

COUNTY OF ALBANY

BID FORM

BID IDENTIFICATION:

Title: **Capital District Juvenile Secure Detention Facility**
Bid Number: **2022-124**

THIS BID IS SUBMITTED TO:

Pamela O Neill, Purchasing Agent
Albany County Department of General Services
Purchasing Division
112 State Street, Room 1000
Albany, NY 12207

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into a Contract with the owner in the form included in the Contract Documents to complete all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the Disposition of Bid Security. This Bid may remain open for ninety (90) days after the day of Bid opening. BIDDER will sign the Contract and submit the Contract Security and other documents required by the Contract Documents within fifteen days after the date of OWNER'S Notice of Award.
3. In submitting this Bid, BIDDER represents, as more fully set forth in this Contract, that:

- (a) BIDDER has examined copies of all the Contract Documents and of the following addenda: (If none, so state)

Date	Number
10/13/2022	#1
10/21/2022	#2
10/24/2022	#3
10/27/2022	#4
10/31/2022	#5
11/2/2022	#6
11/4/2022	#7
11/7/2022	#8

(receipt of all of which is hereby acknowledged) and also copies of the Notice to Bidders and the Instructions to Bidders;

- (b) BIDDER has examined the site and locality where the Work is to be performed, the legal requirements (federal, state and local laws, ordinances, rules and regulations) and the conditions affecting cost, progress or performance of the Work and has made such independent investigations as BIDDER deems necessary;

- (c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm or a corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for himself any advantage over any other Bidder or over the owner.

- 4. BIDDER will complete the Work for the following prices(s): (Attach Bid Proposal)
- 5. BIDDER agrees to commence the Work within the number of calendar days or by the specific date indicated in the Contract. BIDDER agrees that the Work will be completed within the number of Calendar days or by the specific date indicated in the contract.
- 6. The following documents are attached to and made a condition of this Bid:
 - (a) Non-Collusive Bidding Certificate (Attachment “A”)
 - (b) Acknowledgment by Bidder (Attachment “B”)
 - (c) Vendor Responsibility Questionnaire (Attachment “C”)
 - (d) Iranian Energy Divestment Certification (Attachment “D”)
 - (e) MS-4-1 Certification Statement RE: Stormwater Discharges (Attachment “E”)
 - (f) Bidder Qualification Questionnaire (Attachment “F”)
 - (g) Non Interruption of Work Agreement (Attachment “G”)
 - (h) Required Apprenticeship Training Program Documentation (refer to RFB Section 27)

- 7. Communication concerning this Bid shall be addressed to:

DiGesare Mechanical Incorporated Attn: Thomas Holmes / Vice President

3434 Carman Road

Schenectady, NY 12303

Phone: 518-356-2224 Ext. 102

- 8. Terms used in this Bid have the meanings assigned to them in the Contract and General Provisions.

COUNTY OF ALBANY

BID FORM

BID IDENTIFICATION:

Title: Capital District Juvenile Secure Detention Facility
Bid Number: 2022-124

1. All bid prices must include all materials, labor, equipment, incidentals and other associated costs.
2. Base Bid work carry a 10% Base Bid Contingency Allowance for additional work discovered during construction beyond scope of work indicated on drawings and specifications. Contractor shall receive advance approval from the Owner's representative prior to performing any additional work.

A. LUMP SUM BASE BID:

\$ 1,571,000
(Price in Numbers)

One Million Five hundred Seventy one Thousand Dollars
(Price in Words)

B. 10% CONTINGENCY ALLOWANCE: \$ 157,100
(Price in Numbers)

One hundred Fifty Seven Thousand one Hundred
(Price in Words)

C. TOTAL BID \$ 1,728,100
(A + B = C) (Price in Numbers)

One Million Seven hundred Twenty Eight Thousand one Hundred
\$
(Price in Words)

Note: Total Bid must included in the Lump Sum Base Bid plus the 10% Contingency Allowance (which is based upon the Lump Sum Base Bid value).

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ALTERNATES

Indicate in the spaces provided below the amount to be added to, or deducted from, the Total Base Bid if the following alternates as described below are accepted by the Owner. A dollar value in both words and figures shall be provided.

No Alternates this Contract

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Bid Number: **2022-124**

UNIT PRICES

<u>LIST OF UNIT PRICES</u>			
		UNIT	UNIT PRICE
	General Construction Units		
1	Provide sprinkler head (flex head)	Each	\$650
2	Provide sprinkler head (fixed head)	Each	\$725

BID IDENTIFICATION:

Title: **Capital District Juvenile Secure Detention Facility**

Bid Number: **2022-124**

COMPANY: DiGesare Mechanical Incorporated

ADDRESS: 3434 Carman Road

CITY, STATE, ZIP: Schenectady, NY 12303

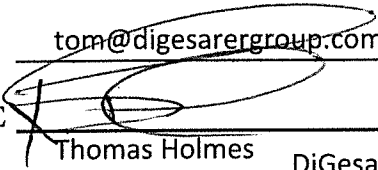
TEL. NO.: 518-356-2224

FAX NO.: 518-356-5529

FEDERAL TAX ID NO.: 14-1636722

REPRESENTATIVE: Thomas Holmes / Vice President

E-MAIL: tom@digesaregroup.com

SIGNATURE AND TITLE  Vice President
Thomas Holmes DiGesare Mechanical Incorporated
Incorporated in the State of New York

DATE 10-26-2022

**NON-COLLUSIVE BIDDING CERTIFICATE PURSUANT TO
SECTION 103-D OF THE NEW YORK STATE GENERAL MUNICIPAL LAW**

A. 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 organizations, under penalty of perjury, that to the best of 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.

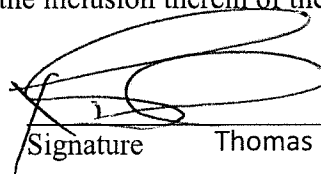
(2) Unless otherwise required by law, the prices which have been quoted in this bid have not knowingly been disclosed by the bidder and will not knowingly be disclosed by the bidder, directly or indirectly, prior to opening, to any bidder or to any competitor.

(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.

A bid shall not be considered for award nor shall any award be made where (1), (2), and (3) above have not been complied with; provided, however, that in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons thereof. Where (1), (2), and (3) above have not been complied with, the bid shall not be considered for any award nor shall any award be made unless the head of the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customer of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph "A" above.

B. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, local law, and where such bid contains the certification referred to in paragraph "A" of this section, shall be deemed to have been authorized by the Board of Directors of the bidder, and such authorization shall be deemed to include the submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation



Signature Thomas Holmes

Vice President

Title

DiGesare Mechanical Incorporated

Company Name

10/26/2022

Date

ATTACHMENT "B"
ACKNOWLEDGMENT BY BIDDER

If Individual or Individuals:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 200__, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he (or they severally) acknowledged to me that he (or they) executed the same.

Notary Public, State of _____

Qualified in _____

Commission Expires _____

If Corporation:

STATE OF New York)
COUNTY OF Albany) SS.:

On this 26 day of October, 20022, before me personally appeared Thomas Holmes to me known, who, being by me sworn, did say that he resides at (give address) Amsterdam, NY; that he is the (give title) Vice President of the (name of corporation) Dicesane Mechanical, Inc., the corporation described in and which executed the above instrument; that he knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he signed his name thereto by like order.

Nicole Manginelli
Notary Public, State of New York
No. 01MA6421561
Qualified in Montgomery County
Commission Expires September 7, 2025

Nicole Manginelli
Notary Public, State of New York
Qualified in Montgomery County
Commission Expires 9/7/2025

If Partnership:

STATE OF _____)
COUNTY OF _____) SS.:

On the _____ day of _____, 200__, before me personally came _____, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he / she is a partner of the firm of _____ and that he / she has the authority to sign the same, and acknowledged that he / she executed the same as the act and deed of said partnership.

Notary Public, State of _____
Qualified in _____
Commission Expires _____

ATTACHMENT "C"
ALBANY COUNTY
VENDOR RESPONSIBILITY QUESTIONNAIRE

1. VENDOR IS: DiGesare Mechanical Incorporated <input checked="" type="checkbox"/> PRIME CONTRACTOR		
2. VENDOR'S LEGAL BUSINESS NAME 3434 Carman Road Schenectady, NY 12303	3. IDENTIFICATION NUMBERS a) FEIN # 14-1636722 b) DUNS # 07-720-9385	
4. D/B/A – Doing Business As (if applicable) & COUNTY FIELD: N/A	5. WEBSITE ADDRESS (if applicable) http://www.digesaregroup.com	
6. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECUTIVE OFFICE 3434 Carman Road Schenectady, New York 12303	7. TELEPHONE NUMBER 518-356-2224	8. FAX NUMBER 518-356-5529
9. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECUTIVE OFFICE <i>IN NEW YORK STATE, if different from above</i>	10. TELEPHONE NUMBER	11. FAX NUMBER
12. AUTHORIZED CONTACT FOR THIS QUESTIONNAIRE Name Thomas Holmes Title Vice President Telephone Number 518-356-2224 Fax Number 518-356-5529 e-mail tom@digesaregroup.com		
13. LIST ALL OF THE VENDOR'S PRINCIPAL OWNERS.		
a) NAME David DiGesare	TITLE President	b) NAME Thomas Holmes
c) NAME Michael DiGesare	TITLE Treasurer/Secretary	d) NAME
TITLE Vice President		
A DETAILED EXPLANATION IS REQUIRED FOR EACH QUESTION ANSWERED WITH A "YES," AND MUST BE PROVIDED AS AN ATTACHMENT TO THE COMPLETED QUESTIONNAIRE. YOU MUST PROVIDE ADEQUATE DETAILS OR DOCUMENTS TO AID THE COUNTY IN MAKING A DETERMINATION OF VENDOR RESPONSIBILITY. PLEASE NUMBER EACH RESPONSE TO MATCH THE QUESTION NUMBER.		
14. DOES THE VENDOR USE, OR HAS IT USED IN THE PAST FIVE (5) YEARS, ANY OTHER BUSINESS NAME, FEIN, or D/B/A OTHER THAN THOSE LISTED IN ITEMS 2-4 ABOVE? List all other business name(s), Federal Employer Identification Number(s) or any D/B/A names and the dates that these names or numbers were/are in use. Explain the relationship to the vendor. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
15. ARE THERE ANY INDIVIDUALS NOW SERVING IN A MANAGERIAL OR CONSULTING CAPACITY TO THE VENDOR, INCLUDING PRINCIPAL OWNERS AND OFFICERS, WHO NOW SERVE OR IN THE PAST ONE (1) YEARS HAVE SERVED AS: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 80%;"> a) An elected or appointed public official or officer? <i>List each individual's name, business title, the name of the organization and position elected or appointed to, and dates of service</i> </div> <div style="width: 15%; text-align: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 80%;"> b) An officer of any political party organization in Albany County, whether paid or unpaid? <i>List each individual's name, business title or consulting capacity and the official political position held with applicable service dates.</i> </div> <div style="width: 15%; text-align: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> </div>		

16.	<p>WITHIN THE PAST (5) YEARS, HAS THE VENDOR, ANY INDIVIDUALS SERVING IN MANAGERIAL OR CONSULTING CAPACITY, PRINCIPAL OWNERS, OFFICERS, MAJOR STOCKHOLDER(S) (10% OR MORE OF THE VOTING SHARES FOR PUBLICLY TRADED COMPANIES, 25% OR MORE OF THE SHARES FOR ALL OTHER COMPANIES), AFFILIATE OR ANY PERSON INVOLVED IN THE BIDDING OR CONTRACTING PROCESS:</p>	
a)	<p>1. been suspended, debarred or terminated by a local, state or federal authority in connection with a contract or contracting process;</p> <p>2. been disqualified for cause as a bidder on any permit, license, concession franchise or lease;</p> <p>3. entered into an agreement to a voluntary exclusion from bidding/contracting;</p> <p>4. had a bid rejected on an Albany County contract for failure to comply with the MacBride Fair Employment Principles;</p> <p>5. had a low bid rejected on a local, state or federal contract for failure to meet statutory affirmative action or M/WBE requirements on a previously held contract;</p> <p>6. had status as a Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise, de-certified, revoked or forfeited;</p> <p>7. been subject to an administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal government contract;</p> <p>8. been denied an award of a local, state or federal government contract, had a contract suspended or had a contract terminated for non-responsibility; or</p> <p>9. had a local, state or federal government contract suspended or terminated for cause prior to the completion of the term of the contract.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b)	<p>been indicted, convicted, received a judgment against them or a grant of immunity for any business-related conduct constituting a crime under local, state or federal law including but not limited to, fraud extortion, bribery, racketeering, price-fixing, bid collusion or any crime related to truthfulness and/or business conduct?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c)	<p>been issued a citation, notice, violation order, or are pending an administrative hearing or proceeding or determination of violations of:</p> <p>1. federal, state or local health laws, rules or regulations.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
17.	<p>IN THE PAST THREE (3) YEARS, HAS THE VENDOR OR ITS AFFILIATES HAD ANY CLAIMS, JUDGMENTS, INJUNCTIONS, LIENS, FINES OR PENALTIES SECURED BY ANY GOVERNMENTAL AGENCY?</p> <p>Indicate if this is applicable to the submitting vendor or affiliate. State whether the situation(s) was a claim, judgment, injunction, lien or other with an explanation. Provide the name(s) and address(es) of the agency, the amount of the original obligation and outstanding balance. If any of these items are open, unsatisfied, indicate the status of each item as "open" or "unsatisfied."</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18.	<p>DURING THE PAST THREE (3) YEARS, HAS THE VENDOR FAILED TO:</p> <p>a) file returns or pay any applicable federal, state or city taxes? <i>Identify the taxing jurisdiction, type of tax, liability year(s), and tax liability amount the vendor failed to file/pay and the current status of the liability.</i></p> <p>b) file returns or pay New York State unemployment insurance? <i>Indicate the years the vendor failed to file/pay the insurance and the current status of the liability.</i></p> <p>c) Property Tax <i>Indicate the years the vendor failed to file.</i></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
19.	<p>HAVE ANY BANKRUPTCY PROCEEDINGS BEEN INITIATED BY OR AGAINST THE VENDOR OR ITS AFFILIATES WITHIN THE PAST SEVEN (7) YEARS (WHETHER OR NOT CLOSED) OR IS ANY BANKRUPTCY PROCEEDING PENDING BY OR AGAINST THE VENDOR OR ITS AFFILIATES REGARDLESS OF THE DATE OF FILING?</p> <p>Indicate if this is applicable to the submitting vendor or affiliate. If it is an affiliate, include the affiliate's name and FEIN. Provide the court name, address and docket number. Indicate if the proceedings have been initiated, remain pending or have been closed. If closed, provide the date closed.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
20.	<p>IS THE VENDOR CURRENTLY INSOLVENT, OR DOES VENDOR CURRENTLY HAVE REASON TO BELIEVE THAT AN INVOLUNTARY BANKRUPTCY PROCEEDING MAY BE BROUGHT AGAINST IT? Provide financial information to support the vendor's current position, for example, Current Ration, Debt Ration, Age of Accounts Payable, Cash Flow and any documents that will provide the agency with an understanding of the vendor's situation.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

21. IN THE PAST FIVE (5) YEARS, HAS THE VENDOR OR ANY AFFILIATES¹ : ☐ Yes ☒ No
- a) defaulted or been terminated on, or had its surety called upon to complete, any contract (public or private) awarded;

Indicate if this is applicable to the submitting vendor or affiliate. Detail the situation(s) that gave rise to the negative action, any corrective action taken by the vendor and the name of the contracting agency.


¹ "Affiliate" meaning: (a) any entity in which the vendor owns more than 50% of the voting stock; (b) any individual, entity or group of principal owners or officers who own more than 50% of the voting stock of the vendor; or (c) any entity whose voting stock is more than 50% owned by the same individual, entity or group described in clause (b). In addition, if a vendor owns less than 50% of the voting stock of another entity, but directs or has the right to direct such entity's daily operations, that entity will be an "affiliate" for purposes of this questionnaire.

FEIN # 14-1636722

CERTIFICATION:

Attachment "D"
Certification Pursuant to Section 103-g
Of the New York State
General Municipal Law

- A. By submission of this bid/proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer 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 its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the New York State Finance Law.
- B. A Bid/Proposal shall not be considered for award, nor shall any award be made where the condition set forth in Paragraph A above has not been complied with; provided, however, that in any case the bidder/proposer cannot make the foregoing certification set forth in Paragraph A above, the bidder/proposer shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where Paragraph A above cannot be complied with, the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid/proposal is made, or his designee, may award a bid/proposal, on a case by case business under the following circumstances:
1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder/Proposer has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
 2. The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.


Signature

Thomas Holmes

Vice President

Title

10/26/2022

Date

DiGesare Mechanical Incorporated

Company Name

ATTACHMENT "E"

**Sheet MS4-1: Bidder/Proposer Certification Statement (to be used with Section 34 Part A –
General Contracts)**

As a bidder seeking to provide services on behalf of Albany County, I certify under penalty of law that I understand and agree to comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4 Permit) and Albany County Local Law 7 of 2007, and agree to implement any Best Management Practices or corrective actions identified by Albany County or an authorized representative thereof as necessary to maintain compliance. I understand that Albany County must comply with the terms and conditions of the aforementioned MS4 Permit, and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. I am also aware that County Local Law 7 of 2007 prohibits any activities that cause or contribute to a violation of the County's SPDES permit. Further, I understand that any non-compliance by Albany County will not diminish, eliminate or lessen my own liability.

Name of Third Party Entity: DiGesare Mechanical Incorporated

Address: 3434 Carman Road
Schenectady, New York 12303

Phone Number(s): 518-356-2224

Description of activities to be performed by your firm or organization within Albany County are related to the Albany County Storm Water Management Program (SWMP) (include any activities that have the potential to generate or prevent pollution and/or affect water quality):

N/A

Description of where the work is to be performed within Albany County facilities:

838 Albany Shaker Road, Albany, NY 12211


Signature

Thomas Holmes

Printed Name

Vice President

Title

10/26/2022

Date

ATTACHMENT "F"
BIDDER QUALIFICATION QUESTIONNAIRE

The undersigned guarantees the accuracy of all statements and answers herein contained. (Please print in ink or type in the spaces provided). Attach additional sheets if necessary. This statement of Bidder's qualifications is required of all Bidders. Additional data on Bidder's qualifications may be requested from selected Bidders after the Bid opening.

1. How many years has your firm been in business? 60+ years

2. List up to three (3) projects of this nature that you have completed in the last three (3) years, and give the name, address and telephone number of a reference from each. Also give the completion date, the original contract bid price and the completed cost of each project listed.

1. Dutchess County Justice & Transition Center

161 Garden St.

Poughkeepsie, NY 12601 Contact: Andre Aunkst / The Pike Company 518-371-5900

2. Herkimer County Correctional Facility

711 Middleville Rd

Herkimer, NY Contact: David W. Meyers / Lobella Associates 585-454-6110

3. NYS OGS CF Cell & Qtr Add'n #44628P

11260 U.S. 9W

Coxsackie, NY 12051 Contact: Johan Hawlwy - OGS Design & Construction 518-473-2620

BQ1

ATTACHMENT “F”
BIDDER QUALIFICATION QUESTIONNAIRE

3. List projects presently under contract by your firm, the dollar volume of the contract and the percentage completion of the contract.

See Attachment B

4. Has your firm ever failed to complete work awarded to it, if so, state where and why.

NO

5. Is your firm presently or has your firm ever been a party defendant in a lawsuit commenced against your firm alleging failure to properly complete work in accordance with the contract for same; if so, give details.

NO

BQ2

ATTACHMENT "F"
BIDDER QUALIFICATION QUESTIONNAIRE

6. Has your firm received two (2) final determinations within any consecutive six-year period, the second final determination occurring within the past five (5) years, that your firm willfully failed to pay the prevailing rate of wages or to provide supplements with Article 8 of the Labor Law, if so, give details.

NO

7. Do you plan to sublet any part of this work? If so, give details.

Pipe Insulation

Fire Sprinkler

8. Give the name, address and telephone number of an individual who represents each of the following and whom the Owner may contact to investigate your financial responsibility: a surety, and a bank.

Capital Bank & Trust, Albany, New York / Kevin Harrigan (518) 433-5830

Surety - Gallagher Insuring Agency, Latham, NY / Jaymie Columbus (518) 391-2219

BQ3

ATTACHMENT “F”
BIDDER QUALIFICATION QUESTIONNAIRE

9. Give a summary of your financial statement. (List assets and liabilities, use an insert sheet, if needed).

SEE ATTACHED

10. State the true, exact, correct and complete name of the partnership, corporation or trade name under which you do business, and the address of the place of business. (If a corporation, state the name and title of all officers. If a partnership, state the name of all partners. If a trade name, state the names of the individuals who do business under the trade name.) It is absolutely necessary that information be furnished.

DiGesare Mechanical Incorporated

Correct Name of Bidder

(a) The business is a: Corporation

(b) The address of principal place of business is: 3434 Carman Road

Schenectady, NY 12303

(c) The names of the corporate officers, or partners, or individuals doing business under a trade name, are as follows:

David DiGesare - President

Michael DiGesare - Treasurer /Secretary

Thomas Holmes - Vice President

BQ4

ATTACHMENT "F"
BIDDER QUALIFICATION QUESTIONNAIRE

11. Is your firm qualified to do business in the State of New York? Yes X No ____.
If No, signing this qualification statement constitutes agreement to obtain such qualification prior to award of contract immediately upon owner's request.

Dated: 10/26/2022

DiGesare Mechanical Incorporated

Firm

By 

Thomas Holmes / Vice President
(Typed)

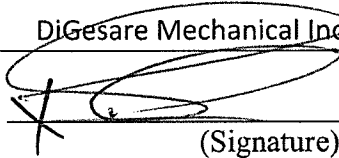
BQ5

ATTACHMENT "G"
NON-INTERRUPTION OF WORK AGREEMENT

By submission of the bid for: Capital District Juvenile Secure Detention Facility

The bidder agrees that if this bid is accepted, he/she will not intentionally engage in any course of conduct or activity, or employ for the purposes of performing the public work, any subcontractors, employees, labor or materials which will or may result in the interruption of the performance of the public work due to labor strife or unrest by workmen employed by the bidder or by any of the trades working in or about the public works and/or premises where the work is being performed.

Firm: DiGesare Mechanical Incorporated

By: 
(Signature)

Thomas Holmes
(Typed)

Title: Vice President

Date: 10/26/2022

NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
ATTACHMENT B – UNCOMPLETED CONSTRUCTION CONTRACTS

Vendor Name: DiGesare Mechanical, Inc.

NYS Vendor ID: 1000014053

Question 3.1: List all current uncompleted construction contracts:

1.	Agency/Owner Albany City Schools – Renovations Phase 3	Telephone No. 518-416-9694	Designer Architect and /or Design Engineer	Award Date 7/23/2020	Completion Date 8/1/2022
	Contact Person Patty Murray				
	Contract No. Prime or Sub Prime	Joint Venture (JV) Name, if applicable	EIN of JV, if applicable		
		Total Contract Amount \$7,656,000.00	Amount Sublet to others \$2,529,000.00	Uncompleted Amount \$2,031,721.00	
2.	Agency/Owner NYS OGS Cocksackie CF Cell & Qtr Master Addition	Telephone No. 518-731-8290	Designer Architect and /or Design Engineer	Award Date 5/23/17	Completion Date 5/22/2022
	Contact Person Johan Hawley				
	Contract No. Prime or Sub Prime	Joint Venture (JV) Name, if applicable	EIN of JV, if applicable		
		Total Contract Amount \$3,490,349.00	Amount Sublet to others \$800,000.00	Uncompleted Amount \$744,438.00	
3.	Agency/Owner Dutchess County Justice & Transition Center	Telephone No. 585-295-3951	Designer Architect and /or Design Engineer	Award Date 10/8/2020	Completion Date 8/1/2022
	Contact Person Adam McWilliams/ Pike Co				
	Contract No. Prime or Sub Sub	Joint Venture (JV) Name, if applicable	EIN of JV, if applicable		
		Total Contract Amount \$17,750,000.00	Amount Sublet to others \$8,040,000.00	Uncompleted Amount \$9,870,693.00	
4.	Agency/Owner NYS OGS Eastern CF Replace Toilets & Flushometers	Telephone No.	Designer Architect and /or Design Engineer	Award Date 9/21/21	Completion Date 9/12/24
	Contact Person John Mills- EIC				
	Contract No. Prime or Sub Prime	Joint Venture (JV) Name, if applicable	EIN of JV, if applicable		
		Total Contract Amount \$7,730,730.00	Amount Sublet to others \$100,000.00	Uncompleted Amount \$7,561,867.00	

NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
ATTACHMENT B – UNCOMPLETED CONSTRUCTION CONTRACTS

Vendor Name: DiGesare Mechanical, Inc.

NYS Vendor ID: 1000014053

Question 3.1: List all current uncompleted construction contracts:

5.	Agency/Owner NYS OGS Upstate CF Provide Classrooms & Offices, RRU	Telephone No. 914-523-0156	Designer Architect and /or Design Engineer	Award Date 9/4/2020	Completion Date 5/16/2022
	Contact Person Mark Surra, EIC				
	Contract No. 46136P	Prime or Sub Prime	Joint Venture (JV) Name, if applicable	EIN of JV, if applicable	
			Total Contract Amount \$3,875,875.00	Amount Sublet to others \$830,000.00	Uncompleted Amount \$422,123.00
				Award Date 7/16/19	Completion Date 9/30/2022
6.	Agency/Owner SUNY Albany – Upgrade Central Plant	Telephone No.	Designer Architect and /or Design Engineer		
	Contact Person Michelle Grant/ SUCF				
	Contract No. 011006	Prime or Sub Prime	Joint Venture (JV) Name, if applicable	EIN of JV, if applicable	
			Total Contract Amount \$9,932,000.00	Amount Sublet to others \$4,987,064.00	Uncompleted Amount \$809,907.00
				Award Date 2/20/21	Completion Date 1/30/24
7.	Agency/Owner NYS OGS Replace HVAC System CDPC	Telephone No.	Designer Architect and /or Design Engineer		
	Contact Person Tyson Gamache , EIC				
	Contract No. 45595H	Prime or Sub Prime	Joint Venture (JV) Name, if applicable	EIN of JV, if applicable	
			Total Contract Amount \$7,487,940.00	Amount Sublet to others \$1,912,000.00	Uncompleted Amount \$6,462,222.00
				Award Date 12/17/21	Completion Date 9/18/25
8.	Agency/Owner NYS OGS Great Meadows CF Rehabilitate Cell Block C & D Bldg 2	Telephone No.	Designer Architect and /or Design Engineer		
	Contact Person William Belden, EIC				
	Contract No. 45858H	Prime or Sub Prime	Joint Venture (JV) Name, if applicable	EIN of JV, if applicable	
			Total Contract Amount \$5,939,000.00	Amount Sublet to others \$1,500,000.00	Uncompleted Amount \$5,839,180.00

NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
ATTACHMENT B – UNCOMPLETED CONSTRUCTION CONTRACTS

Vendor Name: DiGesare Mechanical, Inc.

NYS Vendor ID:1000014053

Question 3.1: List all current uncompleted construction contracts:

9.	Agency/Owner NYS OGS Upstate CF Replace Heat Exchangers Housing Units			Award Date 1/27/21	Completion Date 9/30/22
	Contact Person Anthony Marciniak, EIC	Telephone No. 518-483-8170	Designer Architect and /or Design Engineer		
	Contract No. 46010H	Prime or Sub Prime	Joint Venture (JV) Name, if applicable	EIN of JV, if applicable	
	Total Contract Amount \$2,822,222.00		Amount Sublet to others \$500,000.00	Uncompleted Amount \$985,953.00	Completion Date 8/20/22
10.	Agency/Owner NYS OGS Replace Air Handlers/ HVAC System Marcy CF			Award Date 9/24/21	Completion Date 8/20/22
	Contact Person Judd Dean, EIC	Telephone No.	Designer Architect and /or Design Engineer		
	Contract No. M3137H	Prime or Sub Prime	Joint Venture (JV) Name, if applicable	EIN of JV, if applicable	
	Total Contract Amount \$453,453.00		Amount Sublet to others \$103,300.00	Uncompleted Amount \$436,223.00	

Grand Total All Uncompleted Contracts	\$35,164,327.00
--	------------------------



DIGESARE MECHANICAL, INC.
BALANCE SHEETS
June 30, 2021 and 2020

	<u>2021</u>	<u>2020</u>
<u>ASSETS</u>		
CURRENT ASSETS		
Cash	\$ 5,626,688	\$ 7,260,111
Contract receivables, including \$ 2,566,295 and \$ 3,922,468 retained under contract provisions, for 2021 and 2020, respectively	6,508,712	11,332,935
Related party receivable	33,604	27,465
Employee retention credit receivable	1,114,669	-
Materials inventory	70,000	45,000
Costs and estimated earnings in excess of billings on contracts in progress	2,060,259	1,082,382
Prepaid expenses	30,461	31,192
Prepaid income taxes	38,318	38,164
Total current assets	<u>15,482,711</u>	<u>19,817,249</u>
PROPERTY AND EQUIPMENT, at cost		
Leasehold improvements	36,165	36,165
Machinery and equipment	86,405	86,405
Furniture and fixtures	5,294	5,294
Vehicles	1,094,613	1,010,131
Office equipment	245,146	245,146
Total property and equipment	<u>1,467,523</u>	<u>1,383,141</u>
Less - Accumulated depreciation	<u>820,270</u>	<u>675,460</u>
Property and equipment, net	<u>647,253</u>	<u>707,681</u>
TOTAL ASSETS	<u>\$ 16,129,964</u>	<u>\$ 20,524,930</u>

See independent accountants' review report and accompanying notes to the financial statements.



LIABILITIES AND STOCKHOLDER'S EQUITY

	<u>2021</u>	<u>2020</u>
CURRENT LIABILITIES		
Accounts payable and accrued expenses	\$ 5,263,696	\$ 7,128,310
Related party payable	124,341	256,125
Current maturities of notes payable	143,808	128,481
Income taxes payable	-	23,524
SBA loan payable	-	2,926,325
Billings in excess of costs and estimated earnings on contracts in progress	<u>2,017,242</u>	<u>4,665,943</u>
Total current liabilities	<u>7,549,087</u>	<u>15,128,708</u>
LONG-TERM LIABILITIES		
Notes payable - Less current maturities	281,621	307,188
Deferred income taxes	<u>109,805</u>	<u>89,908</u>
Total long-term liabilities	<u>391,426</u>	<u>397,096</u>
Total liabilities	<u>7,940,513</u>	<u>15,525,804</u>
STOCKHOLDER'S EQUITY		
Common stock - 200 shares no par value authorized, 111 shares issued and outstanding	170,235	170,235
Retained earnings	<u>8,019,216</u>	<u>4,828,891</u>
Total stockholder's equity	<u>8,189,451</u>	<u>4,999,126</u>
TOTAL LIABILITIES AND STOCKHOLDER'S EQUITY	<u>\$ 16,129,964</u>	<u>\$ 20,524,930</u>

See independent accountants' review report and accompanying notes to the financial statements.



DIGESARE MECHANICAL, INC.
STATEMENTS OF INCOME AND RETAINED EARNINGS
For The Years Ended June 30, 2021 and 2020

	<u>2021</u>	<u>%</u>	<u>2020</u>	<u>%</u>
CONTRACT REVENUES EARNED	\$ 35,837,747	100.00	\$ 58,080,891	100.00
COSTS OF REVENUES EARNED	<u>31,144,445</u>	<u>86.90</u>	<u>50,442,391</u>	<u>86.85</u>
GROSS PROFIT	4,693,302	13.10	7,638,500	13.15
GENERAL AND ADMINISTRATIVE EXPENSES	<u>5,555,439</u>	<u>15.53</u>	<u>7,138,349</u>	<u>12.29</u>
INCOME (LOSS) FROM OPERATIONS	<u>(872,137)</u>	<u>(2.43)</u>	<u>500,151</u>	<u>0.86</u>
OTHER INCOME (EXPENSE)				
Other income	1,117,321	3.12	-	0.00
Interest income	28,648	0.08	87,736	0.16
Gain on disposal of asset	29,224	0.08	95,486	0.16
Debt extinguishment - PPP loan	2,926,325	8.16	-	0.00
Interest expense	(9,458)	(0.03)	(6,504)	(0.01)
Management fee expense	<u>(33,000)</u>	<u>(0.09)</u>	<u>(30,000)</u>	<u>(0.05)</u>
Total other income	<u>4,058,060</u>	<u>11.32</u>	<u>146,717</u>	<u>0.25</u>
INCOME BEFORE INCOME TAXES	3,186,923	8.89	646,868	1.11
PROVISION FOR (BENEFIT FROM) INCOME TAXES	<u>(3,402)</u>	<u>(0.01)</u>	<u>15,743</u>	<u>0.03</u>
NET INCOME	3,190,325	<u>8.90</u>	631,125	<u>1.08</u>
RETAINED EARNINGS - BEGINNING OF YEAR	<u>4,828,891</u>		<u>4,197,766</u>	
RETAINED EARNINGS - END OF YEAR	<u>\$ 8,019,216</u>		<u>\$ 4,828,891</u>	

See independent accountants' review report and accompanying notes to the financial statements.



DIGESARE MECHANICAL, INC.
STATEMENTS OF CASH FLOWS
For The Years Ended June 30, 2021 and 2020

	<u>2021</u>	<u>2020</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Net Income	\$ 3,190,325	\$ 631,125
Adjustments to reconcile net income to net cash provided (used) by operations:		
Depreciation	210,794	155,694
Deferred income taxes	19,897	28,415
Debt extinguishment - PPP loan	(2,926,325)	-
Gain on disposal of asset	(29,224)	(95,485)
(Increase) decrease in:		
Contract receivables	4,824,223	(284,979)
Related party receivable	(6,139)	88,646
Employee retention credit receivable	(1,114,669)	-
Materials inventory	(25,000)	7,650
Costs and estimated earnings in excess of billings on contracts in progress	(977,877)	1,481,399
Prepaid expenses	731	(1,846)
Prepaid income taxes	(154)	16,885
Increase (decrease) in:		
Accounts payable and accrued expenses	(1,864,614)	(4,743,674)
Related party payable	(131,784)	160,300
Income taxes payable	(23,524)	23,524
Billings in excess of costs and estimated earnings on contracts in progress	(2,648,701)	2,575,290
Net cash provided (used) by operating activities	<u>(1,502,041)</u>	<u>22,943</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Proceeds from sale of asset	3,395	1,630
Acquisition of property and equipment	-	(35,323)
Net cash provided (used) by investing activities	<u>3,395</u>	<u>(33,693)</u>
CASH FLOWS FROM FINANCING ACTIVITIES		
Proceeds from acquisition of debt	-	2,926,325
Proceeds from notes payable	-	57,000
Principal payments on long-term debt	(134,777)	(90,978)
Net cash provided (used) by financing activities	<u>(134,777)</u>	<u>2,892,347</u>
NET INCREASE (DECREASE) IN CASH	<u>(1,633,423)</u>	<u>2,881,597</u>
CASH AT BEGINNING OF YEAR	<u>7,260,111</u>	<u>4,378,514</u>
CASH AT END OF YEAR	<u>\$ 5,626,688</u>	<u>\$ 7,260,111</u>

See independent accountants' review report and accompanying notes to the financial statements.

Plumbers & Steamfitters Local No.7

18 Avis Drive, Latham, NY 12110

P: (518) 785-9808

www.ualocal7.org

October 31, 2022

RE: DiGesare Mechanical, Inc.

3434 Carman Rd

Schenectady, NY 12303

To Whom It May Concern:

This letter is to inform you that DiGesare Mechanical, Inc. is a signatory contractor in good standing at Plumbers and Steamfitters Local 7. Plumbers and Steamfitters Local 7 Apprenticeship Program is a New York State registered Apprenticeship Program. Apprentices employed through Local 7 are registered with the NYS Department of Labor.

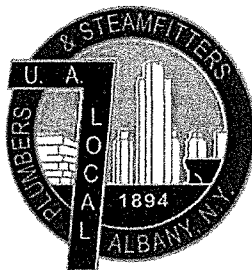
If you have any questions, please do not hesitate to contact me at (518) 785-9808.

Sincerely,



Edward Nadeau

Business Manager





Apprentice Training Program Registration Agreement

Revision ☒

Nature of Change: Wage Rate Change
add Christine Fass as Signatory
Remove Bryan Puspurs as Signatory
Add Seth Madden

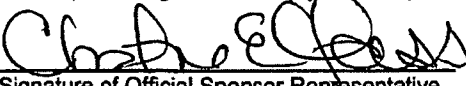
State Use Only	
AT Sponsor No.	<u>20334</u>
ATP Code	<u>13-363</u>
Effective Date of AT Program	<u>09/07/1989</u>

- Name of Sponsor: Plumbers & Steamfitters JAC LU#7
- Mailing Address: 18 Avis Drive Latham NY 12110 Albany
(number & street) (city) (state) (zip code) (county)
- Actual Address: 18 Avis Drive Latham NY 12110 Albany
(number & street) (city) (state) (zip code) (county)
- Telephone No.: 518-785-9808 Ext. _____ Fax No.: 518-785-9855
- E-mail Address: cfass@ualocal7.org
- Trade/Occupation: Plumber/Pipefitter
- No. Employees: 77 No. Apprentices: 98 No. Journeyworkers: 585 Ratio: 1:1:1:3
- DOT Code: 862381030
- Length of Program: 60 months
- Apprentice Probationary Period: 12 months
- Work process: Standard ☒ or Revised ☐
- Minimum Journeyworker Rate: \$ 48.30 per hour
- Effective Date of Wages: 05/01/2022


15. Apprentice wage progression for each period – in months (M) or hours (H)

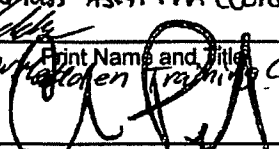
1	2	3	4	5	6	7	8	9	10
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H <input type="checkbox"/>	H <input type="checkbox"/>	H <input type="checkbox"/>	H <input type="checkbox"/>	H <input type="checkbox"/>	H <input type="checkbox"/>	H <input type="checkbox"/>	H <input type="checkbox"/>	H <input type="checkbox"/>	H <input type="checkbox"/>
<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>					
<u>45%</u>	<u>55%</u>	<u>65%</u>	<u>75%</u>	<u>90%</u>					

16. The sponsor agrees to comply with the provisions on this side and on the reverse of this agreement.

- 
 Signature of Official Sponsor Representative
 Christine Fass, Asst. Trn Coordinator
 Print Name and Title

5/17/22
 Date


 Signature of Union Representative
 Edward Madrau, Business Manager Local 7
 Print Name, Title, and Union Name

5/17/22
 Date
- 
 Signature New York State Department of Labor
 NYS Department of Labor
 Apprentice Training

6/2/22
 Date

UNITED ASSOCIATION
of
JOURNEYMEN
and
APPRENTICES
of the
PLUMBING AND PIPEFITTING INDUSTRY
of the
UNITED STATES AND CANADA
Articles of Agreement
between
LOCAL UNION NO. 7
ALBANY, NEW YORK
and
MECHANICAL CONTRACTORS
ASSOCIATION
of the
CAPITAL DISTRICT
ALBANY, NEW YORK
MAY 1, 2019 TO APRIL 30, 2022

MECHANICAL CONTRACTORS ASSOCIATION
OF THE CAPITAL DISTRICT

Name: _____ Signature: _____
Joe Collier _____
Bill Otis _____
Joe Burniche _____
Jack Dorthy _____
Tom Holmes _____
May 1, 2019

LOCAL UNION NO. 7
PLUMBERS AND STEAMFITTERS
ALBANY, NEW YORK

Name: _____ Signature: _____
Edward Nadeau _____
Frank Natalie _____
Marc Cesta _____
Tom Carrigan _____
Jim Lenseeth _____
Jessica Savignano _____
Bryan Pupurs _____
May 1, 2019

WE HEREBY ACCEPT THE PROVISIONS OF THIS
AGREEMENT AND HEREBY AGREE TO ABIDE BY
SAME.

Company Name _____
(Please print)

Employer Name _____
(Please print)

Employer's Signature _____

Title _____

Date _____

PLUMBERS & STEAMFITTERS LOCAL 7
18 AVIS DRIVE
LATHAM, NY 12110
(518) 785-9808

May 1, 2022

Dear Contractor:

Please be advised the following benefit allocations were approved by the membership to be implemented as of May 1, 2022.

1-May-22	BTJ	1st	2nd	3rd	4th	5th
Wages	\$ 48.30	\$ 22.01	\$ 26.79	\$ 31.57	\$ 35.85	\$ 43.52
Pension	\$ 11.03	\$ 7.17	\$ 7.17	\$ 7.17	\$ 7.17	\$ 11.03
Welfare	\$ 11.15	\$ 11.15	\$ 11.15	\$ 11.15	\$ 11.15	\$ 11.15
Appr. Trng	\$ 0.87	\$ 0.87	\$ 0.87	\$ 0.87	\$ 0.87	\$ 0.87
Betterment	\$ 0.40	\$ 0.40	\$ 0.40	\$ 0.40	\$ 0.40	\$ 0.40
Annuity	\$ 3.83	\$ 2.49	\$ 2.49	\$ 2.49	\$ 2.49	\$ 3.83
Scholarship	\$ 0.15	\$ 0.15	\$ 0.15	\$ 0.15	\$ 0.15	\$ 0.15
NPF	\$ 0.50	\$ 0.50	\$ 0.50	\$ 0.50	\$ 0.50	\$ 0.50
	\$ 76.23	\$ 44.74	\$ 49.52	\$ 54.30	\$ 58.58	\$ 71.45

As of May 1, 2022 the dues assessment will change to \$2.08 per hour for all hours worked and shall be deducted from employees' wages. (Working Assessment of \$1.08 and Market Recovery of \$1.00) **Also, \$.50 per hour will be deducted from wages for the Vacation/Wellness Fund.**

The following is a summary of wage rates and working assessment deductions for apprentices as of May 1, 2022.

		5/1/2022		
First Year Apprentice	45%	\$22.01	Working assessment	\$0.48
			Market Recovery	\$0.45
			Vacation Fund	\$0.50
Second Year Apprentice	55%	\$26.79	Working assessment	\$0.59
			Market Recovery	\$0.55
			Vacation Fund	\$0.50
Third Year Apprentice	65%	\$31.57	Working assessment	\$0.70
			Market Recovery	\$0.65
			Vacation Fund	\$0.50
Fourth Year Apprentice	75%	\$35.85	Working Assessment	\$0.81
			Market Recovery	\$0.75
			Vacation Fund	\$0.50
Fifth Year Apprentice	90%	\$43.52	Working assessment	\$0.97
			Market Recovery	\$0.90
			Vacation Fund	\$0.50

Any uncommon shift work outside of normal working hours, shall be paid at the straight rate plus twelve (12%) percent per hour over the base hourly wage rate. Normal working hours are work which begins between 6:00 am and 8:00 am and ends after eight (8) hours Monday through Friday. Third shift when worked, shall be paid at twelve (12%) percent per hour over the base hourly wage rate for seven (7) hours work for eight (8) hours pay.

Work in excess of eight (8) hours on any uncommon shift shall be paid at overtime rates. In computing overtime pay the uncommon shift rate shall be the base rate.

All work performed before the regular work day begins or after the regular work day for the contiguous ninth and tenth hours, Monday through Friday, and all work up to eight (8) hours on Saturday shall be paid at time and one-half the hourly rate of wages. Work in excess of eight (8) hours on Saturday, ten (10) hours Monday through Friday and all work on Sundays and holidays shall be paid at double the hourly rate or wages.

On each contract, foreman for the first four (4) journeymen, foreman inclusive, shall receive two dollars and twenty-five cents (\$2.25) per hour minimum above the basic hourly journeyman rate. The same foreman shall receive three dollars and twenty-five cents (\$3.25) per hour minimum above the basic journeyman rate from the fifth to the tenth journeyman inclusive. There shall be an additional foreman for the eleventh to twentieth journeyman inclusive at three dollars and twenty-five cents (\$3.25) dollars per hour minimum above the basic hourly journeyman rate. Over twenty (20) journeymen, there shall be a Tier 1 general foreman at four dollars and twenty-five cents (\$4.25) per hour minimum above the basic journeyman rate. Over thirty (30) journeymen there shall be a foreman at three dollars and twenty-five cents (\$3.25) per hour minimum above the basic journeyman rate for each additional ten (10) journeymen or part thereof. Any Tier 1 General Foreman, who supervises over forty (40) journeymen, shall be elevated to a Tier 2 General Foreman at five dollars and twenty-five cents (\$5.25) per hour minimum above the basic journeyman rate.

The selection of the foreman and general foreman is the prerogative of the Contractor. Hourly rates for foreman and general foreman are minimum rates and may be negotiated at a higher rate between the employer and employee.

Thank you for your cooperation.

Sincerely,

Edward Nadeau
Business Manager

cc: William Otis, Executive Director, MCACD
Jeremy Voss, NYS Department of Labor

AIA® Document A310™ – 2010

Bid Bond

CONTRACTOR:

(Name, legal status and address)

DiGesare Mechanical, Inc.
3434 Carman Road
Schenectady, New York 12303

SURETY:

(Name, legal status and principal place of business)

Western Surety Company
c/o CNA Surety, 151 N. Franklin St.
Chicago, Illinois 60606

OWNER:

(Name, legal status and address)

Director of Finance, Albany County
112 State Street

Albany, New York 12207

BOND AMOUNT: Five Percent of Attached Bid (5%)

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

PROJECT: Capital District Juvenile Secure Detention Facility Construction Project - RFB-2022-124 - Plumbing

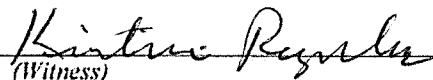
(Name, location or address, and Project number, if any)

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 25th day of October, 2022


(Witness)

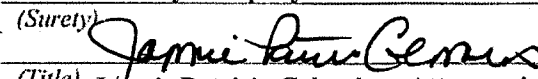

(Witness) Kimberly Ritchie

DiGesare Mechanical, Inc.

(Principal)  (Seal)

(Title) Thomas Holmes, Vice President

Western Surety Company

(Surety)  (Seal)

(Title) Jamie Patricia Columbus, Attorney-in-Fact

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

INDIVIDUAL

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, _____, before me personally appeared _____ to me known and known to me to be the individual in and who executed the foregoing instrument and _____ acknowledged to me that _____ executed the same in his individual capacity.

Notary Public

COPARTNERSHIP

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, _____, before me personally appeared _____ to me known and known to me to be one of the firm of _____ described in and who executed the foregoing instrument and he/she thereupon acknowledged to me that he/she executed the same as and for the act and deed of said firm.

Notary Public

CORPORATE

STATE OF NEW YORK
COUNTY OF ALBANY } ss

On this 25th day of October, 2022, before me personally appeared Thomas Holmes to me known, who, being by me first duly sworn, did depose and say that he/she resides in Amsterdam, New York; that he/she is the Vice President of DiGesare Mechanical, Inc. the corporation described in and which executed the foregoing instrument; that he/she knows the corporate seal of said corporation; that the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order and authority.

Nicole Manginelli
Notary Public, State of New York
No. 01MA6421561
Qualified in Montgomery County
Commission Expires September 7, 2025

Nicole Manginelli

Notary Public

SURETY

STATE OF NEW YORK
COUNTY OF ALBANY } ss

I, Kimberly A. Ritchie Notary Public of Rensselaer County, in the State of New York do hereby certify that Jaymie Patricia Columbus Attorney-in-Fact, of the Western Surety Company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she signed, sealed and delivered said instrument, for and on behalf of the Western Surety Company, for the uses and purposes therein set forth.

Given under my hand and notarial seal at my office in the City of Latham in said County, this 25th day of October, A.D. 2022.

KIMBERLY A. RITCHIE
Notary Public, State of New York
No. 01RI6215612
Qualified in Rensselaer County
Commission Expires January 4, 2026

Kimberly A. Ritchie

Notary Public

WESTERN SURETY COMPANY
Sioux Falls, South Dakota
Statement of Net Admitted Assets and Liabilities
December 31, 2021

ASSETS

Bonds	\$ 1,940,298,870
Stocks	19,721,943
Cash, cash equivalents, and short-term investments	32,146,891
Receivables for securities	140,000
Investment income due and accrued	17,433,547
Premiums and considerations	54,366,110
Amounts recoverable from reinsurers	3,204,634
Current federal and foreign income tax recoverable and interest thereon	-
Net deferred tax asset	14,565,007
Receivable from parent, subsidiaries, and affiliates	14,891,869
Other assets	1,037
Total Assets	<u><u>\$ 2,096,769,908</u></u>

LIABILITIES AND SURPLUS

Losses	\$ 214,859,103
Loss adjustment expense	48,667,258
Commissions payable, contingent commissions and other similar charges	10,885,216
Other expenses (excluding taxes, license and fees)	-
Taxes, License and fees (excluding federal and foreign income taxes)	2,781,662
Federal and foreign income taxes payable	300,285
Unearned premiums	263,317,295
Advance premiums	6,618,279
Ceded reinsurance premiums payable (net of ceding commissions)	5,081,348
Amounts withheld or retained by company for account of other	10,237,011
Provision for reinsurance	6,261,560
Payable to parent, subsidiaries and affiliates	7,170
Payable on security transactions	35,226
Other liabilities	155,189
Total Liabilities	<u><u>\$ 569,206,602</u></u>

Surplus Account:

Common stock	\$ 4,000,000
Gross paid in and contributed surplus	286,896,195
Unassigned funds	<u>1,236,667,111</u>
Surplus as regards policyholders	<u>\$ 1,527,563,306</u>
Total Liabilities and Capital	<u><u>\$ 2,096,769,908</u></u>

I, Julie Lee, Assistant Vice President of Western Surety Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2021, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western Surety Company as of that date.

WESTERN SURETY COMPANY

By Julie Lee
Assistant Vice President, External Reporting

Subscribed and sworn to me this 14th day of March, 2022.

My commission expires:

By Christopher Lopatowski
Notary Public



Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Charles C Leach, Kimberly Ritchie, Jaymie Patricia Columbus, Timothy M Tyrrell, Patrick J Clyne, Harry B Ungeheuer, Michael Grasso, Individually

of Latham, NY, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 7th day of January, 2022.



WESTERN SURETY COMPANY

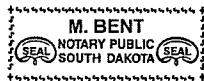
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 7th day of January, 2022, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

March 2, 2026



M. Bent, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 25th day of October, 2022.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.