



City of Cleveland
Justin M. Bibb, Mayor

Department of Finance
Division of Purchases & Supplies
601 Lakeside Avenue, Room 128
Cleveland, Ohio 44114-1080
216/664-2620 • Fax: 216/664-2177
www.cleveland-oh.gov

November 22, 2023

ADDENDUM 2

BID TITLE: File No. 171-23 Small and Large Meters

BID DUE: Friday, December 8, 2023 at 12 o'clock noon (Eastern Time)

Attention Bidders:

We have been requested to issue the addendum for the following:

Please ensure that a copy of this addendum is included and returned with the bid specifications furnished to you by this office, as it will have the same force and effect as if it were part of the specifications originally issued.

1. Extend the bid due date to **Friday, December 8, 2023**
2. Answer questions submitted prior to deadline.

If you have any questions regarding the attached, please contact Simon Mastroianni at 216-664-2444, extension 75630. Thank you for your prompt attention and assistance in this matter.

Signature of Potential Bidder & Name of Company

Today's Date

Thank you,

Donia Patterson, Assistant Administrator
Purchases & Supplies
CC:
Attachments

**CITY OF CLEVELAND, OHIO
DEPARTMENT OF PUBLIC UTILITIES/DIVISION OF WATER**

SMALL AND LARGE WATER METERS RE-BID FILE NO. 171-23

ADDENDUM NO. 2

The bid due date is extended to Friday, December 8, 2023. Bids must be delivered to City Hall, before Noon, (12:00 p.m.) at 601 Lakeside Avenue, Room #128, Cleveland, OH 44114.

The last day for questions was November 22, 2023

The purpose of this addendum is to advise all vendors of the following information:

1. Bid due date is extended to Friday, December 8, 2023

2. Answer to questions submitted by November 22, 2023

Question #1:

Please confirm that the terms and phrases “merchantable product” and “fit and suitable for their intended purposes”, as referenced in B-29 of the General Conditions, are strictly limited in definition and interpretation by the explicit specifications and requirements stated directly in this Invitation to Bid. Such confirmation will allow Badger Meter to consider bidding our products to the City of Cleveland with terms and conditions that, while exceptions to our standard warranty language, would be mutually acceptable to both parties.

Answer:

Please read “Section C – Supplemental General Conditions” for the supplements to “Section B - GENERAL CONDITIONS” - B-29.

C-13 C. ACCURACY AND FLOW RATE GUARANTEE

C-29 WORKMANSHIP

C-30 D. INSPECTION

Question #2:

Thank you for your response to our question, however, we need more clarification regarding our question to be able to proceed with a bid submission for this ITB. Currently, we will still have to take an exception to the warranty language in Section B-29 of the General Conditions as the response to our question did not confirm or deny that the terms “merchantable product” and “fit and suitable for their intended purposes” are specifically limited to the explicit specifications and requirements stated in the ITB. As such, our legal department continues to be concerned with the vagueness of those two terms. If

**CITY OF CLEVELAND, OHIO
DEPARTMENT OF PUBLIC UTILITIES/DIVISION OF WATER**

SMALL AND LARGE WATER METERS RE-BID

FILE NO. 171-23

ADDENDUM NO. 2

we can get confirmation that the above is true and our standard warranties would apply otherwise, we would have no other concerns.

If we are unable to get further clarification, we might be forced to submit a No-Bid for this ITB, regrettably, so as not to waste the City's time reviewing a response that will be disqualified for including exception language which deviates from the bid document.

Answer:

The terms "merchantable product" and "fit and suitable for their intended purposes" are specifically limited to the explicit specifications within the invitation to bid.