

INFORMATION FOR OFFERORS/BIDDERS/PROPOSERS

If You Will Not Submit An Offer/Bid/Proposal (hereinafter “Offer”) – If you decide not to submit an Offer, you should electronically notify the Buyer that you are declining to bid. Your prompt response will be appreciated.

Bids and Proposals Distinguished - Invitations for Bids (hereinafter Invitations) are issued when the specifications for the goods or services are standard, so that the only essential difference between Offers will be in price. Requests for Proposals (hereinafter “Requests”) are issued when the specifications allow measurable differences in the goods or services sought, and an evaluation of the differences will be made as part of the award process. Accordingly, the award will usually be made on the basis of the lowest evaluated price.

Technical Proposals - Where technical proposals are required, submit copies of your proposal with all technical and commercial data, exclusive of prices, marked “For Technical Evaluation Only” and referencing the Request number. Technical proposals must be submitted to the Buyer in a separate electronic transmission from the priced proposal. In the event that the technical information is voluminous – specification, drawing, blueprints, etc. – the technical proposal may be sent by mail, in which case three (3) copies of the unpriced technical proposal must be mailed to the Buyer. The unpriced proposal must be e-mailed to the Buyer, or mailed to the Buyer at the address shown on the cover sheet, so as to be received by the Buyer by the time specified for receiving price proposals.

Offer Preparation - Your Offer must (1) be firm for the period stated in the Offer Form (generally ninety (90) days), (2) include the reference number and date of this Invitation or Request, (3) be submitted on the forms contained herein, and (4) be in complete accordance with the requirements hereof. Your Offer must be signed where indicated on the forms by an authorized representative and must be submitted electronically to the Buyer on or before the Offer due date. In addition, you are also required to fax to the Buyer’s personal fax number a physically signed Offer Form.

Unacceptable and Non-Conforming Offers - Con Edison or Orange & Rockland Utilities, as applicable (hereinafter the “Company”) may reject any Offer that does not meet all the requirements of this Invitation or Request, including the Company’s Standard Terms and Conditions, but reserves the right to waive non-conformities that it considers to be minor. The Company shall not be obligated by the issuance of this Invitation or Request to make an award and reserves the right to reject all Offers if none is acceptable to it. Among the grounds for rejecting Offers are prices that are considered to be unreasonable or unbalanced.

Exceptions - Any exceptions taken by you to the requirements of the Invitation or Proposal must be clearly identified as such. Where applicable, withdrawal of specific exceptions may be individually priced as options.

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Substitutions - Unless otherwise stated in the Invitation or Request, the designation by the Company of specific products or services of a specific manufacturer or contractor is intended to establish a standard of quality and performance and not to prohibit the submission of offers for substitute products or services. Proposed substitutes must be capable of achieving or exceeding the results attained by the designated products or services without loss of efficiency or quality. Offerors must submit sufficient information concerning proposed substitutes to permit the Company to evaluate the Offer. Substitutes may not be used without the Company's written approval, and the Company's decisions concerning the acceptability of substitutes shall be final. If you offer a substitution, you are also required to submit a price for the original products/services requested by the Company, along with a price for the substitute.

Alternative Lump- Sum Prices. When unit prices are requested, alternative lump sum price offers to perform the required scope of work will be considered and evaluated by the Company. The alternative lump sum price must be submitted electronically along with the unit price required by the invitation. Submittal of an alternative lump sum price without the unit price may be cause for automatic rejection. In the event that the Company, in its sole discretion, determines that the lowest lump sum price it receives is more economically attractive than any unit price, the Company may award the contract on the basis of the lump sum price.

Basis of Award - Under an Invitation for Bids, the Company will normally make an award to the bidder submitting the lowest price. However, the Company reserves the right to award the contract to a party other than the low bidder if it believes this would be in the best interest of the Company. In the case of Requests for Proposals, the Company will take into account in making awards the technical acceptability of the Offer, design and installation cost penalties, reliability, adherence to the technical specification, payment and delivery terms, performance schedules, and exceptions to the requirements of the Request.

Firm Prices - Normally, firm prices are requested. If price changes are not prohibited by the Invitation or Request and the prices you offer are not firm, you must indicate in your Offer the period during which prices will be firm and state specifically how price changes will be determined and the maximum allowable price increases. The full amount of possible increase will be applied in evaluating offers.

Unit Prices - When unit prices are required by the Invitation, they are to be offered for all items, regardless of the estimated quantities of the items. Few or no requirements are anticipated for items for which no estimated quantities are given, and the unit prices for such items will not normally be considered in determining the low offer. However, such items may be required in the work and must be priced.

No Present Award - References in the terms and conditions and special conditions issued with the Invitation or Request to "this Purchase Offer" and the like are not intended to indicate that an award is made by issuance of this Invitation or Request or by receipt of your offer.

Site Visits - You must attend the site visit if you are requested to do so. Failure to attend may result in your being denied an opportunity to bid. If the Invitation is for work at a specific location and no site visit is scheduled, you should visit the site and familiarize yourself with site conditions before submitting your Offer. It will be presumed that each offeror has inspected the

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site and is familiar with site conditions as well as with the contents of all Invitation documents. Your failure to examine the site of the work or to familiarize itself with the Invitation documents will not excuse you from any contract requirements.

Delivery - Unless otherwise specified, deliveries of goods and services shall be made as directed by the Company to locations within New York City, Westchester County, NY, Orange County, NY, Rockland County, NY, Sullivan County, NY, Bergen County, NJ, Passaic County, NJ, or Pike County, PA. Prices shall include delivery charges (unless the Offer states FOB Shipping point-freight collect, per the Company's Shipping and Routing Guide), which must be shown separately on invoices. If the Offer price excludes delivery charges, the highest applicable rate for the ordinary mode of transportation to destination will be applied in evaluating the offer.

Clarifications - Requests for clarifications of the requirements of this Invitation or Request should be made sufficiently early (no later than 48 hours before the Offer due date) to permit the Company to issue written instructions to all invitees if clarification is required. You shall not rely on, and the Company will not be bound by, oral clarifications.

Communications - Address all communications concerning this Invitation or Request to the Buyer referenced on the Invitation for Bids/Proposals. .

Vehicle and Parcel Inspection - You are hereby informed that it is the Company's policy to prohibit sellers and contractors, their agents and employees from bringing onto the Company's premises firearms, other dangerous weapons, explosives, controlled substances (when illegally possessed), incendiary devices, alcoholic beverages, animals and unauthorized personnel. The Company reserves the right to inspect all vehicles (including the glove compartment, console, trunk, etc.,) packages, briefcases, lunch containers, handbags, etc., before permitting the person possessing them to enter onto the Company's premises and reserves the right to inspect them again upon such person's leaving. The person in possession is expected to cooperate. The item(s) to be inspected will not be allowed on the Company's premises if inspection is refused. Failure to comply with this policy or to cooperate in the inspections may result, in the sole discretion of the Company, in your agents or employees being barred from the Company's premises thereafter and your being deemed in material breach of contract. You shall take all reasonable steps to ensure that your agents and employees have been informed of this Company policy.

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