

BEFORE THE
MARYLAND STATE BOARD OF CONTRACT APPEALS

Appeal of MILLAR ELEVATOR CO.)	
)	Docket No.
Under DGS Project Nos.)	MSBCA 1621
BA-522-881-001 & BA-583-881-001)	

December 31, 1991

Decision Summary:

Bid Protest - Timeliness - Bidders are required to seek clarification of alleged ambiguity in bid documents prior to bid opening and if necessary file a protest prior to bid opening to preserve their rights relative to the proper interpretation of the bid documents.

APPEARANCE FOR APPELLANT:

Phillip F. Scheibe, Esq.
Glen Burnie, MD

APPEARANCE FOR RESPONDENT:

Michael P. Kenney
Assistant Attorney General
Baltimore, MD

APPEARANCE FOR INTERESTED PARTY:
General Elevator Company

None

OPINION BY CHAIRMAN HARRISON

Appellant timely appeals the denial of its bid protest that:
(1) the bid documents were unclear whether there was only one add alternate or two add alternates and (2) Appellant's bid for add alternates was only \$11,289.00 (and not twice that amount) based on its interpretation that only one add alternate was intended to be referenced by the bid documents.

Findings of Fact

1. The Department of General Services (DGS) issued a request for quotation for Project BA-522-881-001 which called for competitive sealed bids for modernization of elevators in the Louis L. Goldstein Treasury Building ("Treasury Building") in Annapolis. Bids were due on November 19, 1991 at 2:00 p.m. Bidders were to provide a base bid amount and an "add alternate" for an additional price for the bidder to install a Static Converter Power Control System.

2. DGS issued Addendum No. 1 on October 31, 1991 which enlarged the project by adding elevators in the William S. James Senate Office Building ("Senate Office Building") to the scope of work and adding project No. BA-583-881-001. Addendum No. 1 included a revised bid form of eight (8) pages for the previous bid form of six (6) pages and also included a separate specification book for the Senate Office Building work. Pursuant to Addendum No. 1 the revised bid form provided for base bids, plus add alternate No. 1 Static Converter Power Control System for the Treasury Building elevators (on page 3 of 8 of the bid form) and add alternate No. 1 Static Converter Power Control System for the Senate Office Building elevators (on page 5 of 8 of the bid forms). (Addendum No. 1 is set forth in Exhibit A to this Opinion.)

3. DGS issued Addendum No. 2 by fax Between 4:30 p.m. and 5:30 p.m. on November 18, 1991 to correct typographical errors in the Senate Office Building specification book, and one in the revised bid form.

The typographical error in the revised bid form was the numeral 1 rather than the numeral 2 appearing on page 5 of 8 for the add alternate for the static converter power control system work in the Senate Office Building. (Addendum No. 2 is set forth in Exhibit B to this Opinion.)

4. All bidders acknowledged both addenda. The Appellant, also corrected its revised bid form by making the change required by Addendum No. 2 on the revised bid form on page 5 of 8 by crossing out the number 1 and inserting the number 2 for the static converter power control system add alternate work for the Senate Office Building elevators. Appellant inserted an amount of \$11,289.00 in the space for the add alternate bid for both the Treasury Building and Senate Office Building static converter work at pages 3 of 8 and 5 of 8 respectively of the bid forms. (Appellant's bid is set forth in Exhibit C to this opinion).

5. Four (4) bids were received by the due date of November 19, 1991, but a contractor was not selected at that time, pending further evaluation and consultation with DGS's cost consultant, Lerch, Bates & Associates, Inc. The consultant, citing cost estimates and budget figures, recommended that the award be made to include the work in the base bid as well as both add alternates, and DGS determined to award on such basis.

6. Appellant submitted a base bid of \$539,567.00 and a bid for each add alternate of \$11,289.00 for a total bid (base bid and add alternates) of \$562,145.00. The Appellant would have been low bidder if it had bid a total of only \$11,289.00 for both add

alternates which would have resulted in a total bid of \$550,856.00. However, General Elevator Company's ("General") bid of \$552,087.00 on the base bid plus add alternate Nos. 1 and 2 was in fact the low bid.

7. DGS advised General by letter of November 27, 1991 that it was the lowest responsive and responsible bidder who would be awarded the contract on the basis of the base bid and both add alternates. Appellant filed a bid protest on December 12, 1991 alleging that the bid documents were unclear whether there was only one add alternate or two add alternates and that Appellant intended its total bid for the two add alternates to be \$11,289.00 believing that each add alternate was for the same item of work. As noted above, Appellant's bid would have been the low bid had its total bid for both add alternates been \$11,289.00. The protest was denied the same day by the Procurement Officer and Appellant appealed to this Board on December 17, 1991.

Decision

Appellant's bid for each of the add alternates was \$11,289.00 which resulted in its bid being higher than General's. There is no ambiguity or confusion in the bid documents as asserted by Appellant respecting the add alternates. There were two add alternate bid items (i.e. one for both the Treasury and Senate Buildings) and not simply one add alternate for the static converter work. Appellant either intended to bid \$11,287.00 for each item or misread the bid forms and made a mistake in its bid. If as asserted by Appellant it did not know whether there was more

than one add alternate, such confusion or ambiguity, if any, would have arisen or been apparent upon Appellant's receipt of Addendum No. 1 dated October 31, 1991 which reflected add alternate converter power control work in both the Treasury and Senate Buildings. Bidders are required to seek clarification of bid documents when they are alleged to be ambiguous or confusing prior to bid opening. Absent clarification it may be necessary to file a protest prior to bid opening to preserve their rights relative to the proper interpretation of such matter. See COMAR 21.10.02.03A.¹ *American Building Contractors, Inc.*, MSBCA 1125, 1 MSBCA ¶ 104 (1985) pp. 8-10. Appellant failed to seek pre-bid clarification following its receipt of the October 31, 1991 addendum (Addendum No. 1) and in any event we find there was no confusion or ambiguity created by Addendum No. 1 that bidders were to submit add alternate bids for the static converter work in both the Treasury and Senate Office Buildings. Accordingly, the appeal is denied.

Dated: December 31, 1991

¹Amendments to invitations for bids are governed by COMAR 21.05.02.08 which requires that amendments be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. Since Addendum No. 2 did not materially affect the fact that there was an add alternate for both the Treasury and Senate Building static converter power control work as called for in Addendum No. 1 we need not decide whether the fax transmission of Addendum No. 2 late in the afternoon of the day preceding bid opening allowed sufficient time for its consideration.

SET NO. _____

1991 DEC 19 PM 2 49

MARYLAND STATE
BOARD OF CONTRACT APPEALS

ADDENDUM NO. 1

FOR

MODERNIZATION OF ELEVATORS

AT THE

TREASURY BUILDING

ANNAPOLIS, MARYLAND

FOR THE

DEPARTMENT OF GENERAL SERVICES

DGS PROJECT NO. BA-522-881-001

DATE: October 31, 1991

STATE OF MARYLAND

DEPARTMENT OF GENERAL SERVICES

BOARD OF PUBLIC WORKS

MARTIN W. WALSH, JR., Secretary
State Office Building
301 W. Preston Street
Baltimore, Maryland 21201

WILLIAM DONALD SCHAFER, Governor
LOUIS L. GOLDSTEIN, Comptroller
LUCILLE MAURER, Treasurer

LERCH, BATES & ASSOCIATES INC.

2905 MITCHELLVILLE ROAD, SUITE 202

BOWIE, MD 20716-1386

TO All BIDDERS:

This addendum is intended to clarify correct, change or supplement Drawings, Specification, Condition and Bidding Documents on which the General Contract was based.

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EXHIBIT

1

These statements are to clarify the increased scope of the original project.

1. Modernization of elevators in Senate Office Building No. 2 is included in this project. Specification attached. Original Bid Forms are to be deleted. Revised Bid Forms are attached.
2. There is presently no ventilation in the hoistways of either building. Because there is no hoistway work involved with this modernization project, ventilation of the existing hoistways is not required by A17.1 Elevator Safety Code.
3. The existing skylights at the top of the hoistways of the traction elevators in the Senate Office Building are considered part of the building structure and are, therefore, the responsibility of the State.
4. The present "as-built" drawings indicate that existing machine foundations are as follows:

Treasury: 7'-0" L x 5'-0" D x 6'-0" W
Senate: 7'-6" L x 4'-6" D x 4'-0" W

Contractor must reuse existing tie-down bolts as stated in paragraph 14210-2.05, C, 1.
5. Attached is the Prevailing Wage Rate schedule and instruction page which are to be in effect during the duration of this project.
6. Change paragraph 01010-3.04, A, 6 as follows:

"Remove existing vent between wall of machine rooms number 1 and 2 and"
7. Add paragraph 14210-2.11, D as follows:

"D. Hall Lanterns: Existing hall lanterns adjacent to entrances of elevator number 2 are to be removed. Wall surfaces on floors 1 thru 4 are to be patched and finished to match adjacent surfaces. State will provide finish coat paint and Contractor will be responsible for painting entire elevator front wall surface from corner to corner. A blank bronze plate, which matches hall station, shall be installed to cover opening at G floor. Plate will be sized to cover existing plate area."
8. Change drawing T-VT-10 to removed new plates (to cover void created by D.I.) as shown in Lobby Elevators for Elev. #2 at 1st, 2nd, 3rd and 4th floors. (See Addendum 1, Item 7)

CONSTRUCTION BID FORM
FOR ELEVATORS

Department of General Services

Date _____

STATE OF MARYLAND

Martin W. Walsh, Jr., Secretary
301 West Preston Street
Baltimore, MD 21201

DGS Project No. BA-522-881-001
DGS Project No. BA-583-881-001

Gentlemen:

We hereby submit our bid for Modernization of Elevators located at Treasury Building, Annapolis, Maryland and for Modernization of Elevators at Senate Office Building No. 2, Annapolis, Maryland.

Having carefully examined the "Instructions to Bidders," the "General Conditions", and Specifications and Plans for the subject construction.

Specifications numbered _____

Drawings numbered _____

Addenda numbered _____

and having received clarification on all items of conflict or upon which an doubt arose, the undersigned proposed to furnish all labor, materials and equipment called for by the said documents, for the stipulated sum of :

TOTAL BASE BID INCLUDING. SPECIFIED MODERNIZATION. MAINTENANCE AND SERVICE FOR THE FIVE PASSENGER ELEVATORS

_____ Dollars (\$_____)
(Written)

(Sign for Identification)

SUMMATION OF PARTIAL BASE BID - TREASURY BUILDING

MODERNIZATION OF ELEVATORS (As outlined in Section 14210 of Specifications for Treasury Building)

_____ Dollars (\$_____) (Written) (Figures)

MAINTENANCE AND SERVICE FOR THE TWO PASSENGER ELEVATORS

INTERIM MAINTENANCE (As outlined in Section 01800 of Specifications for Treasury Building)

_____ Dollars (\$_____) (Written) (Figures)

Per Month Per Elevator

_____ Dollars (\$_____/month/elevator) (Written) (Figures)

CONSTRUCTION MAINTENANCE (As outlined in Section 01800 of Specifications for Treasury Building)

_____ Dollars (\$_____) (Written) (Figures)

Per Week Per Elevator

_____ Dollars (\$_____/week/elevator) (Written) (Figures)

Sign for Identification)

GUARANTEE MAINTENANCE (As outlined in Section 01800 of Specifications for Treasury Building)

_____ Dollars (\$_____) (Written) (Figures)

Per Month

_____ Dollars (\$_____/month) (Written) (Figures)

ALTERNATE #1 STATIC CONVERTER POWER CONTROL SYSTEM (As outline in Section 01030 of Specifications for Treasury Building) ←

_____ Dollars (\$_____) (Written) (Figures)

Sign for Identification) 10

SUMMATION OF PARTIAL BASE BID - SENATE OFFICE BUILDING NO. 2

MODERNIZATION OF ELEVATORS (As outlined in Section 14210 of Specifications for Senate Office Building No. 2)

_____ Dollars (\$_____)
(Written) (Figures)

MAINTENANCE AND SERVICE FOR THE TWO PASSENGER ELEVATORS

INTERIM MAINTENANCE (As outlined in Section 01800 of Specifications for Senate Office Building No. 2)

_____ Dollars (\$_____)
(Written) (Figures)

Per Month Per Elevator

_____ Dollars (\$_____/month/elevator)
(Written) (Figures)

CONSTRUCTION MAINTENANCE (As outlined in Section 01800 of Specifications for Senate Office Building No. 2)

_____ Dollars (\$_____)
(Written) (Figures)

Per Week Per Elevator

_____ Dollars (\$_____/week/elevator)
(Written) (Figures)

Sign for Identification)

GUARANTEE MAINTENANCE (As outlined in Section 01800 of Specifications for Senate Office Building No. 2)

(Written)

Dollars (\$ _____)

(Figures)

Per Month

(Written)

Dollars (\$ _____/month)

(Figures)

ALTERNATE #1 STATIC CONVERTER POWER CONTROL SYSTEM (As outline in Section 01030 of Specifications for Senate Office Building No. 2)

(Written)

Dollars (\$ _____)

(Figures)

Submitted with this bid is a fully executed Bid Bond in the amount of 5% of the bid when the total is in excess of \$50,000.00.

It is understood that the bid price will be firm for a time period of ninety (90) calendar days from the bid opening date and that if the undersigned be notified of acceptance of this bid within this time period, the firm shall execute a contract for the above stated compensation and shall complete the modernization work associated with the base bid within 390 calendar days from the date of Notice to Proceed and agrees that if the work is not completed within the time period specified, the Contractor will be liable for Liquidated Damages of \$250.00 per calendar day as specified in the "General Conditions", Section 7, Article 7.13. Also, it is agreed that on or before the date the firm has executed the contract, the firm will and submit to the State an Affirmative Action Plan as specified in Section 9.02 of the "General Conditions". All elevator demolition and construction must occur between April 7, 1992 and January 12, 1993.

(Sign for Identification)

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Bid Bonds, except those of three low bidders will be returned after the bid opening. Other bid bonds will be returned after the related contract has been executed. If no bid has been accepted within ninety (90) days after the bid opening, then any bond may be returned upon demand of the bidder.

Failure to properly and completely fill in all blanks may be cause for rejection of this bid.

All alternates called for in the Contract Documents must be submitted herewith, if applicable.

(Construction Firm License No.) _____ Date Issued _____ (Place of Issuance) _____

Federal Employer Identification No.
(or Social Security No. if no F.E.I.N.)

INDIVIDUAL PRINCIPAL

In presence of _____
Witness: _____

FIRM NAME _____

SIGNED _____

ADDRESS _____

TELEPHONE NO. _____

(Sign for Identification) 13

CO-PARTNERSHIP PRINCIPAL

In presence of
Witness _____

(Name of Co-Partnership)

ADDRESS _____

TELEPHONE NO. _____

_____ as to

BY _____
(Partner)

_____ as to

BY _____
(Partner)

_____ as to

BY _____
(Partner)

CORPORATE PRINCIPAL

Attest:

(Corporate Secretary)

(Name of Corporation)

ADDRESS _____

TELEPHONE NO. _____

BY _____
(Affix Corporate Seal)

Sign for Identification 14

The bidder represent, and it is a condition precedent to acceptance of this bid, that the bidder has not been a party to any agreement to bid a fixed or uniform price.

WITNESS:

(SEAL)

Signature of Office and Title

SUBSCRIBED AND SWORN TO before me, a Notary Public of the State of _____, County or City of _____, this _____ day of _____, 1991.

Notary Public

Sign for Identification

SET NO. _____

ADDENDUM NO. 2

FOR

MODERNIZATION OF ELEVATORS

AT THE

TREASURY BUILDING

ANNAPOLIS, MARYLAND

FOR THE

DEPARTMENT OF GENERAL SERVICES

DGS PROJECT NO. BA-522-881-001

DATE: November 18, 1991

STATE OF MARYLAND

DEPARTMENT OF GENERAL SERVICES

BOARD OF PUBLIC WORKS

MARTIN W. WALSH, JR., Secretary
State Office Building
301 W. Preston Street
Baltimore, Maryland 21201

WILLIAM DONALD SCHAFER, Governor
LOUIS L. GOLDSTEIN, Comptroller
LUCILLE MAURER, Treasurer

LERCH, BATES & ASSOCIATES INC.

2905 MITCHELLVILLE ROAD, SUITE 202

BOWIE, MD 20716-1386

TO All BIDDERS:

This addendum is intended to clarify correct, change or supplement Drawings, Specification, Condition and Bidding Documents on which General Contract was based.

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EXHIBIT

3

These statements are to clarify the Construction Bid Documents:

1. Base bid will be for all work specified. This is to include the modernization, maintenance and service for the two (2) traction passenger elevators in the Treasury Office Building, the two (2) traction passenger elevators and one (1) hydraulic passenger elevator in the Senate Office Building No. 2.
2. The total base bid will include all costs associated with the hydraulic passenger elevator; however, there is no summation, required at this time, of partial base bid for the hydraulic passenger elevator as outlined in Section 14240 of the specification for Senate Office Building No. 2.
3. Change paragraph 01300 - 2 in the Senate Office Building No. 2 specification to read: -
"2. . ALTERNATE NO. 2: Static"
4. Change ALTERNATE #1 noted on page 5 of 8 of the Construction Bid Form for Elevators to read as follows:
"ALTERNATE #2 STATIC"

CONSTRUCTION BID FORM
FOR ELEVATORS

Department of General Services

Date 11/18/91

STATE OF MARYLAND

Martin W. Walsh, Jr., Secretary
301 West Preston Street
Baltimore, MD 21201

DGS Project No. BA-522-881-001

DGS Project No. BA-583-881-001

Gentlemen:

We hereby submit our bid for Modernization of Elevators located at Treasury Building, Annapolis, Maryland and for Modernization of Elevators at Senate Office Building No. 2, Annapolis, Maryland.

Having carefully examined the "Instructions to Bidders," the "General Conditions", and Specifications and Plans for the subject construction.

Specifications numbered _____

Drawings numbered _____

Addenda numbered 1 + 2

and having received clarification on all items of conflict or upon which an doubt arose, the undersigned proposed to furnish all labor, materials and equipment called for by the said documents, for the stipulated sum of :

TOTAL BASE BID INCLUDING, SPECIFIED MODERNIZATION, MAINTENANCE AND SERVICE FOR THE FIVE PASSENGER ELEVATORS

FIVE HUNDRED THIRTY-NINE THOUSAND FIVE
HUNDRED SIXTY-SEVEN AND NO/100 DOLLARS
(Written)

Dollars (\$ 539,567.00)



(Sign for Identification)

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EXHIBIT

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MILLER

SUMMATION OF PARTIAL BASE BID - TREASURY BUILDING

MODERNIZATION OF ELEVATORS (As outlined in Section 14210 of
Specifications for Treasury Building)

TWO HUNDRED FIFTY-SIX THOUSAND FIVE
HUNDRED SIXTEEN AND NO/100 DOLLARS Dollars (\$ 256,516.00)
(Written) (Figures)

MAINTENANCE AND SERVICE FOR THE TWO PASSENGER ELEVATORS

INTERIM MAINTENANCE (As outlined in Section 01800 of
Specifications for Treasury Building)

ONE THOUSAND FOUR HUNDRED AND
NO/100 DOLLARS Dollars (\$ 1,400.00)
(Written) (Figures)

Per Month Per Elevator

ONE HUNDRED AND NO/100 Dollars (\$ 100.00 /month/elevator)
(Written) (Figures)

CONSTRUCTION MAINTENANCE (As outlined in Section 01800 of
Specifications for Treasury Building)

FOUR HUNDRED AND NO/100 Dollars (\$ 400.00)
(Written) (Figures)

Per Week Per Elevator

TWENTY-THREE AND 33/100 Dollars (\$ 23.33 /week/elevator)
(Written) (Figures)



Sign for Identification)

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GUARANTEE MAINTENANCE (As outlined in Section 01800 of Specifications for Treasury Building)

FOUR THOUSAND EIGHT HUNDRED AND NO/100

(Written)

Dollars (\$ 4,800.00)
(Figures)

Per Month

TWO HUNDRED AND NO/100
(Written)

Dollars (\$ 200.00 /month)
(Figures)

ALTERNATE #1 STATIC CONVERTER POWER CONTROL SYSTEM (As outline in Section 01030 of Specifications for Treasury Building)

ELEVEN THOUSAND TWO HUNDRED EIGHTY-NINE AND NO/100

(Written)

Dollars (\$ 11,289.00)
(Figures)



(Sign for Identification)

SUMMATION OF PARTIAL BASE BID - SENATE OFFICE BUILDING NO. 2

MODERNIZATION OF ELEVATORS (As outlined in Section 14210 of
Specifications for Senate Office Building No. 2)

TWO HUNDRED SIXTY-NINE THOUSAND EIGHT
HUNDRED FIFTY-ONE AND NO/100 _____ Dollars (\$ 269,851.00)
(Written) (Figures)

MAINTENANCE AND SERVICE FOR THE TWO PASSENGER ELEVATORS

INTERIM MAINTENANCE (As outlined in Section 01800 of
Specifications for Senate Office Building No. 2)

ONE THOUSAND FOUR HUNDRED AND
NO/100 _____ Dollars (\$ 1,400.00)
(Written) (Figures)

Per Month Per Elevator

ONE HUNDRED AND NO/100 _____ Dollars (\$ 100.00 /month/elevator)
(Written) (Figures)

CONSTRUCTION MAINTENANCE (As outlined in Section 01800 of
Specifications for Senate Office Building No. 2)

FOUR HUNDRED AND NO/100 _____ Dollars (\$ 400.00)
(Written) (Figures)

Per Week Per Elevator

TWENTY-THREE AND 33/100 _____ Dollars (\$ 23.33 /week/elevator)
(Written) (Figures)



Sign for Identification) 21

GUARANTEE MAINTENANCE (As outlined in Section 01800 of Specifications for Senate Office Building No. 2)

FOUR THOUSAND EIGHT HUNDRED AND NO/100 Dollars (\$ 4,800.00)
(Written) (Figures)

Per Month

TWO HUNDRED AND NO/100 Dollars (\$ 200.00 /month)
(Written) (Figures)

²
~~ALTERNATE #1~~ ² STATIC CONVERTER POWER CONTROL SYSTEM (As outline in Section 01030 of Specifications for Senate Office Building No. 2)

ELEVEN THOUSAND TWO HUNDRED EIGHTY-NINE AND NO/100 Dollars (\$ 11,289.00)
(Written) (Figures)

Submitted with this bid is a fully executed Bid Bond in the amount of 5% of the bid when the total is in excess of \$50,000.00.

It is understood that the bid price will be firm for a time period of ninety (90) calendar days from the bid opening date and that if the undersigned be notified of acceptance of this bid within this time period, the firm shall execute a contract for the above stated compensation and shall complete the modernization work associated with the base bid within 390 calendar days from the date of Notice to Proceed and agrees that if the work is not completed within the time period specified, the Contractor will be liable for Liquidated Damages of \$250.00 per calendar day as specified in the "General Conditions", Section 7, Article 7.13. Also, it is agreed that on or before the date the firm has executed the contract, the firm will and submit to the State an Affirmative Action Plan as specified in Section 9.02 of the "General Conditions". All elevator demolition and construction must occur between April 7, 1992 and January 12, 1993.

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(Sign for Identification)

Bid Bonds, except those of three low bidders will be returned after the bid opening. Other bid bonds will be returned after the related contract has been executed. If no bid has been accepted within ninety (90) days after the bid opening, then any bond may be returned upon demand of the bidder.

Failure to properly and completely fill in all blanks may be cause for rejection of this bid.

All alternates called for in the Contract Documents must be submitted herewith, if applicable.

	<u>15-077558</u>	<u>Maryland</u>
(Construction Firm License No.)	Date Issued	(Place of Issuance)

34-1270056
 Federal Employer Identification No.
 (or Social Security No. if no F.E.I.N.)

INDIVIDUAL PRINCIPAL

In presence of Marty Clord
 Witness: _____

FIRM NAME Millar Elevator Service Company

SIGNED [Signature]
 ADDRESS 1240 Key Highway
Baltimore, MD 21230

TELEPHONE NO. (410) 539-6272

[Signature]
 (Sign for Identification) 23

CO-PARTNERSHIP PRINCIPAL

In presence of
Witness _____

(Name of Co-Partnership)

ADDRESS _____

TELEPHONE NO. _____

_____ as to

BY _____
(Partner)

_____ as to

BY _____
(Partner)

_____ as to

BY _____
(Partner)

CORPORATE PRINCIPAL

Attest:

Diane Kullman

(Corporate Secretary)

Diane Kullman

Millar Elevator Service Company
(Name of Corporation)

1240 Key Highway

ADDRESS Baltimore, MD 21230

TELEPHONE NO. (410) 539-6272

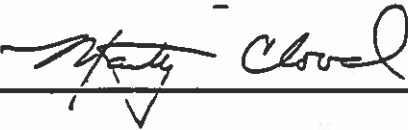
BY _____
(Affix Corporate Seal)

[Signature]

Sign for Identification


The bidder represent, and it is a condition precedent to acceptance of this bid, that the bidder has not been a party to any agreement to bid a fixed or uniform price.

WITNESS:



 (SEAL)
Signature of Office and Title

SUBSCRIBED AND SWORN TO before me, a Notary Public of the State of Maryland, County or City of Baltimore Co., this 19th day of November, 1991.


Notary Public


Sign for Identification

The Board of Directors of the Corporation has approved the payment of a dividend of \$1.00 per share of common stock for the quarter ended March 31, 1964. The dividend is payable on May 1, 1964 to shareholders of record as of April 15, 1964.

Very truly yours,

John F. Smith
President

James H. Jones
Secretary

Robert L. Brown
Treasurer

William D. White
Director