIRE INSPECTIONS. - GAS (VAPOR) FREE TANKS PRIOR TO REMOVAL. - DISPOSE OF ALL TANK CONTENTS. - DISPOSE OF ALL TANK BOTTOM RESIDUE. - DISPOSE OF CONTAMINATED SOILD BY DIESEL FUEL OR #2, #4, OR #6 FUEL OIL. - DISPOSE OF OLD TANK AND PIPING. - FURNISH AND INSTALL CLEAN FILL (GRAVEL) TO BACKFILL TO GRADE. - RESURFACE DISTURBED AREAS WITH ASPHALT 3" THICK AND ROLLED (IF REQUIRED). - CONCRETE PAD (IF REQUIRED) TO BE 8" THICK APPROXIMATELY 4 CUBIC YARDS WITH 1/2 INCH REBAR 1" ON CENTER. - TANKS REPLACED ABOVE GROUND WILL BE DONE ACCORDING TO TANK MANUFACTURER'S SPECIFICATIONS. - IT IS THE VENDOR'S RESPONSIBILITY TO INSURE THAT THE ENTIRE PROJECT(S) MEET ALL FEDERAL, STATE, AND LOCAL REGULATIONS PERTAINING TO THIS TYPE OF WORK. EVERY PERSON OR BUSINESS ENTITY PROVIDING GOODS OR SERVICES AT A COST OF $5000 CUMULATED VALUE IS REQUIRED TO FILE AN AFFIDAVIT REGARDING POLITICAL CAMPAIGN CONTRIBUTIONS WITH THE RI STATE BOARD OF ELECTIONS EVEN IF NO REPORTABLE CAMPAIGN CONTRIBUTIONS HAVE BEEN MADE. (RI GENERAL LAW 17-27) FORMS OBTAINED AT BOARD OF ELECTIONS, CAMPAIGN FINANCE DIVISION, 50 BRANCH AVENUE, PROVIDENCE, RI 02904 (401-222-2056). DELIVERY OF GOODS OR SERVICES AS REQUESTED BY AGENCY. PAYMENTS WILL BE AUTHORIZED UPON SUBMISSION OF PROPERLY RENDERED INVOICES NO MORE THAN MONTHLY TO THE RECEIVING AGENCY. ANY UNUSED BALANCE AT END OF BLANKET PERIOD IS AUTOMATICALLY CANCELLED.		

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