

May 19, 2022

364258-P

Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario
P9A 3P9

Attention: Travis Rob, P.Eng.

**Re: Kings Highway & Sinclair Street Reconstruction
Tender No.22-OF-09
Tender Recommendation**

Tenders for the above project were received by the Town of Fort Frances on or before 2:00 pm (CDT) on Tuesday, May 17th, 2022. Four (4) tenders were received, and are listed below in ascending order:

<u>Tenderer</u>	<u>Tender Price</u>
1) George Armstrong Co Ltd (GACL)	\$3,217,067.06
2) Makkinga Contractors (MC)	\$3,496,759.01
3) Tom Veert Contracting Limited (TVCL)	\$3,580,575.62
4) Bay City Contractors (BCC)	\$3,939,041.01

The tender prices above include H.S.T.

The Tenders were checked arithmetically and were all found to be correct.

TENDER IRREGULARITIES

A review of the tenders was undertaken. The four (4) tenderers submitted a Bid Bond in the amount of 10% of the Tender Price, an Agreement to Bond and/or Consent of Surety and acknowledged the receipt of the one (1) Addendum that was issued. All tenderers included completed Forms A, B, C, D, and E of the Tender documents.

REVIEW OF TENDER PRICES

A review of the tender prices submitted by the tenderers was undertaken. GACL's tender pricing was very comparable to the other three tenders, however, they were slightly lower for

the King's Highway Portion of the project, specifically the Earth Excavation, granular items and curb and gutter.

The engineers estimate for this project was approximately 6% lower than the lowest submitted tender and the lowest bidder was approximately 8% lower than the next lowest bidder. The low tenderer has indicated they are comfortable with the price submitted.

LOW TENDERER'S QUALIFICATIONS

GACL is an experienced road and sewer contractor and has completed numerous projects for the Town of Fort Frances in the recent past (reference the Tendering Supplements, Form A, Tenderer's Experience in Similar Work for a summary of recent similar projects).

GACL is proposing to carry out the majority of the work with their own forces which includes all the excavation and grading and pipe works. GACL will be using the following sub-contractors:

- Pioneer Construction – Asphalt
- NST – Concrete works

PROPOSED PROJECT SCHEDULE

This Contract includes a completion date of December 2, 2022 for all work, with surface paving for the King's Highway portion to be completed in the 2023 construction season and by June 30, 2023.

GACL has indicated that they will be able to begin work immediately upon receiving written authorization to proceed. GACL estimates the full allotted construction periods to complete all works. They will have dedicated crews working onsite throughout the contract in order to complete the work within the Contract timeframes.

RECOMMENDATION

We therefore recommend that the Contract be awarded to George Armstrong Co Ltd. in the amount of \$3,217,067.06 (including H.S.T). This amount includes a contingency amount of \$150,000 that will not be spent without authorization from the Town of Fort Frances.

With this report we are enclosing a spreadsheet showing a comparison of the tender prices and the engineer's estimate.

Yours very truly,



Chris McCallum, P. Eng.
Project Engineer
Encl.

					Engineers Estimate		George Armstrong Co Ltd		Bay City Contractors		Makkinga Contractors		Tom Veert Contracting Limited	
ITEM NO.	OPS SPEC.	DESCRIPTION	EST. QTY	UNIT	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID PRICE
PART 1 - KINGS HIGHWAY (from Oakwood Rd to Pit Road #2)														
Section A - Grading														
A.001	206, SP	Earth Excavation (Grading)	6,547	m ³ (P)	\$ 18.00	\$ 117,846.00	\$ 9.00	\$ 58,923.00	\$ 23.00	\$ 150,581.00	\$ 16.00	\$ 104,752.00	\$ 13.11	\$ 85,831.17
A.002	310, SP	Hot Mix Asphalt (70mm Binder Course)	1,068	t	\$ 285.00	\$ 304,380.00	\$ 283.00	\$ 302,244.00	\$ 310.00	\$ 331,080.00	\$ 321.00	\$ 342,828.00	\$ 331.97	\$ 354,543.96
A.003	310, SP	Hot Mix Asphalt (50mm Surface Course)	763	t	\$ 265.00	\$ 202,195.00	\$ 275.00	\$ 209,825.00	\$ 302.00	\$ 230,426.00	\$ 302.00	\$ 230,426.00	\$ 324.54	\$ 247,624.02
A.004	314, SP	Granular 'A' Roadway (200mm)	3,665	t	\$ 28.00	\$ 102,620.00	\$ 25.00	\$ 91,625.00	\$ 38.00	\$ 139,270.00	\$ 31.00	\$ 113,615.00	\$ 33.51	\$ 122,814.15
A.005	314, SP	Granular 'A' Entrances (100mm)	43	t	\$ 25.00	\$ 1,075.00	\$ 25.00	\$ 1,075.00	\$ 42.00	\$ 1,806.00	\$ 31.00	\$ 1,333.00	\$ 45.49	\$ 1,956.07
A.006	314, SP	Granular 'B' Type II Roadway	11,575	t	\$ 26.00	\$ 300,950.00	\$ 24.00	\$ 277,800.00	\$ 34.00	\$ 393,550.00	\$ 29.00	\$ 335,675.00	\$ 29.50	\$ 341,462.50
A.007	510, SP	Removal of Asphalt Pavement (Full Depth)	3,601	m ² (P)	\$ 5.00	\$ 18,005.00	\$ 5.00	\$ 18,005.00	\$ 8.00	\$ 28,808.00	\$ 7.00	\$ 25,207.00	\$ 6.72	\$ 24,198.72
A.008	353, SP	Curb and Gutter	881	m	\$ 200.00	\$ 176,200.00	\$ 220.00	\$ 193,820.00	\$ 275.00	\$ 242,275.00	\$ 265.00	\$ 233,465.00	\$ 258.90	\$ 228,090.90
A.009	351, SP	Concrete Driveway Aprons	155	m2	\$ 200.00	\$ 31,000.00	\$ 195.00	\$ 30,225.00	\$ 250.00	\$ 38,750.00	\$ 234.00	\$ 36,270.00	\$ 213.60	\$ 33,108.00
A.010	Section 02930	100 mm Topsoil and Sod	1,545	m ²	\$ 20.00	\$ 30,900.00	\$ 30.00	\$ 46,350.00	\$ 30.00	\$ 46,350.00	\$ 25.00	\$ 38,625.00	\$ 28.87	\$ 44,604.15
A.011	510, SP	Removal of Existing Boulevard Trees	10	ea	\$ 1,000.00	\$ 10,000.00	\$ 200.00	\$ 2,000.00	\$ 1,000.00	\$ 10,000.00	\$ 350.00	\$ 3,500.00	\$ 573.99	\$ 5,739.90
A.012	SP	Relocation of Existing Signage	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 150.00	\$ 150.00	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,907.54	\$ 4,907.54
A.013	1860,SP	Geogrid	6,000	m2	\$ 8.00	\$ 48,000.00	\$ 6.00	\$ 36,000.00	\$ 7.00	\$ 42,000.00	\$ 9.00	\$ 54,000.00	\$ 6.02	\$ 36,120.00
A.014	1860,SP	Geotextile	6,750	m2	\$ 5.00	\$ 33,750.00	\$ 4.50	\$ 30,375.00	\$ 7.00	\$ 47,250.00	\$ 7.00	\$ 47,250.00	\$ 2.64	\$ 17,820.00
A.015	405	Subdrain	900	m	\$ 25.00	\$ 22,500.00	\$ 30.00	\$ 27,000.00	\$ 65.00	\$ 58,500.00	\$ 50.00	\$ 45,000.00	\$ 54.87	\$ 49,383.00
A.015	710, SP	Pavement Markings	1	LS	\$ 16,000.00	\$ 16,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00	\$ 19,000.00	\$ 19,000.00	\$ 21,667.95	\$ 21,667.95
A.016	410, SP	Remove and Replace Exisitng 500mm CSP	107	m	\$ 500.00	\$ 53,500.00	\$ 700.00	\$ 74,900.00	\$ 400.00	\$ 42,800.00	\$ 365.00	\$ 39,055.00	\$ 525.00	\$ 56,175.00
A.017	410, SP	Install new 500mm CSP	16	m	\$ 450.00	\$ 7,200.00	\$ 700.00	\$ 11,200.00	\$ 375.00	\$ 6,000.00	\$ 350.00	\$ 5,600.00	\$ 525.97	\$ 8,415.52
A.018	206, SP	Ditching	775	m	\$ 20.00	\$ 15,500.00	\$ 25.00	\$ 19,375.00	\$ 25.00	\$ 19,375.00	\$ 42.00	\$ 32,550.00	\$ 8.71	\$ 6,750.25
Total Section A - Grading						\$ 1,496,621.00		\$ 1,440,892.00		\$ 1,853,821.00		\$ 1,712,151.00		\$ 1,691,212.80
Part 1 - Kings Highway Stage 2						\$ 1,496,621.00		\$ 1,440,892.00		\$ 1,853,821.00		\$ 1,712,151.00		\$ 1,691,212.80
PART 2 - SINCLAIR STREET (From Sta 2+000 To Sta 2+230) - DWG A1-364258-P17														
SECTION A - GRADING														
A.001	206, SP	Earth Excavation (Grading)	2,560	m ³ (P)	\$ 20.00	\$ 51,200.00	\$ 12.00	\$ 30,720.00	\$ 23.00	\$ 58,880.00	\$ 16.00	\$ 40,960.00	\$ 18.15	\$ 46,464.00
A.002	310, SP	Hot Mix HL4 Asphalt (Surface Course 60mm)	430	t	\$ 275.00	\$ 118,250.00	\$ 297.00	\$ 127,710.00	\$ 325.00	\$ 139,750.00	\$ 336.00	\$ 144,480.00	\$ 348.33	\$ 149,781.90
A.003	314, SP	Granular 'A' (150mm Depth)	1,250	t	\$ 28.00	\$ 35,000.00	\$ 27.00	\$ 33,750.00	\$ 40.00	\$ 50,000.00	\$ 32.00	\$ 40,000.00	\$ 37.24	\$ 46,550.00
A.004	314, SP	Granular 'B' (Type II) (600mm Depth)	4,800	t	\$ 26.00	\$ 124,800.00	\$ 25.00	\$ 120,000.00	\$ 34.00	\$ 163,200.00	\$ 31.00	\$ 148,800.00	\$ 30.77	\$ 147,696.00
A.005	510, SP	Removal of Asphalt Pavement (Full Depth)	2,927	m ² (P)	\$ 5.00	\$ 14,635.00	\$ 5.00	\$ 14,635.00	\$ 8.00	\$ 23,416.00	\$ 6.00	\$ 17,562.00	\$ 7.31	\$ 21,396.37
A.006	510, SP	Removal of Curb and Gutter	261	m(P)	\$ 20.00	\$ 5,220.00	\$ 15.00	\$ 3,915.00	\$ 20.00	\$ 5,220.00	\$ 22.00	\$ 5,742.00	\$ 9.25	\$ 2,414.25
A.007	353, SP	Curb and Gutter	261	m	\$ 200.00	\$ 52,200.00	\$ 225.00	\$ 58,725.00	\$ 355.00	\$ 92,655.00	\$ 295.00	\$ 76,995.00	\$ 265.38	\$ 69,264.18
A.008	510, SP	Remove Concrete Driveway	123	m ²	\$ 20.00	\$ 2,460.00	\$ 25.00	\$ 3,075.00	\$ 35.00	\$ 4,305.00	\$ 43.00	\$ 5,289.00	\$ 17.45	\$ 2,146.35
A.009	510, SP	Remove Concrete Sidewalk	74	m ²	\$ 20.00	\$ 1,480.00	\$ 25.00	\$ 1,850.00	\$ 35.00	\$ 2,590.00	\$ 43.00	\$ 3,182.00	\$ 18.35	\$ 1,357.90
A.010	351, SP	Concrete Driveway Aprons	120	m ²	\$ 200.00	\$ 24,000.00	\$ 180.00	\$ 21,600.00	\$ 355.00	\$ 42,600.00	\$ 217.00	\$ 26,040.00	\$ 201.78	\$ 24,213.60
A.011	310, SP	Concrete Sidewalk	74	m ²	\$ 200.00	\$ 14,800.00	\$ 190.00	\$ 14,060.00	\$ 300.00	\$ 22,200.00	\$ 194.00	\$ 14,356.00	\$ 194.61	\$ 14,401.14
A.012	710	Pavement Markings	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 15,000.00	\$ 15,000.00	\$ 17,000.00	\$ 17,000.00	\$ 9,061.67	\$ 9,061.67
Part 2 - Total Section A - Grading						\$ 454,045.00		\$ 435,040.00		\$ 619,816.00		\$ 540,406.00		\$ 534,747.36

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SECTION B - STORM SEWERS														
B.001	510, SP	Remove Existing Catchbasins	2	ea	\$ 1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 1,500.00	\$ 3,000.00	\$ 1,562.77	\$ 3,125.54
B.002	510, SP	Remove Existing Catchbasin Leads	53	m	\$ 25.00	\$ 1,325.00	\$ 35.00	\$ 1,855.00	\$ 25.00	\$ 1,325.00	\$ 35.00	\$ 1,855.00	\$ 30.98	\$ 1,641.94
B.003	510, SP	Remove Existing Storm Sewer	9	m	\$ 35.00	\$ 315.00	\$ 50.00	\$ 450.00	\$ 25.00	\$ 225.00	\$ 38.00	\$ 342.00	\$ 149.09	\$ 1,341.81
B.004	510, SP	Reconnect Storm Sewer Various Sizes	2	ea	\$ 1,000.00	\$ 2,000.00	\$ 2,500.00	\$ 5,000.00	\$ 500.00	\$ 1,000.00	\$ 1,600.00	\$ 3,200.00	\$ 769.31	\$ 1,538.62
B.005	407, SP	Catchbasins	5	ea	\$ 4,000.00	\$ 20,000.00	\$ 6,500.00	\$ 32,500.00	\$ 4,500.00	\$ 22,500.00	\$ 6,000.00	\$ 30,000.00	\$ 8,806.82	\$ 44,034.10
B.006	407, SP	Storm Manholes	2	ea	\$ 10,000.00	\$ 20,000.00	\$ 15,000.00	\$ 30,000.00	\$ 13,000.00	\$ 26,000.00	\$ 12,000.00	\$ 24,000.00	\$ 14,304.89	\$ 28,609.78
B.007	410	Catchbasin Leads 250 mm (PVC SDR 35)	23	m	\$ 250.00	\$ 5,750.00	\$ 350.00	\$ 8,050.00	\$ 300.00	\$ 6,900.00	\$ 290.00	\$ 6,670.00	\$ 314.53	\$ 7,234.19
B.008	410	375 mm Storm Sewer	9	m	\$ 500.00	\$ 4,500.00	\$ 600.00	\$ 5,400.00	\$ 450.00	\$ 4,050.00	\$ 520.00	\$ 4,680.00	\$ 848.69	\$ 7,638.21
B.009	410	300 mm Storm Sewer	54	m	\$ 450.00	\$ 24,300.00	\$ 550.00	\$ 29,700.00	\$ 440.00	\$ 23,760.00	\$ 370.00	\$ 19,980.00	\$ 831.06	\$ 44,877.24
Part 2 - Total Section B - Storm Sewers						\$ 80,190.00		\$ 114,955.00		\$ 86,760.00		\$ 93,727.00		\$ 140,041.43
SECTION C - WATERMAIN														
C.001	441, SP	150mm PVC Watermain	270	m	\$ 450.00	\$ 121,500.00	\$ 575.00	\$ 155,250.00	\$ 550.00	\$ 148,500.00	\$ 345.00	\$ 93,150.00	\$ 688.59	\$ 185,919.30
C.002	441, SP	200mm PVC Watermain	7	m	\$ 500.00	\$ 3,500.00	\$ 850.00	\$ 5,950.00	\$ 590.00	\$ 4,130.00	\$ 480.00	\$ 3,360.00	\$ 856.50	\$ 5,995.50
C.003	441, SP	150 mm Water Valve and Box	4	ea	\$ 3,500.00	\$ 14,000.00	\$ 12,000.00	\$ 48,000.00	\$ 4,500.00	\$ 18,000.00	\$ 3,750.00	\$ 15,000.00	\$ 4,745.44	\$ 18,981.76
C.004	441, SP	200 mm Water Valve and Box	1	ea	\$ 4,000.00	\$ 4,000.00	\$ 20,000.00	\$ 20,000.00	\$ 6,000.00	\$ 6,000.00	\$ 4,820.00	\$ 4,820.00	\$ 6,168.87	\$ 6,168.87
C.005	441, SP	Connect to Existing Watermain	4	ea	\$ 3,500.00	\$ 14,000.00	\$ 4,000.00	\$ 16,000.00	\$ 2,500.00	\$ 10,000.00	\$ 3,790.00	\$ 15,160.00	\$ 4,529.93	\$ 18,119.72
C.006	441, SP	Remove Existing Hydrant Set	1	ea	\$ 1,000.00	\$ 1,000.00	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,924.85	\$ 1,924.85
C.007	441, SP	Install New Hydrant Set	2	ea	\$ 15,000.00	\$ 30,000.00	\$ 22,000.00	\$ 44,000.00	\$ 15,000.00	\$ 30,000.00	\$ 16,500.00	\$ 33,000.00	\$ 17,404.63	\$ 34,809.26
C.008	441, SP	Remove and Replace 19 mm Copper Water Service and Curb Stops to Property Line	1	ea	\$ 6,500.00	\$ 6,500.00	\$ 6,000.00	\$ 6,000.00	\$ 3,500.00	\$ 3,500.00	\$ 8,600.00	\$ 8,600.00	\$ 7,385.65	\$ 7,385.65
C.009	441, SP	Remove and Replace 150 mm PVC Water Service and 150mm valve to Property Line	2	ea	\$ 15,000.00	\$ 30,000.00	\$ 10,000.00	\$ 20,000.00	\$ 5,000.00	\$ 10,000.00	\$ 16,050.00	\$ 32,100.00	\$ 12,597.81	\$ 25,195.62
C.010	441, SP	Temporary Water Service	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 13,000.00	\$ 13,000.00	\$ 25,890.48	\$ 25,890.48
Part 2 - Total Section C - Watermain						\$ 229,500.00		\$ 340,200.00		\$ 242,630.00		\$ 219,190.00		\$ 330,391.01
SECTION D - Sanitary														
D.001	510, SP	Grout Existing Sanitary Sewer	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,500.00	\$ 20,500.00	\$ 25,216.62	\$ 25,216.62
D.002	510, SP	Remove Existing Sanitary Manhole	2	ea	\$ 1,500.00	\$ 3,000.00	\$ 2,500.00	\$ 5,000.00	\$ 1,750.00	\$ 3,500.00	\$ 1,000.00	\$ 2,000.00	\$ 4,476.12	\$ 8,952.24
D.003	410, SP	250 mm PVC SDR Sanitary Sewer	141	m	\$ 380.00	\$ 53,580.00	\$ 800.00	\$ 112,800.00	\$ 795.00	\$ 112,095.00	\$ 385.00	\$ 54,285.00	\$ 1,093.78	\$ 154,222.98
D.004	410, SP	Remove and Replace Existing 150 mm Sanitary Services	2	ea	\$ 5,000.00	\$ 10,000.00	\$ 6,500.00	\$ 13,000.00	\$ 3,500.00	\$ 7,000.00	\$ 6,750.00	\$ 13,500.00	\$ 5,652.50	\$ 11,305.00
D.005	407, SP	Sanitary Manholes	2	ea	\$ 12,000.00	\$ 24,000.00	\$ 18,000.00	\$ 36,000.00	\$ 15,000.00	\$ 30,000.00	\$ 16,500.00	\$ 33,000.00	\$ 17,991.72	\$ 35,983.44
D.006	410, SP	Temporary Sewer Service	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 25,000.00	\$ 25,000.00	\$ 2,500.00	\$ 2,500.00	\$ 21,400.00	\$ 21,400.00	\$ 6,027.30	\$ 6,027.30
D.007	409, SP	CCTV Inspection of Sanitary Sewer Mainline	141	m	\$ 25.00	\$ 3,525.00	\$ 30.00	\$ 4,230.00	\$ 30.00	\$ 4,230.00	\$ 38.00	\$ 5,358.00	\$ 53.91	\$ 7,601.31
D.008	SP	Sanitary Sewer Bedding Upgrade (Crushed Stone) *	141	m	\$ 20.00	\$ 2,820.00	\$ 45.00	\$ 6,345.00	\$ 25.00	\$ 3,525.00	\$ 60.00	\$ 8,460.00	\$ 61.88	\$ 8,725.08
Part 2 - Total Section D - Sanitary						\$ 106,925.00		\$ 212,375.00		\$ 172,850.00		\$ 158,503.00		\$ 258,033.97
PART 2 - TOTAL SINCLAIR AVENUE						\$ 870,660.00		\$ 1,102,570.00		\$ 1,122,056.00		\$ 1,011,826.00		\$ 1,263,213.77

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PART 3 - GENERAL ITEMS														
G.001	SP	Bonds & Insurance	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 75,000.00	\$ 75,000.00	\$ 40,000.00	\$ 40,000.00	\$ 48,653.36	\$ 48,653.36
G.002	SP	Mobilization & Demobilization	1	LS	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 275,000.00	\$ 275,000.00	\$ 175,000.00	\$ 175,000.00	\$ 9,357.34	\$ 9,357.34
G.003	Section 01000	Consultant Site Office	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 3,500.00	\$ 3,500.00	\$ 10,000.00	\$ 10,000.00	\$ 5,500.00	\$ 5,500.00	\$ 6,213.72	\$ 6,213.72
G.004	SP	Contingency Allowance	1	LS	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
PART 3 - TOTAL GENERAL						\$ 310,000.00		\$ 303,500.00		\$ 510,000.00		\$ 370,500.00		\$ 214,224.42
SUMMARY OF TENDER PRICES														
Part 1 - Kings Highway Stage 2						\$ 1,496,621.00		\$ 1,440,892.00		\$ 1,853,821.00		\$ 1,712,151.00		\$ 1,691,212.80
Part 2 - Sinclair Avenue						\$ 870,660.00		\$ 1,102,570.00		\$ 1,122,056.00		\$ 1,011,826.00		\$ 1,263,213.77
Part 3 - General Items						\$ 310,000.00		\$ 303,500.00		\$ 510,000.00		\$ 370,500.00		\$ 214,224.42
SUB-TOTAL TENDER PRICE						\$ 2,677,281.00		\$ 2,846,962.00		\$ 3,485,877.00		\$ 3,094,477.00		\$ 3,168,650.99
13% HST						\$ 348,046.53		\$ 370,105.06		\$ 453,164.01		\$ 402,282.01		\$ 411,924.63
TOTAL TENDER PRICE						\$ 3,025,327.53		\$ 3,217,067.06		\$ 3,939,041.01		\$ 3,496,759.01		\$ 3,580,575.62

* Provisional Tender Items - Tender Items identified as Provisional may be deleted prior to/after Contract Award without affecting any other Tender Item prices, and without penalty or recourse.