

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

**Before the Honorable D. Michael Chappell
Administrative Law Judge**

In the Matter of)	
CHICAGO BRIDGE & IRON COMPANY N.V.)	
a foreign corporation,)	
CHICAGO BRIDGE & IRON COMPANY)	Docket No. 9300
a corporation,)	Public Document
and)	
PITT-DES MOINES, INC. a corporation)	

DECLARATION OF MARK RICHARD

Pursuant to 28 U.S.C. §1726, I, Mark Richard, make the following statement:

1. I am Subcontract Administrator of Air Liquide Process and Construction, Inc. (“ALPC”). I have been employed by ALPC since February 22, 1999.
2. I am providing this declaration in support of the motion filed by ALPC and David Kamrath requesting that portions of Mr. Kamrath’s testimony in this matter be accorded *in camera* treatment.
3. It is ALPC’s practice, when sourcing field erected LIN/LOX tanks, to seek competitive bids from available suppliers. When such bids are received, ALPC does not disclose to any bidder the amounts bid by other bidders on the project.

4. When ALPC retains a supplier to build a field erected LIN/LOX tank, it does not discuss with other bidders the terms on which that supplier has been retained.
5. ALPC does not discuss with any one supplier of field erected LIN/LOX tanks the competitive strengths and weaknesses of other actual or potential suppliers of such tanks.
6. ALPC does not discuss with any suppliers of field erected LIN/LOX tanks ALPC's procurement strategies. ALPC considers its strategies for procuring such tanks to be extremely sensitive business information, the release of which would materially increase the amount of money ALPC would pay for the purchase of such tanks in the future.
7. ALPC closely guards the information described in Paragraphs 3-5, above. Information on the bids submitted for ALPC's Freeport Project, for example, is known with ALPC only to Mr. Kamrath; the Project Manager, Ms. Julie Heil; the Mechanical Engineer, David Powell; the cold end Subsystems Manager, Marc Ragouilliaux; Construction Manager, Jeff Lambert and to me, as Contract Manager. I know of no way in which any bidder on the Freeport Project could obtain information on the prices and terms offered by the other bidders, except as a result of one of the six of us disclosing such information.
8. ALPC believes that denying suppliers access to such information encourages each supplier to provide its most competitive offering, as it cannot know with any degree of certainty the pricing, terms or competitive strengths or weaknesses of its competitors.

9. ALPC believes that public disclosure of competitive bid information, and the strengths and weaknesses of individual contractors, will materially impair the offerings ALPC receives in the future. Further, since ALPC seeks bids on only a limited number of field erected LIN/LOX tanks each year, ALPC believes that it will suffer such harm in the event such information is disclosed publicly at any time within the next five (5) years.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of November 2002, at Houston, Texas.

Mark A. Richard
Mark Richard