# ITEM REQUIRING BOCC APPROVAL (5 ITEMS)

# 1. 2020 NOVA CHIP (R175-B) -- PUBLIC WORKS FUNDING -- R175 PREVENTATIVEMX-16+

(Request sent to 47 vendors)

RFB #20-0014 S/C #8000161307

Engineer's Estimate: \$4,221,406.30	APAC - Kansas, Inc., Shears Division	Cornejo & Sons LLC		
2020 Nova Chip (R175B)	\$3,643,949.18	\$3,823,871.20		
Bid Bond	Yes	Yes		
Acknowledge Addendum	Yes	Yes		
	Andale Ready Mix Central, Inc.	Dondlinger Construction	Kansas Paving	
No Bid	Nowak Construction Co., Inc.	Pearson Construction, LLC	Shilling Construction Co., Inc.	
	Unruh Excavating	Wildcat Construction		

On the recommendation of Josh Lauber, on behalf of Public Works, Angela Caudillo moved to **accept the low bid from APAC - Kansas, Inc., Shears Division in the amount of \$3,643,949.18.** Tim Myers seconded the motion. The motion passed unanimously.

Nova Chip is an ultra-thin bonded asphalt overlay of approximately 5/8" placed over a heavy asphalt emulsion membrane. A spray paver places both components in a single pass sealing small cracks and ensuring adhesion to the underlying pavement.

Nova Chip provides a durable, friction resistant surface on an existing flexible pavement that is effective on high speed roadways with minor to moderate cracking and can correct minor surface irregularities.

Note:

This vendor has been used on previous projects.

## **Questions and Answers**

Tim Myers: About how many miles will this cover?

Jim Weber: I sent a text on that question just five (5) minutes ago and haven't gotten an answer back. Typically we're doing 60 to 70 miles. Let me get an answer to Joe and we'll get it into the record.

## Note to Bid Board Meeting: The 2020 NovaChip contract (R175B) covers 55 miles of county roadways.

# 2. CHANGE ORDER #1 - AMENDMENT TO HR FOCAL POINT, LLC AND LABYRINTH SOLUTIONS, INC. CONTRACTS --ENTERPRISE RESOURCE PLANNING (ERP)

FUNDING -- ENTERPRISE RESOURCE PLANNING (ERP)

(Contract Amendment)

Contract #4104-11	HR Focal Point, LLC
Contract #4083-11	Labyrinth Solutions, Inc.
Amendment to contract length	Extend the current contracts through December 31, 2022.

On the recommendation of Josh Lauber, on behalf of Enterprise Resource Planning (ERP), Randy Bargdill moved to accept the change order to extend the contracts with HR Focal Point, LLC and Labyrinth Solutions, Inc. through December 31, 2022. Ellen House seconded the motion. The motion passed unanimously.

In 2014, a request for proposal for On-Call SAP Support Services resulted in four contracts being established with third party vendors. These are vendors with support resources for very specific areas of SAP system functionality (Financials, Human Capital Management, Payroll, Analytics, etc.). Since then, two (2) of these vendors have been utilized fairly frequently. This change order request is to extend the current contracts through December 31, 2022 until current SAP systems become obsolete for Sedgwick County. Both contracts are only for an hourly rate of support services (no fixed cost) and are used only when Sedgwick County resources are not available or do not have the required expertise. The contracts allow us to acquire support resources in a timely manner, working with vendors who have become familiar with system customizations and processes.

#### **Questions and Answers**

Randy Bargdill: Is there an immediate cost to us to extend this contract?

Mike Elpers: No, there is no initial cost. They are just on contract work for us at an hourly rate.

Randy Bargdill: And that hourly rate will be the same as what we are already paying?

Mike Elpers: Correct.

Russell Leeds: I have a brief charter question on this under section 8 under change orders, this is a contract extension of sort but it falls under the guidelines of the change order?

Joe Thomas: Because of the length of time of the extension, instead of making it Administrative or what I can approve, this has to go before Bid Board and BoCC since it is above 10% of the original contract length.

Mike Fessinger: I concur.

Angela Caudillo: Is there an anticipated spend or max spend?

Mike Elpers: Not really. I did bring kind of a history of the payments to these two (2) vendors over the past four (4) plus years. The total over that course of time for HR Focal Point was \$18,000.00. The total over that period of time for Labyrinth Solutions was \$136,000.00. That really increased last year when we lost some in-house support for one of our systems and had to rely on them a little bit more. We've kind of leveraged that vacant position in ERP to make up for that cost but I can share that history

# 3. ONBASE MAINTENANCE AND SUPPORT -- DIVISION OF INFORMATION & TECHNOLOGY <u>FUNDING -- DOCUMENT MANAGEMENT</u>

Hardware/Software Maintenance

#### #20-2017 S/C #8000161253

Maintenance and Support (04/01/2020-03/31/2021)	Konica M	Konica Minolta Business Solutions USA, Inc.			
	Quantity	Item Price	Total		
Concurrent Client Qty 1-100 (SMA) (3 months) (CTMPC1)	50	\$50.00	\$2,500.00		
OnBase Software Maintenance (IU)* (SMA) (HYLSSMA)	1	\$227,246.57	\$227,246.57		
Production Document Imaging Twain 2+ (SMA) (3 months)	4	\$150.00	\$600.00		
Workflow/WorkView CC SL (SMA) (3 months)	2	\$120.00	\$240.00		
Adjustment Discount	1	-\$41,505.58	-\$41,505.58		
			\$189,080.99		

On the recommendation of Josh Lauber, on behalf of Division of Information & Technology, Angela Caudillo moved to **accept the quote from Konica Minolta Business Solutions USA, Inc. in the amount of \$189,080.99.** Ellen House seconded the motion. The motion passed unanimously.

OnBase is the county scanning and document management solution.

Note: Last year, the county spent \$177,325.96 for this support.

# **Questions and Answers**

Russell Leeds: Was this the only vendor who offered a bid on this?

Josh Lauber: It's a hardware/software maintenance renewal on an existing product.

Russell Leeds: Is this who has been maintaining the product for us?

Joe Thomas: Yes, sir.

Randy Bargdill: Was this an expected increase, \$11,755.00 from last year? Was that an incremental expected maintenance increase in price?

Israel Ramos: Yes.

## 4. INFORMATION TECHNOLOGY SECURITY (ITS) HARDWARE, SOFTWARE, AND RELATED SERVICES -- DIVISION OF INFORMATION & TECHNOLOGY FUNDING -- DIVISION OF INFORMATION & TECHNOLOGY

(Joint Governmental Purchases)

 Contracts

 #20-2012: Texas Department of Information Resources (Texas DIR) Contract #DIR-TSO-4133)
 Optiv Security, Inc.

 Information Technology Security (ITS) Hardware, Software, and Related Services
 Discount Percentages on File

 #20-2014: OMNIA Partners Contract #R19093
 EC America, Inc.

 Software Solutions and Services
 Discount Percentages on File

On the recommendation of Josh Lauber, on behalf of Division of Information & Technology, Tim Myers moved to utilize the Texas DIR Contract #DIR-TSO-4133 with Optiv Security, Inc. and OMNIA Partners Contract #R19093 with EC America, Inc. to establish contract pricing per the agreements. Randy Bargdill seconded the motion. The motion passed unanimously.

Sedgwick County leverages an in-depth defense strategy with multiple layers of cyber security protections in place to safeguard the county network and data. County IT leverages Optiv for multiple added values with the continual review of our product base to ensure the best security products are in place, are working effectively, and fully supported. Optiv provides consultations with reviews of our security posture through requested audits and helps by sharing free training opportunities to keep our staff current with the ever changing world of technology. The current maintenance and subscription renewal costs of the enterprise cybersecurity products in use by Sedgwick County is roughly \$250,000.00 per year.

Note:

Please see the link below for further information and pricing. This contract is good through July 16, 2020 with two (2) one (1) year options to renew. https://dir.texas.gov/View-Search/Contracts-Detail.aspx?contractnumber=DIR-TSO-4133.

Please see the link below for further information and pricing. This contract is good through December 31, 2022 with two (2) one (1) year options to renew. https://www.omniapartners.com/publicsector/contracts/supplier-contracts/ec-america-inc.

### **Questions and Answers**

Randy Bargdill: How often do we call on either one of these for their expertise? How often do we use them?

James Arnce: We usually use them whenever we run into any issues where we have big projects. Just to get another set of eyes to make sure we are securing the network and we're doing things the way we should. So we utilize it multiple times throughout the year. We don't have specifically once a week or anything like that.

Tim Myers: Do we take advantage of the training offered from them.

James Arnce: Yes we do. We utilize that pretty heavily.

## 5. PEST CONTROL SERVICES -- VARIOUS DEPARTMENTS

FUNDING -- VARIOUS DEPARTMENTS

(Request sent to 34 vendors) RFB #20-0009 Contract

			Pest Management Partners, Inc. dba Arrest A Pest	Go Green Pest Control Services, Inc.	Rontokil NA dba Presto-X	Pink Pest Control LLC	Reliable Pest Management	Terminex International dba Schendel Pest Services
LOCATION	ADDRESS	FREQUENCY	PRICE PER APPLICATION	PRICE PER APPLICATION	PRICE PER APPLICATION	PRICE PER APPLICATION	PRICE PER APPLICATION	PRICE PER APPLICATION
1. Historic Courthouse	510 N. Main	Monthly	\$150.00	\$17.00	\$18.00	\$22.00	\$30.00	\$19.00
2. Courthouse : Floors 1-11, Boiler Room, & Air Conditioning & Equipment Room	525 N. Main	Monthly	\$230.00	\$34.00	\$30.00	\$45.00	\$35.00	\$36.00
3. Couthouse-Entrances & Basement Kitchen	525 N. Main	Monthly	\$230.00	\$9.00	\$30.00	\$15.00	\$20.00	\$11.00
4. Vaults Record Room	525 N. Main	Weekly	\$55.00	\$7.00	\$5.00	\$8.00	\$10.00	\$8.00
5. Smoking Area	525 N. Main	Monthly	\$15.00	\$5.00	\$5.00	\$8.00	\$10.00	\$6.00
6. District Attorney	525 N. Main	Monthly	\$120.00	\$6.00	\$7.00	\$8.00	\$10.00	\$7.00
7. Adult Probation Basement	525 N. Main	Monthly	\$55.00	\$5.00	\$5.00	\$8.00	\$10.00	\$6.00
8. Extension Office	7001 W. 21st St.	Monthly	\$30.00	\$13.00	\$10.00	\$18.00	\$20.00	\$15.00
9. Munger Building	538 N. Main St.	Monthly	\$200.00	\$24.00	\$20.00	\$35.00	\$30.00	\$27.00
10. Jail Annex	701 W. Harry St.	Twice Monthly	\$55.00	\$9.00	\$15.00	\$20.00	\$25.00	\$17.00
11. Adult Detention Facility	141 W. Elm St.	Weekly	\$120.00	\$24.00	\$20.00	\$28.00	\$40.00	\$26.00
<ol> <li>Adult Detention Facility Kitchen</li> </ol>	141 W. Elm St.	Weekly	\$55.00	\$5.00	\$5.00	\$8.00	\$20.00	\$6.00
13. Intermediate Sanctions and Services ARES/WR	622 E. Central St.	Twice Monthly	\$30.00	\$9.00	\$10.00	\$14.00	\$25.00	\$11.00
14. Comcare SCOAP	720 E. Morris St.	Twice Monthly	\$30.00	\$8.00	\$10.00	\$14.00	\$20.00	\$10.00
15. Juvenile Courts	1900 E. Morris St.	Monthly	\$55.00	\$19.00	\$20.00	\$27.00	\$25.00	\$21.00
16. Juvenile DA	1900 E. Morris St.	Monthly	\$30.00	\$9.00	\$10.00	\$12.00	\$20.00	\$11.00
17. Calvary Baptist Church/Kansas African American Museum	601 N. Water St.	Monthly	\$120.00	\$9.00	\$10.00	\$15.00	\$20.00	\$11.00
18. Radio Shop	1015 Stillwell St., Bldg 9	Monthly	\$30.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
19. Comcare Crisis	635 N. Main St.	Twice Monthly	\$15.00	\$8.00	\$10.00	\$15.00	\$20.00	\$10.00
20. Comcare Outpatient Services	1919 N. Amidon Ave., Ste. 130	Monthly	\$30.00	\$8.00	\$9.00	\$10.00	\$20.00	\$10.00
21. Comcare Grace Medical Clinic	1919 N. Amidon Ave., Ste. 100	Monthly	-	\$8.00	-	\$12.00	\$20.00	\$15.00
22. Comcare Adult Medical Services	1919 N. Amidon Ave., Ste. 200, 206, 211, 219	Monthly	-	\$8.00	-	\$12.00	\$20.00	\$15.00
23. Comcare Center City	402 E. 2nd St.	Monthly	\$55.00	\$8.00	\$9.00	\$12.00	\$20.00	\$10.00
24. Comcare SCDDO	615 N. Main	Monthly	\$30.00	\$8.00	\$9.00	\$10.00	\$20.00	\$10.00
25. Health Dept. West	2716 W. Central Ave.	Monthly	-	\$8.00	\$9.00	\$12.00	\$20.00	\$20.00
26. Various Depts	271 W. Third	Monthly	\$80.00	\$8.00	\$10.00	\$12.00	\$35.00	\$30.00
27. EMS Administrative Office and Post 20	1015 W. Stillwell St.	Monthly	\$20.00	\$9.00	\$10.00	\$15.00	\$20.00	\$11.00
28. EMS Post #1	2622 W. Central Ave.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
29. EMS Post #2	1903 W. Pawnee	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
30. EMS Post #3	3002 E. Central	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
31. EMS Post #4	1100 S. Clifton	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
32. EMS Post # 5	698 Caddy Ln.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
33. EMS Post # 6	6401 S. Mabel St., Haysville, KS	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
34. EMS Post #7	1535 S. 199th St. W., Goddard, KS	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
35. EMS Post #8	501 E. 53rd St. N., Park Cty, KS.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
36. EMS Post #9	1218 S. Webb Rd.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
37. EMS Post #10	636 N. St. Francis St.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
38. EMS Post # 12	3320 N. Hillside St.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
39. EMS Post # 15	3537 N. Webb Rd.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
40. EMS Post # 16	5055 S. Oliver St.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
41. EMS Post # 45	616 E. 5th St., Valley Center, KS	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
42. Fire Station# 32	7750 N. Wild West Dr., Park City,KS.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00

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43. Fire Station #33	10625 W. 53rd St. N., Maize,KS.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
44. Fire Station #34	334 N. Main St., Haysville,KS.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
45. Fire Station #35	1535 S, 199th St. West, Goddard, KS	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
46. Fire Station #36	5055 S. Oliver St.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
47. Fire Station # 37	4343 N. Woodlawn Blvd., Bel Aire, KS.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
48. Fire Station #38	1010 N. 143rd St. E.	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
49. Fire Station # 39	3610 S. 263rd St. W.,	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
50. Fire Station #31	Garden Plain, KS. 5848 N. 247th St. W.,	Monthly	\$20.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
51. Fleet Management	Andale, KS. 1021 W. Stillwell St.	Quarterly	\$40.00	\$14.00	\$15.00	\$18.00	\$20.00	\$16.00
52. Noxious Weed	901 W. Stillwell St.	Monthly April-Sept. Quarterly OctMar	\$120.00	\$8.00	\$10.00	\$12.00	\$20.00	\$10.00
53. Voting Machine Warehouse	815 W. Stillwell St.	Monthly	\$30.00	\$8.00	\$9.00	\$12.00	\$20.00	\$10.00
54. Sheriff Property and Evidence	815 W. Stillwell St.	Monthly	\$30.00	\$8.00	\$9.00	\$12.00	\$20.00	\$10.00
55. Sheriff Patrol Squad Room	830 W. Stillwell St.	Monthly	\$20.00	\$8.00	\$9.00	\$10.00	\$20.00	\$10.00
56. Sheriff's Firearms Range	24532 W. MacArthur Rd., Goddard, KS.	Monthly	\$30.00	\$8.00	\$9.00	\$12.00	\$20.00	\$10.00
57. Law Camp Storage	24532 W. MacArthur Rd., Goddard, KS.	Monthly	\$30.00	\$8.00	\$9.00	\$12.00	\$20.00	\$10.00
58. Offender Registration	3803 E. Harry St., Ste. 119	Monthly	\$30.00	\$9.00	\$10.00	\$12.00	\$20.00	\$11.00
59. JIAC & Juvenile Detention Facility	700 S. Hydraulic St.	Twice Monthly	\$120.00	\$19.00	\$20.00	\$28.00	\$25.00	\$21.00
60. Juvenile Residential Facility	881 S. Minnesota St.	Twice Monthly	\$120.00	\$15.00	\$15.00	\$20.00	\$25.00	\$17.00
61. Juvenile Field Services	3803 E. Harry St.	Monthly	\$50.00	\$9.00	\$10.00	\$15.00	\$20.00	\$11.00
62. Public Works	1144 S. Seneca St.	Monthly	\$120.00	\$17.00	\$18.00	\$22.00	\$30.00	\$19.00
63. Public Works North Yard	10530 E. 37th St. N.	Monthly	\$55.00	\$9.00	\$10.00	\$12.00	\$20.00	\$11.00
64. Public Works East Yard	2200 S. Webb Rd.	Monthly	\$55.00	\$9.00	\$10.00	\$12.00	\$20.00	\$11.00
65. Public Works Andale Yard	5858 N. 247th St. W., Andale, KS.	Monthly	\$55.00	\$9.00	\$10.00	\$12.00	\$20.00	\$11.00
66. Public Works Clonmell Yard	17500 W. 71st St.S., Viola, KS.	Monthly	\$55.00	\$9.00	\$10.00	\$12.00	\$20.00	\$11.00
67. Public Works Code Enforcement	1144 S. Seneca St.	Monthly	\$55.00	\$7.00	\$10.00	\$12.00	\$0.00	\$9.00
68. Public Works West Yard	4701 S. West St.	Monthly April-Sept. Quarterly OctMar	\$55.00	\$9.00	\$10.00	\$12.00	\$20.00	\$11.00
69. Lake Afton Park	25401 W. 39th St. S., Goddard, KS.	Monthly	\$120.00	\$14.00	\$15.00	\$20.00	\$25.00	\$17.00
70. Sedgwick County Park	6501 W. 21st St. N., Goddard, KS.	Monthly	\$120.00	\$9.00	\$10.00	\$17.00	\$20.00	\$12.00
71. Office of the Medical Director	200 W. Murdock St.	Monthly	\$55.00	\$9.00	\$10.00	\$13.00	\$20.00	\$15.00
72. Douglas Tag Office	2525 W. Douglas	Monthly	\$80.00	\$9.00	\$10.00	\$13.00	\$25.00	\$11.00
73. Kellogg Tag Office	5620 E. Kellogg	Monthly	\$80.00	\$9.00	\$10.00	\$13.00	\$25.00	\$11.00
74. Forensic Science Center	1109 N. Minneapolis	Monthly	\$80.00	\$13.00	\$10.00	\$17.00	\$20.00	\$15.00
75. AFS Adult Field Services	905 N. Main St.	Monthly	\$55.00	\$13.00	\$10.00	\$17.00	\$20.00	\$15.00
76. Public Safety Building	714 N. Main St.	Monthly	\$55.00	\$13.00	\$15.00	\$17.00	\$25.00	\$15.00
77. Comcare Adult Services	4035 E. Harry St.	Monthly	\$120.00	\$8.00	\$9.00	\$17.00	\$20.00	\$20.00
78. Health Dept (beginning 2021)	1900 9th St.	Monthly	\$50.00	\$8.00	\$9.00	\$12.00	\$30.00	\$20.00
Acknow	Acknowledge Addendum #1		Yes	Yes	Yes	Yes	Yes	Yes
Acknowledge Addendum #2			No	Yes	No	Yes	Yes	Yes
	No Bid		Advanced Pest Control, Inc.	Bug Stoppers	Kaiser Pest Control Plus, Inc.	Pes	stwest Killgerm USA,	Inc.

On the recommendation of Brit Rosencutter, on behalf of various departments, Tim Myers moved to accept the low overall bid from GoGreen Pest Control Services, Inc. at the rates listed and establish contract pricing for three (3) years, with (2) one (1) year options to renew. Ellen House seconded the motion. The motion passed unanimously.

Note:

Previous provider was Reliable Pest Control. Total Spend for 2019 was \$14,097.00.

## **Questions and Answers**

Angela Caudillo: What is considered an application? What are the chemicals or what does it treat?

Andrew Dilts: The application would be any time the vendor comes out and actually sprays or applies a pest control measure. The chemicals this vendor is proposing, I don't have that information with me right now but we do have guidelines on what pests they need to control and that's generally speaking, ants, cockroaches, anything that's common to our facilities.

Angela Caudillo: Are bed bugs included in that?

Andrew Dilts: Bed bugs are not included in that. That is a special application, something we would ask the vendor for a price per treatment depending on the scenario and how much the infestation would go.

Angela Caudillo: Was that included in the bid package at all?

Andrew Dilts: No, it was not. That was an excluded item from this bid.

Angela Caudillo: Would a supplemental application like the ones that were bid, would it be the same price? If a supplemental would need to be done more frequently, would it be done at the price listed?

Andrew Dilts: There is a warranty associated with the application. If something is noticed, the vendor should be coming back out and spraying at no charge. If it's a pest that is not included in this RFB then it would be an additional cost.

Angela Caudillo: If the pest is not included in this RFB and the vendor was chosen, we would be utilizing that vendor still for the other pests? Is that correct.

Andrew Dilts: We typically give them the first opportunity to respond.

Michael Fessinger: I would think an ad hoc application such as a bed bug spraying would not be subject to the charter instead could be purchased as a one-time purchase by the particular division. If there was a better deal elsewhere, you could use another company for that.

Tim Myers: Has Go Green done anything for the county prior to this?

Andrew Dilts: We are not aware of anything in the last ten (10) years that Go Green has done for the county. They do currently hold a contract for the City Of Wichita. We called them, talked with the references there, and they seemed to check out. We have no reservations in going forward with Go Green.

Randy Bargdill: Does the pest control include rodents?

Andrew Dilts: It includes mice on the inside of the building. It excludes the external rat traps that we have, for example, around the jail. Those would be an additional cost.

Randy Bargdill: As I'm looking at the chart here, acknowledge Addendum #1 and Addendum #2, what is that?

Joe Thomas: Whenever we have a change to a bid, we will issue an addendum. Or if there are questions relating to the bid from vendors, we send out an addendum so all parties will have the information. We list these two (2) separate because there have been cases where one (1) vendor may acknowledge one (1) addendum but not the other. In this case, they had to acknowledge both.