



## ADDENDUM NUMBER THREE

July 28, 2023

**IFB#23-912-34  
THREE GENERATORS FOR GUSTE HIGH RISE**

THIS ADDENDUM IS BEING ISSUED TO INCORPORATE THE FOLLOWING IN THE REFERENCED INVITATION FOR BIDS.

**INQUIRY:**

Our Company would like to submit the following Exceptions to Attachment E – Supplemental Conditions for the above project.

- Indemnification obligation shall be limited to the extent claims are caused or occasioned by the negligence, willful misconduct or strict liability of the Vendor/Respondent.
- In the event of termination of Contract for convenience HANO shall pay the Vendor/Respondent for the goods provided and/or services completed prior to the date of termination, plus the charges incurred by the Vendor/Respondent in cancelling its contracts with its suppliers and subcontractors.
- In no event shall a party to the Contract be liable for indirect, special, consequential, incidental, multiple or punitive damages, or any damage deemed to be of an indirect or consequential nature, arising out of or related to its performance under this Contract, whether based upon breach of contract, warranty, negligence and whether grounded in tort, contract, civil law or other theories of liability, including strict liability. The term "consequential damages" shall include, but not be limited to, loss of anticipated profits, loss of use, loss of revenue and cost of capital.
- Notwithstanding any other provision to the contrary Vendor/Respondent's total, cumulative liability arising out of or related to the performance or non-performance of the Contract shall be limited to the Total amount of the Contract price.

**ANSWER:** We may be able to negotiate the indemnification, where both parties indemnify their own agency. The other portions are from HUD, we are not able to modify clauses from HUD. Regarding the contract price, it's not an ongoing contract so once the products are delivered and inspected that is the end of the agreement.

**NOTE:** QUESTION SUBMITTAL DEADLINE: MONDAY, JULY 25, 2023.

**Bids must be received by the Housing Authority of New Orleans (HANO) in the Office of Procurement and Contracts by 2:00 p.m., local time on Friday, August 4, 2023.** All terms and conditions shall remain as stated in the original Request for Quotes. **All addenda must be acknowledged.**

**END OF ADDENDUM NUMBER THREE**