

BUSINESS AND FINANCE DIVISION

Report No. 11

OGDENSBURG CITY SCHOOL DISTRICT  
OGDENSBURG, NEW YORK

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SUBJECT: 2021 Capital Outlay Project  
(Ogdensburg Free Academy/Edgar A Newell, II Memorial Golden  
Dome -SED No. 51-23-00-01-0-007-024) Project Bid Awards BCA  
Project Number: 2021-039)

DATE: October 18, 2021

REASON FOR BOARD CONSIDERATION:

The Commissioners must review and approve all bids for projects  
in the Ogdensburg City School District.

FACTS AND ANALYSIS:

Mr. Kevin K. Kendall, Superintendent and Mr. Christopher Kirwan,  
Facilities Manager III, will review the 2021 Capital Outlay Project –  
Ogdensburg Free Academy replacement of classroom unit  
ventilators, and Edgar A Newell, II Memorial Golden Dome  
replacement of infrared heating system burners -SED No. 51-23-  
00-01-007-024) Project Bid Awards BCA Project Number: 2020-  
039), and answer any questions the Commissioners may have  
regarding the bids, add alternates contained in the contract bid  
and awarding of the contract. The contract is as follows: Contract  
No. 1 – Mechanical as per attached Bid Proposal.

RECOMMENDED ACTION:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_ that,  
having the approval of the Superintendent of Schools, the Board  
of Education of the Ogdensburg City School District hereby accept  
the contract base bids as outlined on the attached bid documents  
pending contractor post-bid qualifications.

APPROVED FOR PRESENTATION TO THE BOARD:

  
\_\_\_\_\_  
Superintendent

KK/alf  
Attachment



# BCA ARCHITECTS & ENGINEERS

**October 18, 2021**

**Board of Education**

Ogdensburg City School District  
1100 State Street  
Ogdensburg, New York 13669

**Re: Ogdensburg City School District  
2021 Capital Outlay Project  
Ogdensburg Free Academy / Golden Dome  
SED Control No. 51-23-00-01-0-007-024  
Project No. 2021-039**

Dear Board Members:

On Tuesday, September 28, 2021, bids were received for the 2021 Capital Outlay Project involving the replacement of classroom unit ventilators at OFA and infrared heating system burners at the Golden Dome. Only (1) one bid was received for the single prime contract. A bid tabulation sheet enumerating the bid received is attached.

The following summary will address several key issues for the Board's consideration as you deliberate to contract award and construction:

**I. Review of Apparent Low Bid**

**Contract No. 1 – Mechanical**

ENI Mechanical, Inc.  
Gouverneur, NY

Base Bid	\$ 37,500
Bid Item No. 1 - Field Directive Allowance	<u>\$ 5,000</u>
<b>Total Base Bid</b>	<b>\$ 42,500</b>

**Note:** ENI Mechanical is the local representative for the Co-Ray Vac (infrared heating) System at the Golden Dome.

**II. Review of Alternates**

Within the contract, alternates were included as a critical part of the overall bid strategy to give the District flexibility at the time of contract award. The alternates and associated cost as identified by the apparent low bidder is as follows:

Alternate No. 1 Ice Rink Burner Replacement	<b>\$ 34,900 ADD</b>
Alternate No. 2 Upper Level 1 Burner Replacement	<b>\$ 24,300 ADD</b>
Alternate No. 3 Upper Level 2 Burner Replacement	<b>\$ 13,600 ADD</b>

Based upon the Total Base Bid received, the District is in a position to consider accepting Alternate No. 1 involving the replacement of (18) burners. The Contractor has further agreed to evaluate the entire system and replace those burners in most need rather than focus solely in the area above the main rink.



# BCA ARCHITECTS & ENGINEERS

## III. Review of Overall Budget

In anticipation of the Board of Education's action to accept the Apparent Low Bidder and Add Alternate No. 1, we have prepared the following draft overall budget:

### Construction

Contract No. 1 – Mechanical	\$ 77,400.00
Construction Contingency	\$ 5,000.00

### Incidentals

Basic Design Services	\$ 12,699.00 <sup>(2)</sup>
DataFlow Electronic NYSED Filing	\$ 113.85
Reimbursables	\$ 1,000.00 <sup>(1)</sup>
Legal/Administrative/Reserve	<u>\$ 3,787.15</u>

**Capital Outlay Project Total: \$ 100,000.00**

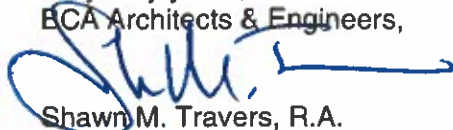
(1) Estimated      (2) Percentage of Construction

On behalf of the District, BCA Architects & Engineers has requested post-bid qualification documents from the apparent low bidder. Upon receipt, the contractor's qualification statement will be forwarded to the District for review prior to the execution of contract.

Based upon the information available to date, BCA Architects & Engineers would take no exception to proceeding with the award of contract to the apparent low bidder as enumerated above.

At this juncture, we would ask for the Board's direction on proceeding with the award of contract contingent upon the review and acceptance of the contractor's post-bid qualifications.

Very truly yours,  
BCA Architects & Engineers,



Shawn M. Travers, R.A.  
Principal/Architect

Enclosures: Construction Bid Tabulation Sheet  
Form of Proposal – Apparent Low

cc: Kevin Kendall, Superintendent – Ogdensburg City School District

**Ogdensburg City School District**  
**2021 Capital Outlay Project**  
**Project No. 2021-039**

**BID TABULATION SHEET**  
**Tuesday, September 28, 2021**  
**3:30 p.m.**

**CONTRACT NO. 1 - MECHANICAL**

Contractor	Bid Security	Addenda: None	Total Base Bid (Base Bid + Bid Item 1)	Alternate No. 1 Ice Rink Burner Replacement	Alternate No. 2 Upper Level 1 Burner Replacement	Alternate No. 3 Upper Level 2 Burner Replacement	Remarks
ENI Mechanical, Inc. Gouverneur, NY	X	X	\$ 42,500.00	\$ 34,900.00	\$ 24,300.00	\$ 13,600.00	

**FORM OF PROPOSAL  
Ogdensburg City School District  
2021 Capital Outlay Project**

**BID DESCRIPTION**

**CONTRACT NO. 1 - MECHANICAL**

Work under this Contract may generally be described to include, but not be limited to the following:

All selective building demolition; minor demolition for remodeling, removal and disposal of existing building systems and components as scheduled or required for the execution of the work.

All temporary signage; temporary barriers; construction staging; cold-formed metal framing; rough carpentry; thermal & moisture protection (thermal insulation, firestopping, joint sealers); finishes (plaster, gypsum board assemblies, resilient flooring, painting & coating); HVAC (identification; testing, adjusting & balancing; piping & equipment insulation; commissioning; direct digital control system; steam and condensate heating piping; steam and condensate specialties; fuel fired unit heaters; terminal heat transfer units); basic electrical work; basic electrical requirements; and all other work and related materials as detailed in the Contract Drawings, as described in the Contract Specifications, and as needed for a complete and proper project.

This outline is a general indication of the requirements of this Contract and is not intended to be all inclusive. The complete Contract Documents in their entirety, to include any and all addenda, form the basis of the responsibility of this Contract.

Each contractor is advised that the specification sections in Division 1 - General Requirements apply distinctly to each Prime Contractor and the balance of the technical specifications apply to each Contractor (as appropriate) for the accomplishment of his work.

All work of this contract shall be coordinated with other Prime Contractors involved in the project. All work shall additionally be coordinated with all other activities, construction, or others at each site throughout the progress of the work of this project.

The Mechanical Contractor shall use all means possible and shall be responsible for coordinating the installation of all materials of this Contract with work of all other trades involved with this project. All work shall be done in strict accordance with the Contract Documents and in compliance with all applicable Local, State and Federal Codes.

Prior to the Bid Date of this project, the Contractor shall be completely responsible for visiting the project site to become completely familiar with the scope of this project.

Each bidder agrees to waive any claim it has or may have against the Owner, the Architect/Engineer, and the respective employees, arising out of or in connection with the administration, evaluation or recommendation of any bid.

It shall be completely understood that the use of asbestos containing materials in this project is strictly forbidden and all materials are provided in accordance with the Federal Asbestos Hazard Emergency Response Act (AHERA), and the New York State Asbestos Safety Act (SASA).

**FORM OF PROPOSAL  
Ogdensburg City School District  
2021 Capital Outlay Project**

The Mechanical Contractor shall sub-divide his bid proposal as described in the following bid items, alternates, and/or unit prices. The Mechanical Contractor shall include in the Total Base Bid all of the work of this Contract not specifically described in Alternates. The Owner reserves the right to accept any and/or all of the Bid Items and/or Alternates or any combination thereof and to waive any informalities or defects in the bid proposals either before or after opening.

The Mechanical Contractor shall sub-divide his total base bid proposal in accordance with the following allowances, bid items, alternates, and unit prices:

**Bid Items:**

**Bid Item No. 1 – Field Directive Allowance**

As described in Specification Section 01 2100 - Allowances.

**Alternates:**

**Alternate No. 1 – Ice Rink Burner Replacement**

As described in Specification Section 01 2300 - Alternates

**Alternate No. 2 – Upper Level 1 Burner Replacement**

As described in Specification Section 01 2300 - Alternates

**Alternate No. 3 – Upper Level 2 Burner Replacement**

As described in Specification Section 01 2300 - Alternates

**Unit Pricing:**

**Burner Replacement** (includes all labor, materials, and equipment for replacement of one burner and related components on the infrared heating system located within the Golden Dome as detailed on Contract Drawing M1-101; and as described in related specification sections)

**FORM OF PROPOSAL  
Ogdensburg City School District  
2021 Capital Outlay Project**

The Undersigned ENI Mechanical, Inc  
Contractor

39 S. Gordon St, Gouverneur, NY 13642  
Address Zip Code

hereby certifies that he has examined and fully comprehends the requirements and intent of the drawings and specifications as prepared by BCA Architects & Engineers, for **CONTRACT NO. 1 - MECHANICAL** to furnish all labor, materials, supplies, plant and equipment and other facilities to properly perform the work for the total:

BASE BID SUM of

THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$ 37,500 )

Bid Item No. 1 – Field Directive Allowance

Five Thousand DOLLARS (\$ 5,000.00 )

TOTAL BASE BID (Base Bid and Bid Item No. 1)

Forty-TWO THOUSAND FIVE HUNDRED DOLLARS (\$ 42,500 )

Alternate No. 1 – Ice Rink Burner Replacement

THIRTY-FOUR THOUSAND NINE HUNDRED DOLLARS (\$ 34,900 )  
ADD

Alternate No. 2 – Upper Level 1 Burner Replacement

TWENTY-FOUR THOUSAND THREE HUNDRED DOLLARS (\$ 24,300 )  
ADD

Alternate No. 3 – Upper Level 2 Burner Replacement

THIRTEEN THOUSAND SIX HUNDRED DOLLARS (\$ 13,600 )  
ADD

Unit Pricing:

Burner Replacement \$ 1,950.00 /Each

Receipt of the following Addenda is hereby acknowledged:

No. \_\_\_\_\_ dated \_\_\_\_\_

No. \_\_\_\_\_ dated \_\_\_\_\_

No. \_\_\_\_\_ dated \_\_\_\_\_

No. \_\_\_\_\_ dated \_\_\_\_\_

No. \_\_\_\_\_ dated \_\_\_\_\_

No. \_\_\_\_\_ dated \_\_\_\_\_

No. \_\_\_\_\_ dated \_\_\_\_\_

No. \_\_\_\_\_ dated \_\_\_\_\_

ENI Mechanical, Inc

(Name of Bidder)

Signed

Rob Macaulay

Title

Vice President

Street

39 S Gordon Street

City/State

Gouverneur, NY Zip Code 13642

Telephone

315-287-3528

Fax

315-287-3159

Cell Phone

Email

rmacaulay@empirenortheast.com

Date

9-27- 2021




## NON-COLLUSIVE BIDDING CERTIFICATE

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:

- (1) the prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
- (2) unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly to any other bidder or to any competitor; and
- (3) no attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(Signed)

  
\_\_\_\_\_  
President  
Title

### RESOLUTION - for corporate bidders only

RESOLVED that Andrew Leonard be authorized to sign and submit the bid or proposal  
(individual)  
of this corporation for the following project

Ogdensburg CSD 2021 Capital Outlay Project No 2021-039  
Contract No 1 - Mechanical (describe project)

and to include in such bid or proposal the certificate as to non-collusion required by section one hundred three-d of the General Municipal Law as the act and deed of such corporation, and for any inaccuracies or misstatements in such certificate this corporate bidder shall be liable under the penalties of perjury.

The foregoing is a true and correct copy of the resolution adopted by ENI Mechanical, Inc  
corporation at a meeting of its Board of Directors held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

(SEAL OF CORPORATION)

  
\_\_\_\_\_  
Secretary

**Statement Concerning Authority to do Business  
in the State of New York for non-New York State Companies**

**Please complete all requested information in both sections below.**

A certificate of authority is required of out of state companies if the company has property, employees or agents used in conducting its business activities within the state of New York. Generally, business activities are defined as having an office in the state, making sales or promotional calls within the state, delivering products or merchandise and/or making service calls within the state.

Companies conducting mail order activities with New York customers are not considered doing business within New York State if the company has no property, employees, agents and/or representatives in or, traveling into the state. \_\_\_\_\_ is such a mail order company, and as such, is not

Fill in company name  
required to hold a Certificate of Authority.

Performance under the attached bid will not result in any action that would result in a requirement to obtain a Certificate as all commerce will be conducted by mail. It is the opinion of the legal counsel for this firm:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Complete the information  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

that this firm is not required to file an Authority to do Business in New York State as required by Section 1301 of the NYS Business Corporate Law.

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**Complete one of the following two acknowledgements in addition to above information.**

**Individual Acknowledgment for Sole Proprietors or Partnerships**

\_\_\_\_\_  
Signature

State of \_\_\_\_\_

County of \_\_\_\_\_ ss.

On this \_\_\_\_\_ day of \_\_\_\_\_ two thousand and \_\_\_\_\_

before me, the subscriber, personally appeared \_\_\_\_\_

to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same.

\_\_\_\_\_  
Notary Public

**Corporate Acknowledgment for corporations or LLC's**

  
Signature

State of New York

County of St Lawrence ss.

On this 27<sup>th</sup> day of September, two thousand and 21 before me personally known, who, being by me duly sworn did depose and say that he resides in Gouverneur, NY that he is the President of Eni Mechanical, Inc the corporation described in, and which executed, the above Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his/her name thereto by like order.

  
Notary Public

# FEDERAL LAW CERTIFICATION

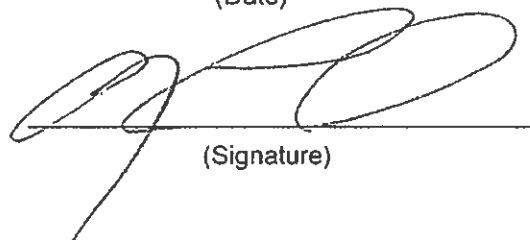
I, Andrew Leonard [insert name], the President [insert title] of  
CNI Mechanical, Inc [name of company], 022619327 [Nine Digit DUNS  
Number]

hereby swear or affirm that the following is true:

1. The company, its principles or entities related to the company named above, is not now, nor ever has been, debarred from contracting with the United States Government or any State government.
2. The company is not now under investigation by any agency of the Federal Government or the government of any State for any actions by the company, its principles or any related entity, for any alleged malfeasance or misfeasance of any kind or nature which could lead to a debarment from governmental contracting or criminal prosecution, as well as render any contracts signed in reliance on this certification voidable by the party relying on this certification. This includes any violations related to the Davis-Bacon Act, the federal prevailing wage statute, the Copeland Act and the Contract Hours and Safety Standards Act which covers hours of work and safety standards in federal public contracting.
3. I have full legal authority under my company's organizational documents or bylaws to make this certification on the company's behalf.
4. I understand that submission of a false statement on this document will subject me to criminal prosecution.

9-27-21

(Date)



(Signature)

**THIS FORM MUST BE COMPLETED AND SUBMITTED WITH THE BID**

**CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT**

As a result of the Iran Divestment Act of 2012 (the "Act"), Chapter 1 of the 2012 Laws of New York, a new provision has been added to State Finance Law (SFL) § 165-a and New York General Municipal Law § 103-g, both effective Aprils 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) (the "Prohibited Entities List"). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date at which time it will be posted on the OGS website.

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, each Bidder/Contractor, any person signing on behalf of any Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under penalty of perjury, that once the Prohibited Entities List is posted on the OGS website, that to the best of its knowledge and belief, that each Bidder/Contractor and any subcontractor or assignee is not identified on the Prohibited Entities List created pursuant to SFL § 165-a(3)(b).

Additionally, Bidder/Contractor is advised that once the Prohibited Entities List is posted on the OGS Website, any Bidder/Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this solicitation must certify at the time the Contract is renewed, extended or assigned that it is not included on the Prohibited Entities List.

During the term of the Contract, should the School District receive information that a Bidder/Contractor is in violation of the above-referenced certification, the School District will offer the person or entity an opportunity to respond. If the person or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the School District shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor in default. The School District reserves the right to reject any bid or request for assignment for a Bidder/Contractor that appears on the Prohibited Entities List prior to the award of a contract and to pursue a responsibility review with respect to any Bidder/Contractor that is awarded a contract and subsequently appears on the Prohibited Entities List.

I, Andrew Leonard, being duly sworn, deposes and says that he/she is the President of the ENI Mechanical Corporation and that neither the Bidder/ Contractor nor any proposed subcontractor is identified on the Prohibited Entities List.

  
SIGNED

SWORN to before me this

27<sup>th</sup> day of September

2011

Notary Public:

Vicky A DeFranco

VICKY A DEFRANCO  
Notary Public, State of New York  
No. 01DE005067  
Qualified in Jefferson County  
Commission Expires November 25, 2022

**DECLARATION OF BIDDER'S INABILITY TO PROVIDE CERTIFICATION OF COMPLIANCE  
WITH THE IRAN DIVESTMENT ACT**

***Bidders shall complete this form if they cannot certify that the bidder /contractor or any proposed subcontractor is not identified on the Prohibited Entities List. The District reserves the right to undertake any investigation into the information provided herein or to request additional information from the bidder.***

Name of the Bidder: ENI Mechanical, Inc

Address of Bidder: 395 Gordon Street, Gouverneur, NY 13642

Has bidder been involved in investment activities in Iran? NO

Describe the type of activities including but not limited to the amounts and the nature of the investments (e.g. banking, energy, real estate) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If so, when did the first investment activity occur? \_\_\_\_\_

Have the investment activities ended? \_\_\_\_\_

If so, what was the date of the last investment activity? \_\_\_\_\_

If not, have the investment activities increased or expanded since April 12, 2012? \_\_\_\_\_

Has the bidder adopted, publicized, or implemented a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran? NO

If so, provide the date of the adoption of the plan by the bidder and proof of the adopted resolution, if any and a copy of the formal plan. \_\_\_\_\_

In detail, state the reasons why the bidder cannot provide the Certification of Compliance with the Iran Divestment Act below (additional pages may be attached):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, Andrew Leonard being duly sworn, deposes and says that he/she is the President of

the ENI Mechanical Corporation and the foregoing is true and accurate.

SIGNED \_\_\_\_\_

SWORN to before me this

27<sup>th</sup> day of September

2011

Notary Public: Vicky A DeFranco

VICKY A DEFRANCO  
Notary Public, State of New York  
No. 010600057  
Qualified in Jefferson County  
Commission Expires November 25, 2022

STATEMENT OF SURETY'S INTENT

To: Ogdensburg City School District  
(Owner)

We have reviewed the Bid of ENI Mechanical, Inc., dba Empire Northeast  
(Contractor)  
of 39 South Gordon Street, Gouverneur, NY 13642  
(Address)  
for 2021 Capital Outlay Project No. 2021-039; Contract No. 1 - Mechanical  
(Project)

Bids for which will be received on September 28, 2021  
(Bid Opening Date)  
and wish to advise that should this Bid of the Contractor be accepted and the Contract awarded to him, it is our present intention to become surety on the performance bond and labor and material bond required by the Contract.

Any arrangement for the bonds required by the Contract is a matter between the Contractor and ourselves and we assume no liability to you or third parties if for any reason we do not execute the requisite bonds.

We are duly authorized to do business in the State of New York

Attest:



Western Surety Company

  
Surety's Authorized Signature(s)  
Francis A Lowther, Attorney-in-Fact

Attach Power of Attorney

(Corporate seal if any. If  
no seal, write "No Seal"  
across this place and sign.)

(This Form Must Be Completed  
and Submitted with the Bid)