



CRPC #729 INVITATION TO BID Grass Seed and Fertilizer ADDENDUM 1

(applicable only to 2022-2023 bid #729 Grass Seed and Fertilizer)

Opportunity Q&A Answers

Q1. The grass seed and fertilizer industry has been impacted by historic price increases and a supply and demand crisis. Distributors are challenged to commit to a price for a full year with the instability and volatility we are currently experiencing in the industry.

To help honor the integrity and intent of the CRCOG bid, will you be introducing language into the bid for a market price adjustment provision, or force majeure provision?

This language will best protect all parties involved in the bid if the market corrects and pricing returns to typical levels that could be lower than prices bid in January.

A1. The following clauses have been implemented into the specifications as *APPENDIX A. ADDENDUM 1* for bid #729 Grass Seed and Fertilizer for the bid year 2022-2023:

PRICING ESCALATION CLAUSE: Price escalation will be considered only at the time the vendor is able to submit written documentation that adequately justifies need for pricing escalation, to include the proposed new pricing structure. Municipality/participating entity will review the information and render a determination accepting or rejecting the new proposed pricing.

FORCE MAJEURE CLAUSE: No Party shall be liable or responsible to the other Party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement (except for any obligations to make previously owed payments to the other Party hereunder) when and to the extent such failure or delay is caused by or results from acts beyond the impacted Party's ("Impacted Party") reasonable control, including, without limitation, the following **force majeure** events ("**Force Majeure** Event(s)") that frustrates the purpose of this Agreement: (a) acts of God; (b) flood, fire, earthquake or explosion; (c) war, invasion, hostilities

(whether war is declared or not), terrorist threats or acts, riot or other civil unrest; (d) government order or law; (e) actions, embargoes or blockades in effect on or after the date of this Agreement; (f) action by any governmental authority; (g) national or regional emergency; (h) strikes, labor stoppages or slowdowns or other industrial disturbances; (i) epidemic, pandemic or similar influenza or bacterial infection (which is defined by the United States Center for Disease Control as virulent human influenza or infection that may cause global outbreak, or pandemic, or serious illness); (j) emergency state; (k) shortage of adequate medical supplies and equipment; (l) shortage of power or transportation facilities; and (m) other similar events beyond the reasonable control of the Impacted Party.