



REQUEST FOR EXPRESSIONS OF INTEREST

The Roof Level Plaza

Part of the New Ground Transportation Center

John F. Kennedy International Airport

REQUEST FOR EXPRESSIONS OF INTEREST

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1. INTRODUCTION

1.1 Request for Expressions of Interest

The Port Authority of New York and New Jersey (the “**Port Authority**”) has issued this Request for Expressions of Interest (RFEOI) to obtain:

- (1) bona fide Expressions of Interest (“**EOIs**”) from firms interested in participating in the future procurement for the development (design and construction) of the roof level plaza (the “**Roof Level Plaza**”) of the new Ground Transportation Center (“**GTC**”) at John F. Kennedy International Airport (“**JFK**” or the “**Airport**”); and
- (2) innovative ideas and concepts from firms interested in potentially developing the Roof Level Plaza as part of an overall landscape design, hospitality and concessions use space concept. These ideas and concepts, including commercial concepts, may be used to inform the future Request for Proposals (“RFP”) for the development of the Roof Level Plaza.

The Port Authority’s issuance of this RFEOI will begin a procurement process whereby the Port Authority will first review submitted EOIs, and thereafter may publicly issue a RFP that may be informed and shaped by the proposed approaches and potential use concepts provided through this EOI process.

1.2 The Opportunity

The Roof Level Plaza situated on top of the new GTC at JFK presents a unique opportunity for developers, innovators, concessionaires, hospitality groups, landscape designers and visionaries to bring innovative concepts, sustainable designs and proposed uses to this truly unique space, which is located in the heart of the Central Terminal Area (“**CTA**”) of the Airport, one of the busiest airports in the country. Moreover, the Roof Level Plaza and GTC will be adjacent to and connect with the new Terminal 1, a planned \$7.2 billion, 2.4 million-square foot JFK new passenger terminal that will include 23 international gates, an expansive arrivals and departures hall, top-of-class amenities, cutting-edge security technology, public art installations and top-of-the-line concession and retail space with iconic New York food and beverage stores. The Roof Level Plaza and GTC will also connect directly to the revitalized Terminal 4, which is undergoing a \$1.4 billion expansion.

The Port Authority currently envisions the Roof Level Plaza will provide roof level amenities for passengers, staff, and other users, in an environment that includes hard and soft landscaping, kiosks, food truck space, open-air meeting space, and outdoor recreational spaces. The ultimate design for the Roof Level Plaza will reflect the unique character of New York City and showcase the City’s diverse culture and energetic urban realm and include an iconic sign (“**Gateway Marker**”) that signals to passengers that they have arrived at the greatest city in the world.

1.3 Airport Passenger Profile

The GTC below will feature a flexible design that improves the passenger experience by providing a seamless flow of traffic and clear and safe pedestrian access. Its ground level will serve as the new Terminal 1 and Terminal 4 arrivals plaza, staging area for taxis, for-hire-vehicles, private vehicles, and buses. The GTC will be a multi-level parking garage to accommodate over 3,000 private vehicles. The GTC Roof Level Plaza will reside at the topmost level. The consolidated structure is expected to serve the entire Airport community.

1.4 Roof Level Plaza Contractor Responsibilities

The Port Authority expects those firms that respond to this RFEOI (“**Respondents**”) will be able to demonstrate to the Port Authority their ability to bring all the necessary resources and expertise to successfully deliver on the future design, construction, operations, management, maintenance and services for this opportunity.

The selected Proposer (those participating in the RFP process referred to herein as “**Proposers**”) for the Roof Level Plaza (the “Contractor”) will be responsible for, at a minimum, the following with respect to the Roof Level Plaza:

- (a) The development (design and construction) and maintenance of the Roof Level Plaza;
- (b) Maintaining the green spaces including the roof landscape, any plantings and the planted façades;
- (c) Creating hardscaping for potential future use as a food truck area or other amenity;
- (d) Developing and maintaining an iconic JFK Gateway Marker;
- (e) Designing, developing, operating and maintaining of any other proposed additional scope concepts that are submitted to the Port Authority for review and approval;
- (f) Managing the Roof Level Plaza operations and maintenance to provide the highest levels of customer service;
- (g) Ensuring the highest levels of coordination, communication, and cooperation with the GTC Design-Builder (as defined below), airlines using the Airport, Airport operations, and other stakeholders; and
- (h) With respect to the design and construction elements of the project, making good faith efforts to provide for meaningful participation by Minority and Women Owned Business Enterprises (MBE/ WBE) Service-Disabled Veteran Owned Businesses (SDVOB), and Local Business Enterprises (LBE).

1.5 The JFK Redevelopment Program

John F. Kennedy International Airport is one of the busiest airports in the country, and for millions of international travellers it is a key gateway to the New York-New Jersey region, and to the United States. But the Airport needs systematic improvement, particularly in the central passenger

terminal area, where existing buildings are reaching the end of their useful lives. To that end, the Port Authority is implementing an Airport-wide master plan, which provides for new state-of-the-art passenger facilities with a focus on sustainable and technologically-advanced operations.

In furtherance of its master plan for the redevelopment of the Airport, the Port Authority has negotiated with private developers for approximately \$15 billion in private investment for new and improved passenger terminals in the CTA of the Airport. Additionally, the Port Authority's estimated total construction cost range for the JFK Central Terminal Area Roadways, Utilities, and Ground Transportation Center is approximately \$700M - \$800M. To effectuate the JFK Redevelopment Program, the Port Authority included \$2.9 billion in its 2017-2026 Capital Plan for Airport capital investment to (a) support private passenger terminal development expenditures; and (b) improve the backbone infrastructure of the Airport.

Further information concerning JFK Redevelopment can be found at <https://www.anewjfk.com/>.

1.6 Roof Level Plaza Scope

A. Required Scope

The scope of the GTC Roof Level Plaza will include several elements, with a significant focus on sustainability. The scope of the GTC Roof Level Plaza must include:

1. Sustainable Green Space

The Roof Level Plaza must be a high-functioning and sustainable landscape that has the potential to decrease summer temperatures, hold carbon from the atmosphere, decrease runoff and discharge into nearby waterways, decrease air and noise pollution, mitigate wildlife hazards and provide a sense of place that will improve the passenger, staff and other Airport user experience. The GTC Roof Level Plaza landscape design must adhere to sustainable design criteria including, but not limited to 1) SITES accreditation, 2) irrigation, 3) stormwater management, and 4) wildlife management.

2. Roof Landscape Planting

The roof landscape planting refers to the roof landscaped areas except the public parking areas, hardscape/food truck area, and optional pavilion (described below). The green space will include trees located directly above structural columns of the GTC Garage below, based on an approximation an area of intensive tree, shrub and groundcover planning should be approximately 40,000 square feet, and an area of extensive green roof planting should be approximately 25,500 square feet. All landscaping and plantings must be approved by the Port Authority, and must be consistent with Airport standards and FAA guidance documents to mitigate wildlife hazards. Landscape and architectural lighting must be accommodated throughout and all proposed planting must be suitable for an Airport environment. Accommodations for soil depth or lightweight soil media within each planter and planted area to be 6 inches for extensive green roof, 24 inches for shrubs and perennials in intensive planting areas, and 36 inches for trees.

3. Hardscaping for a potential food truck area

The Roof Level Plaza must incorporate a hardscaped area on the roof of the GTC. The hardscaped area itself must support concrete architectural pavers with roof pedestals, security bollards, canopies, multiple food trucks and flexible furniture, all without any additional future reinforcement or structural alteration upon completion of the GTC. The GTC will be designed to accommodate all future services, systems and structural requirements of the Roof Level Plaza.

4. Iconic Gateway Marker

The Gateway Marker will be a multi-level feature at the northwest corner of the GTC that will become a recognizable brand for the Airport. The structure, including a marquee sign, is anticipated to produce a substantial load and will include architectural lighting and/or LED screens or other visual devices. The Gateway Marker should be visible by all users entering the CTA by car, taxi, bus, or AirTrain, due to its prominent location at the most visible corner of the GTC. The GTC itself will be designed to accommodate all future services, systems and structural requirements of the Gateway Marker.

B. Optional Scope

Respondents may include the following scopes within their Vision Statement (as defined below), but note that these are optional elements for inclusion.

1. Pavilion

The potential incorporation of a pavilion refers to a one-story structure with an accessible rooftop. The building itself could accommodate food and beverage tenants with full commercial electric kitchens, public and staff toilets, and a maintenance facility. The proposed pavilion could face the Public plaza, with activated facades opposite Terminals 1 and 4, and is arranged around an egress stair providing required emergency egress to all of the functions within. The proposed pavilion could also accommodate seating on the roof, and could be equipped with an ADA accessible ramp from the ground level to the topmost access point of the roof. The proposed pavilion and seating area could be covered by a long-span canopy structure that provides shade and protection from the elements and accommodates PV panels on top.

2. Running/Cycling Track

The Running/Cycling Track could consist of special paving material to delineate a designated area for the Running/Cycling Track. One loop around the entire Track provides approximately one-third of a mile of distance. The track could include appropriate architectural lighting for the safety and enjoyment of the Public Plaza patrons, as well as several locations of fitness equipment.

3. Additional Proposed Concepts

Respondents can propose additional scope concepts as they see fit for the Roof Level Plaza for consideration by the Port Authority, including, but not limited to, the type of agreement or

project delivery model they would recommend advancing or entering into, additional concession space, retail space, rotating seasonal markets or structures, etc.

2. ROOF LEVEL PLAZA AND GTC COORDINATION

Development Coordination

The Contractor for the Roof Level Plaza will have to coordinate with the design-builder of the GTC (the “**GTC Design-Builder**”). The design and build-out of the GTC is not part of the scope of work for the GTC Roof Level Plaza, however the coordination of the GTC and the Roof Level Plaza plays an important part in meeting the JFK Vision Plan and this coordination will be an important part of the process to ensure all accommodations for the Roof Level Plaza on the roof level of the GTC are met.

The Port Authority anticipates reviewing EOIs which may inform a future RFP for the opportunity for the Roof Level Plaza.

The RFP process for the design and construction of JFK Central Terminal Area Roadways, Utilities and Ground Transportation Center (the “**RUGTC Project**”) and the RFP process for the Roof Level Plaza will interact as follows:

During the Roof Level Plaza RFP process, Proposers will undertake their own research to establish the business case, prospective tenants, revenues, and costs necessary to develop their proposals. The RFP process is expected to be complete in approximately 4 months, in time for the final recommended proposal to be tested against, and incorporated into, the RFP process for the RUGTC Project. The following information is anticipated to be made available to the Proposers:

1. Schematic design drawings for the GTC, including structural load capacity for the Roof Level Plaza, core locations, access points, fire strategy and other key structural, mechanical and electrical aspects;
2. Infrastructure and loading allowances for the Roof Level Plaza in the GTC; and
3. Reference concepts for the Roof Level Plaza;

It is currently contemplated that the Contractor will be responsible for the development (design and construction), programming, management, maintenance, and operation of the Roof Level Plaza under a long-term sublease or Design-Build-Operate-Maintain (DBOM) agreement, or some other arrangement with the Port Authority. The Port Authority’s lease with the City of New York (the “**Airport Lease**”) expires in 2050. All conveyances and other financing will be subordinated to the Port Authority’s interest under the Airport Lease.

The Roof Level Plaza development will be funded by the Port Authority.

The Roof Level Plaza Contractor will take possession of the site for the construction of the Roof Level Plaza once the GTC level 4 is complete and the site is available for handoff. The Roof Level Plaza must be materially complete at the time the GTC is completed so as not to delay the opening of the GTC.

The selected GTC Design-Builder and its engineer and architect of record for the GTC will be responsible to design and construct the GTC to support all components of the Roof Level Plaza in compliance with the RUGTC Project requirements. As such, Roof Level Plaza Contractor will

need to make sure that their requirements are identified and articulated to the GTC Design-Builder prior to the completion of the RFP process for the GTC Garage.

Proposers will be expected to research and program the Roof Level Plaza. The Contractor will be afforded the opportunity to review the GTC design in order to understand the limitations of the site and advise on any amendments for the Contractor's preferred design prior to the appointment of the GTC Design-Builder. The Contractor will be expected to start construction once the GTC is made available, which could be in phases.

Since the development of the Roof Level Plaza is contingent upon the construction of the GTC, this RFEI process and the separate procurement process for the GTC Design-Builder selection will be largely contemporaneous, as will the RFP processes.

3. PROCUREMENT PROCESS

3.1 Contact Person

The Port Authority has designated the following individual to serve as the Port Authority Contact Person for this RFEOI and related procurement process:

Name: Raquel Pinto
Title: Procurement Contracts Manager
Address: Procurement Department
4 World Trade Center, 21st Floor
150 Greenwich Street
New York, NY 10007
Phone: (212) 435-5651
Email: rpinto@panynj.gov

All questions regarding this RFEOI should be directed via email to the Contact Person with “RFEOI 6000000820 – JFK GTC Roof Level Plaza” in the subject line. The Port Authority must receive all questions no later than 5:00 P.M. EST on February 24, 2022.

3.2 Procurement Process and Schedule

The anticipated procurement process for the GTC Roof Level Plaza will include multiple phases: (i) this RFEOI Phase, and (ii) a potential RFP phase. The schedule below details the anticipated timing for the procurement process. This schedule is indicative and the Port Authority reserves the right to change the timetable at any time.

The initial deadline for the receipt of EOIs is March 8, 2022.

Activity	Date
Issuance of RFEOI	February 8, 2022
Deadline for RFEOI Questions	February 24, 2022
Eoi Due Date	2:00 P.M. EST on March 8, 2022
Interest Meetings with Respondents	Week of March 14, 2022
Potential Issuance of RFP	Q2 2022

3.3 Pre-RFP Meeting

We intend to host interest meetings with Respondents prior to the potential commencement of the RFP phase. The purpose of these meetings is to discuss with each Respondent their proposed use case and concepts for the Roof Level Plaza, and other pertinent commercial information.

3.4 Issuance of RFP

We may publicly issue a RFP. The RFP will set forth, among other things, the procurement process, protocol and procedures, proposal submittal requirements and evaluation criteria.

3.5 Collaborative Dialogue Meetings

Prior to and during the potential RFP phase, we may conduct Collaborative Dialogue Meetings (“CDMs”) with each Proposer. These CDMs will enable us to: (i) engage in dialogue with the Proposers with the intention of discussing preliminary concepts and potential use cases for the Roof Level Plaza of the future Ground Transportation Center, submitted as part of the Proposer’s EOI and (ii) discuss important commercial and service delivery or technical issues. A Proposer may request additional CDMs and we may grant or deny any requests for additional CDMs, or . conduct additional CDMs in our sole and absolute discretion.

To encourage full and transparent candor during CDMs, we will generally treat all information presented by a Proposer during a CDM as non-public proposer information. We may, however, disclose to all Respondents any issues of general applicability raised during a CDM.

3.6 MBE/WBE/SDVOB/LBE Participation

The Port Authority has a long-standing practice of making its business opportunities available to Minority Business Enterprises (MBEs), Women-owned Business Enterprises (WBEs and together with MBEs, MWBEs), and Service-disabled Veteran Owned Businesses (SDVOBs) and has taken affirmative steps to encourage such firms to seek business opportunities with the Port Authority. Proposers (and ultimately the Contractor) will be required to use every good-faith effort to provide for participation by Port Authority Certified Minority Business Enterprises MBEs, WBEs, and SDVOBs in all purchasing and subcontracting opportunities, including purchase of equipment, supplies and labor services. Proposers (and ultimately the Contractor(s)) will also be required to use every good-faith effort to provide for participation by Local Business Enterprises (LBEs) during the lease term.

3.7 The Port Authority’s Use of EOIs

By submitting an EOI, a Respondent consents and acknowledges that the Port Authority’s receipt or discussion of any information (including information contained in any proposal, vendor qualifications, ideas, models drawings, or other material communicated or exhibited by Respondents or on a Respondent’s behalf) does not impose any obligations whatsoever on the Port Authority to provide any compensation therefor. Any such information given to the Port Authority before, with or after this RFEOI, either orally or in writing, is not given in confidence. Such information may be used, or disclosed to others, and EOIs may be used to assist the Port Authority in making decisions regarding the GTC Roof Level Plaza. Any statement which is inconsistent with this RFEOI, whether made as part of or in connection with this RFEOI, shall be void and of no effect.

Any EOI information (including qualifications, ideas, models, drawings, or other material communicated or provided to the Port Authority) provided in connection with this procurement is subject to the provisions of the Port Authority Public Records Access Policy adopted by the Port Authority’s Board of Commissioners, which may be found on the Port Authority website at: <http://corpinfo.panynj.gov/documents/Access-to-Port-Authority-Public-Records/>. The foregoing applies to any information, whether or not given at the invitation of the Port Authority.

3.8 Disclosure and Use of Data

The Port Authority maintains a Public Records Access Policy ("PRAP") which applies to this RFEOI and submitted EOIs. All records of the Port Authority are available to the public upon reasonable request, except those identified as "not required to be disclosed" in the PRAP, which can be viewed on the Port Authority's website.

3.9 Conditions to Responding and the Port Authority's Reserved Rights

Neither the expression of your organization's interest, nor the submission of your organization's qualifications and any documents or other information, nor the acceptance thereof by the Port Authority, nor any correspondence, discussions, meetings or other communications between your organization and the Port Authority impose any obligation on the Port Authority. The Port Authority has no obligation to Respondents. Respondents costs of participation or information preparation in response to this RFEOI are not compensable by the Port Authority.

This RFEOI is an inquiry only. No contract or agreement will be entered as a result of this RFEOI. There are no guarantees made or implied by the Port Authority that the gathering of information as a result of this RFEOI will result in a public procurement process for the transaction contemplated herein, nor that any subsequent procurement will follow the approach described herein.

The Port Authority reserves all its rights at law and equity with respect to this RFEOI including, but not limited to, the unqualified right, at any time and in its sole and absolute discretion, to change or modify this RFEOI, to seek clarification and additional information from Respondents, to request any or all Respondents to make a presentation, or to request or to deny any one-on-one meetings between the Port Authority and a Respondent.

4. SUBMITTAL OF EXPRESSIONS OF INTEREST

4.1 Submittal Requirements

Each Respondent to this RFEIO must prepare and submit an EOI (in the form of a letter prepared on company letterhead) that contains the following:

- (a) An affirmative statement that the Respondent is a bona fide Respondent that possesses the necessary experience, qualifications, and interest in participating in the potential RFP process and submitting a proposal for the GTC Roof Level Plaza Project.
- (b) An overview of the Respondent, including firm history and a composition of the Respondent team, including all participating entities.
- (c) Firm contact information, including company name, principal contact name and title, mailing address, phone number and email address.
- (d) A brief narrative describing the Respondent's relevant experience and qualifications in 1) design, 2) construction, 3) operations, 4) management, and/or 5) maintenance of public spaces, commercial mixed-use spaces, airport landscaping, or similar assets over the last five years. Describe a minimum of three projects that demonstrate the relevant experience including the 1) time period of each project, 2) cost of each project, and 3) Respondent responsibility.
- (e) An affirmative statement that the Respondent understands the Roof Level Plaza scope set forth in Section 1.6 and will incorporate all of the required scope for the Roof Level Plaza as defined in *Section 1.6 (A)*, and a discussion of how the Respondent intends to perform and implement the required scope for the GTC Roof Level Plaza.
- (f) A vision statement (the "**Vision Statement**") including preliminary concepts, use cases, and approach for the Roof Level Plaza, which may offer creative solutions, designs, revenue streams, retail space, and other ideas or concepts. This must include a statement of whether or not the Respondent intends to incorporate the optional scopes as discussed in *Section 1.6 (B)* into their plan, and documentation that describes any additional preliminary scope concepts the Respondent would propose as discussed in *Section 1.6 (B)*, along with their approach for successful inclusion, construction, operations, and maintenance of the additional proposed scope for the Roof Level Plaza. Respondents should also provide the type of agreement or project delivery model they would recommend advancing for the GTC Roof Level Plaza.
- (g) A copy of the "Agreement on Terms of Discussion," signed by an authorized representative of the Respondent. The Agreement format is included as Attachment A and shall be submitted by the Respondent without any alterations or deviations. Any Respondent who fails to sign the Port Authority's "Agreement on Terms of Discussion" will not have its response reviewed.

4.2 EOI Submission Location

The Port Authority has transitioned to an entirely digital submission process for the receipt of proposals, SOQs in response to RFQs, and EOIs in response to RFEQs, and will allow for the digital submission of certain procurement submittals using the Bonfire platform, accessible via the link <https://panynj.bonfirehub.com/portal/?tab=openOpportunities>.

Respondents MUST register in order to download the solicitation documents and associated information regarding the referenced solicitation and in order to upload bid submissions. Registration on the Bonfire platform requires a separate and distinct registration from all other Port Authority platforms.

EOIS for this opportunity will be received by the Port Authority any time up to but not later than the due date and time herein indicated in the solicitation document. The Port Authority will accept only those EOIs in electronic format, and in the same readable Adobe PDF or in the format as provided by the Port Authority. EOIs will be accepted by upload **only** at <https://panynj.bonfirehub.com/portal/?tab=login> and must be uploaded timely so as to be received by the Port Authority by the deadline in order to be considered.

Hand deliveries and mailed deliveries (e.g., UPS, USPS) will not be accepted. The Port Authority may request an original, signed paper submission at any time following the EOI Due Date.

If requested, such original, signed paper submission must be identical to the electronic submission. In the event of a discrepancy, the electronic submission shall control. If requested by the Port Authority, the paper submission must be identical to the electronic submission that was submitted by the EOI Due Date. In the event of a discrepancy, the electronic submission shall take precedence.

5. CONDITIONS FOR THE SUBMISSION OF A RESPONSE

In addition to all other requirements of this RFEOI, each Respondent agrees to the following conditions for the submission of its response.

5.1 Changes to this RFEOI

At any time, in its sole discretion, the Port Authority may by written addenda, modify, correct, amend, cancel and/or reissue this RFEOI. If an addendum is issued prior to the date responses are due, it will be provided to all parties in the medium in which the parties obtained the RFEOI. If an addendum is issued after responses have been received, the addendum will be provided only to those whose responses that remain under consideration at such time.

5.2 Prequalification Preparation Costs

The Port Authority shall not be liable for any costs incurred by the Respondent in the preparation, submittal, presentation, or revision of its response, or in any other aspect of the Respondent's activity relating to its response.

5.3 Disclosure of Prequalification Contents / Use of Ideas and Materials

Response information is not generally considered confidential or proprietary. All information contained in the response is subject to the "Agreement on Terms of Discussion" attached hereto as Attachment A.

5.4 Ownership of Submitted Materials

Responses to this RFEOI will become the property of the Port Authority upon submission.

5.5 Subcontractors

If a Respondent intends to use subcontractor(s), the Respondent must identify in its response the names of the subcontractor(s).

5.6 Authorized Signature

Responses must be signed by an authorized corporate officer (e.g., President or Vice President), general partner, or such other individual authorized to bind the Respondent to the provisions of its Response and this RFEOI.

5.7 References

The Port Authority may consult any entity familiar with a Respondent and may ask a Respondent to provide references regarding its current or prior operations and projects, performance, or other matters. Submission of a response shall constitute permission by the Respondent for the Port Authority to make such inquiries and authorization to third parties to respond thereto.

5.8 Rights of the Port Authority

- (a) The Port Authority reserves all its rights at law and equity with respect to this RFEOI including, but not limited to, the unqualified right, at any time and in its sole and

absolute discretion, to change, modify, supplement, amend or terminate this RFEOI, to reject any and all responses, to waive defects or irregularities in responses received, to seek clarification of responses, to request additional information, to request any or all Respondents to make a presentation, to undertake discussions and modifications with one or more Respondents or third person who, at any time, prior to or subsequent to the deadline for submissions to this RFEOI, may express an interest in the subject matter hereof, to terminate further participation in the response process by a Respondent or to proceed with any response or modified response, which in the Port Authority's sole and absolute judgment will, under all circumstances, best serve the Port Authority's interest. The Port Authority may, but shall not be obliged to, consider incomplete responses or to request or accept additional material or information. The holding of any discussions with any Respondent shall not constitute acceptance of a response, and a response may be accepted with or without discussions.

- (b) No Respondent shall have any rights against the Port Authority arising from the contents of this RFEOI, the receipt of responses, the incorporation in or rejection of information contained in any response or in any other document or in any way with respect to this RFEOI. The Port Authority makes no representations, warranties, or guarantees that the information contained herein, or in any addenda hereto, is accurate, complete, or timely or that such information accurately represents the conditions that would be encountered during the performance of any subsequent contract. The furnishing of such information by the Port Authority shall not create or be deemed to create any obligation or liability upon it for any reason whatsoever and each Respondent, by submitting its response, expressly agrees that it has not relied upon the foregoing information, and that it shall not hold the Port Authority liable or responsible therefor in any manner whatsoever. Accordingly, nothing contained herein and no representation, statement or promise, of the Port Authority, its directors, officers, agents, representatives, or employees, oral or in writing, shall impair or limit the effect of the warranties of the Respondent required by this RFEOI and the Respondent agrees that it shall not hold the Port Authority liable or responsible therefor in any manner whatsoever.
- (c) At any time and from time to time after the opening of the responses, the Port Authority may give oral or written notice to one or more Respondents to furnish additional information relating to its response and/or qualifications to perform the services contained in this RFEOI, or to meet with designated representatives of the Port Authority. The giving of such notice shall not be construed as an acceptance of a response. Information shall be submitted within three (3) calendar days after the Port Authority's request unless a shorter or longer time is specified therein.

5.9 No Personal Liability

Neither the Commissioners of the Port Authority, nor any of them, nor any officer, agent or employee thereof shall be charged personally with any liability by a Respondent or another or held liable to a Respondent or another under any term or provision of this RFEOI or any statements made herein or because of the submission or attempted submission of a Response or other response hereto or otherwise.

ATTACHMENT A: AGREEMENT ON TERMS OF DISCUSSION

The Port Authority's receipt or discussion of any information (including information contained in any proposal, vendor qualification(s), ideas, models, drawings, or other material communicated or exhibited by us or on our behalf) shall not impose any obligations whatsoever on the Port Authority or entitle us to any compensation therefor (except to the extent specifically provided in such written agreement, if any, as may be entered into between the Port Authority and us). Any such information given to the Port Authority before, with or after this Agreement on Terms of Discussion ("Agreement"), either orally or in writing, is not given in confidence. Such information may be used, or disclosed to others, for any purpose at any time without obligation or compensation and without liability of any kind whatsoever. Any statement which is inconsistent with this Agreement, whether made as part of or in connection with this Agreement, shall be void and of no effect. This Agreement is not intended, however, to grant to the Port Authority rights to any matter, which is the subject of valid existing or potential letters patent.

Any information (including information contained in any proposal, vendor qualification(s), ideas, models, drawings, or other material communicated or exhibited by us or on our behalf) provided in connection with this procurement is subject to the provisions of the Port Authority Public Records Access Policy adopted by the Port Authority's Board of Commissioners, which may be found on the Port Authority website at: <http://corpinfo.panynj.gov/documents/Access-to-Port-Authority-Public-Records/>. The foregoing applies to any information, whether or not given at the invitation of the Authority.

(Company)

(Signature)

(Title)

(Date)

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