

Purchase Agreement Amendment



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

V E N D O R	2242 ATC GROUP SERVICES INC 333 WASHINGTON HWY SMITHFIELD, RI 02917 United States	Amendment Date: 16-NOV-07 Original Award Date: 03-AUG-07 Buyer: J Moynihan Phone #: 401-574-8119 FOB: Destination Terms: NET 30	Change Order Number 2 Award Number 3039089 Effective Period 03-AUG-07 - 30-JUN-08
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S H I P T O	MASTER PRICE AGREEMENT SEE BELOW RELEASE AGAINST, RI MPA United States	I N V O I C E	MASTER PRICE AGREEMENT SEE BELOW RELEASE AGAINST, RI MPA United States
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REMOVE/INSTALL FUEL TANKS (FORMERLY 68M00353054) (MPA-240)

Description			Bid Number		Change Order Req#
REMOVE/INSTALL FUEL TANKS (FORMERLY 68M00353054) (MPA-240)					
Line #	Code	Class-Item	Quantity	Unit	Unit Price
		CHANGE TO P.O. 3039089 DATED 8/3/07 LINE ITEM 44 WAS ADDED TO REFLECT CONCRETE SLAB FOUNDATION REPLACEMENT PRICED IN \$1.00 INCREMENTS.			
44	830.31	MPA-240 - CONCRETE SLAB FOUNDATION REPLACEMENT PRICED IN \$1.00 INCREMENTS		Each	1.00

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			N/A	
Line	Item	Item Description	Unit	Unit Price

		<p>PO 68M00353054 IS CANCELLED. VENDOR NAME CHANGED: FROM: LINCOLN ENVIRONMENTAL INC TO: ATC GROUP SERVICES PO 3039089 REPLACES 68M00353054 AND IS ISSUED TO ATC GROUP SERVICES FOR THE REMAINDER OF THE CONTRACT.</p> <p>8/3/07 - 6/30/08</p> <p>REMOVE/INSTALL FUEL TANKS</p> <p>VENDOR PHONE: (401) 232-3353 VENDOR FAX: (401) 232-1130</p> <p>UNDERGROUND TANKS MAY BE SUPPLIED IN EITHER STEEL OR FIBERGLASS CONSTRUCTION INCOMPLIANCE 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 SUBMITTAL.</p> <p>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.</p> <p>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.</p>			
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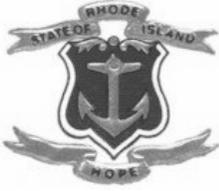
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		<p>UNIT PRICES FOR THE FOLLOWING ADDITIONAL SERVICES OR EQUIPMENT AS MAY BE REQUIRED, AUTHORIZED AND APPROVED BY THE AGENCY.</p> <p>NOTE: MILEAGE OR TRAVE TIME SHALL NOT BE CHARGED BY THE CONTRACTOR OR ALLOWED BY THE STATE.</p> <p>THE CONTRACTOR SHALL NOT BE COMPENSATED AT AN OVERTIME RATE FOR SELF-DIRECTED WORK DURING "PREMIUM" HOURS WHICH ARE DEFINED AS DAILY WORK BEFORE 7:00 AM OR AFTER 5:00 PM OR ON SATURDAYS, SUNDAYS, OR HOLIDAYS.</p> <p>CLOSURE APPLICATION FEES SHALL BE PAID BY THE CONTRACTOR AND REIMBURSED BY THE STATE.</p> <p>DISPOSAL OF MATERIALS MUST BE IN ACCORDANCE WITH ALL APPLIABLE LAWS AND REGULATIONS. DISPOSAL SITES SHALL NOT BE LIMITED TO "IN STATE".</p> <p>ALL TANK INSTALLATION AND REMOVALS WILL BE INCLUSIVE OF ALL LABOR AND MATERIALS NECESSARY TO PERFORM THE SERVICES.</p> <p>THE STATE, SOLEY AT ITS OPTION, SHALL RESERVE THE RIGHT TO USE OTHER CONTRACTORS TO PERFORM SPECIFIC TASKS LISTED IN THIS MPA.</p> <p>ALL ABOVE GROUND TANKS WILL HAVE SECONDARY CONTAINMENT AND NOT BE DIKED TANKS UNLESS SPECIFIED.</p> <p>TESTING FEES REQUIRED BY THE DISPOSAL SITE SHALL BE PASSED</p>		
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		<p>THROUGH FOR PAYMENT AT ACTUAL COST WITH NO MARK-UP.</p> <p>SOIL REMOVAL AND DISPOSAL WILL BE INCLUSIVE OF EXCAVATION, STORAGE, TRANSPORTATION AND DISPOSAL.</p> <p>AWARDED CONTRACTORS UNDER THIS SOLICITATION SHALL BE RESPONSIBLE FOR THE FOLLOWING:</p> <p>PREPARATION AND SUBMISSION OF DEM TANK REGISTRATION AND CLOSURE CERTIFICATES OBTAINING ALL OTHER NECESSARY PERMITS AS REQUIRED BY LAW, INCLUDING COST IF APPLICABLE COORDINATE DEM AND FIRE INSPECTIONS GAS (VAPOR) FREE TANKS PRIOR TO REMOVAL DISPOSE OF ALL TANK CONTENTS DISPOSE OF ALL TANK BOTTOM RESIDUE DISPOSE OF CONTAMINATED SOLID 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.</p>		
1		MPA-240 - REMOVAL/DISPOSAL OF 275 GALLON TANK	Each	1350

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			N/A	
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2		MPA-240 - REMOVAL/DISPOSAL OF 500 GALLON TANK	Each	1350
3		MPA-240 - REMOVAL/DISPOSAL OF 1,000 GALLON TANK	Each	1800
4		MPA-240 - REMOVAL/DISPOSAL OF 1,500 GALLON TANK	Each	1850
5		MPA-240 - REMOVAL/DISPOSAL OF 2,000 GALLON TANK	Each	2350
6		MPA-240 - REMOVAL/DISPOSAL OF 2,500 GALLON TANK	Each	2400
7		MPA-240 - REMOVAL/DISPOSAL OF 3,000 GALLON TANK	Each	2700
8		MPA-240 - REMOVAL/DISPOSAL OF 5,000 GALLON TANK	Each	4400
9		MPA-240 - REMOVAL/DISPOSAL OF 10,000 GALLON TANK	Each	6100
10		MPA-240 - SUPPLY/INSTALL 275 GALLON TANK - ABOVE GROUND	Each	1944
11		MPA-240 - SUPPLY/INSTALL 275 GALLON TANK - BELOW GROUND	Each	8780
12		MPA-240 - SUPPLY/INSTALL 500 GALLON TANK - ABOVE GROUND;AS SPECIFIED OR OPTIONAL CONVAULT	Each	6990
13		MPA-240 - SUPPLY/INSTALL 500 GALLON TANK - BELOW GROUND	Each	9512
14		MPA-240 - SUPPLY/INSTALL 1,000 GALLON TANK - ABOVE GROUND;AS SPECIFIED OR OPTIONAL CONVAULT	Each	8590
15		MPA-240 - SUPPLY/INSTALL 1,000 GALLON TANK - BELOW GROUND	Each	10692
16		MPA-240 - SUPPLY/INSTALL 2,000 GALLON TANK - ABOVE GROUND	Each	11206
17		MPA-240 - SUPPLY/INSTALL 2,000 GALLON TANK - BELOW GROUND	Each	14024
18		MPA-240 - SUPPLY/INSTALL 3,000 GALLON DIKED TANK - ABOVE GROUND TO INCLUDE RAIN SHIELD	Each	18166
19		MPA-240 - SUPPLY/INSTALL 3,000 GALLON TANK - BELOW GROUND	Each	18908
20		MPA-240 - REMOVE/DISPOSE OF LIQUIDS IN EXCESS OF 5% PETROLEUM HYDROCARBONS INCLUDED UNDER BID ITEMS 1 THROUGH 9. PRICE PER 55 GALLON DRUM.	Gallon	140
21		MPA-240 - REMOVE/DISPOSE OF SOLIDS IN EXCESS OF 5% PETROLEUM	Gallon	140

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Line	Item	Item Description	Unit	Unit Price

		HYDROCARBONS INCLUDED UNDER BID ITEMS 1 THROUGH 10. PRICE PER 55 GALLON DRUM.		
22		MPA-240 - FLOWABLE FILL - PRICE PER CUBIC YARD	Cubic Yard	69
23		MPA-240 - 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
24		MPA-240 - 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
25		MPA-240 - REMOVE AND DISPOSE OF ANY LIQUID CONTAMINATED WITH PETROLEUM PRODUCTS #2, #4, OR #6 OR DIESEL. PRICE PER GALLON (EXCLUDING TRANSPORTATION)	Gallon	1
26		MPA-240 - PROVIDE GRAVEL TO FILL EMPTY TANK HOLES TO GRADE. PRICE PER CUBIC YARD.	Cubic Yard	15
27		MPA-240 - REPLACE ASPHALT AS REQUIRED TO 3" THICKNESS AND ROLLED - LESS THAN 100 SQUARE FEET. PRICE PER SQUARE FOOT.	Square Foot	10
28		MPA-240 - REPLACE ASPHALT AS REQUIRED TO 3" THICKNESS AND ROLLED - MORE THAN 100 SQUARE FEET. PRICE PER SQUARE FOOT.	Square Foot	8
29		MPA-240 - REPLACE ASPHALT AS REQUIRED TO 3" THICKNESS AND ROLLED - MORE THAN 1,000 SQUARE FEET. PRICE PER SQUARE FOOT.	Square Foot	2.4
30		MPA-240 - DISPOSE OF ASPHALT (EXCLUDES TRANSPORTATION). PRICE PER TON.	Ton	5
31		MPA-240 - DISPOSE OF CONCRETE (EXCLUDES TRANSPORTATION). PRICE PER TON.	Ton	5
32		MPA-240 - REPLACE CLEAN LOAM SUITABLE FOR SEEDING. PRICE PER CUBIC YARD.	Cubic Yard	23
33		MPA-240 - RESEEDING (INCLUDES MATERIAL AND LABOR) - PRICE PER	Square Foot	.6

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			N/A	
Line	Item	Item Description	Unit	Unit Price

		SQUARE FOOT.		
34		MPA-240 - FOREMAN - PRICE PER HOUR	Hour	77
35		MPA-240 - LABORER - PRICE PER HOUR	Hour	68
36		MPA-240 - EXCAVATOR (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	Hour	175
37		MPA-240 - BACKHOE (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	Hour	95
38		MPA-240 - LOADER (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	Hour	175
39		MPA-240 - DUMP TRUCK (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	Hour	90
40		MPA-240 - TRACTOR/TRAILER COMBO (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	Hour	115
41		MPA-240 - SERVICE VAN (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	Hour	80
42		MPA-240 - VACUUM TRUCK (WITH AND INCLUDING OPERATOR) - PRICE PER HOUR	Hour	110
43		MPA-240 - MATERIALS - CONTRACTOR'S ACTUAL COST PLUS 8% - 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	Total	1

STATE PURCHASING AGENT

CONTRACT TERMS AND CONDITIONS

Contract Terms and Conditions

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Terms and Conditions

PURCHASE ORDER STANDARD TERMS AND CONDITIONS

TERMS AND CONDITIONS FOR THIS PURCHASE ORDER

BLANKET PAYMENT

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.

CAMPAIGN FINANCE COMPLIANCE

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 02904 (401-222-2056).

EQUAL OPPORTUNITY COMPLIANCE

THIS PURCHASE ORDER IS AWARDED SUBJECT TO EQUAL OPPORTUNITY COMPLIANCE.

INSURANCE REQUIREMENTS (ADDITIONAL)

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.

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.

PURCHASE AGREEMENT AWARD

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.