

~~12 July 2022~~ **3 August 2022**

50-03-04-03-1-005-006

~~ISSUE FOR BID~~ **Bid Addendum 3**

SECTION 004100 - PROPOSAL FORM

Nyack Union Free School District
Hilltop Professional Development Center

PROJECT: Nyack Union Free School District
Hilltop Professional Development Center

DATED: _____

To: Nyack UFSD District Office
13A Dickinson Ave.
Nyack, NY 10960

Greetings:

The Undersigned, in compliance with the Invitation and Instructions to Bidders, agrees that if this bid is accepted as hereinafter provided he/she will provide all labor, materials, supplies, tools, plant and equipment necessary to perform all work required for the construction of the aforementioned project in accordance with documents as prepared by KG+D, Architects, P.C.; 285 Main Street, Mount Kisco, NY., Telephone: 914-666-5900 for the class of work at the aforementioned project as listed below:

(#1 - GENERAL CONSTRUCTION) (#2 – PLUMBING) (#3 - HVAC) (#4 - ELECTRICAL)

(Each Bidder shall indicate in line above, class of work the Proposal is being submitted for.)

for the following LUMP SUM COST as applicable to the particular contract:

Dollars (\$_____)

Further, the undersigned:

- agrees to execute alternates selected for the sums (additive or deductive) set forth in the attached schedule of Alternate Proposals.
- agrees to the stated percentages for extra work if ordered on a Time and Material basis in accordance with Article 7 of the Conditions to cover all overhead and profit allowance.
- Takes notice of the time constraints set forth in Section 011000 and agrees to the terms of the Contract and to the Actual Damages that will be enforced should the time constraints not be kept.

It is understood that the Owner reserves the right to accept or reject any and all bids that the Owner deems to be in his best interest.

Upon notification of acceptance of this proposal, the undersigned agrees to execute a contract in the form as stated within these contract documents for the amount stated.

Prices quoted shall be guaranteed for forty-five (45) days after date of proposal.

If written Notice to Proceed, Letter of Intent or Contract is received within forty-five (45) calendar days after the opening of bids, the undersigned agrees to execute said contract and furnish to the Owner within ten (10) days after receipt of said notice of award, the executed Contract, together

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with the Performance Bond, Labor and Material Payment Bonds and Insurance Certificates required herein.

The Undersigned agrees that the Bid Security payable to Owner accompanying this proposal is left in escrow with the Owner; that its' amount is the measure of liquidated damages which the Owner will sustain by the failure of the Undersigned to execute and deliver the above named Bonds and Contract; and that if the undersigned defaults in furnishing said bonds or in executing and delivering said Contract within ten (10) days of written notification of award of the Contract to him/her, then said Security shall be payable to the Owner for its' own account; but if this proposal is not accepted within said forty five (45) days of the time set for submission of Bids, or if the Undersigned executes and delivers said bonds and Contract, the Bid Security shall be returned to the Undersigned.

The following Addenda have been received. The noted modifications to the Bid Documents have been considered and all costs are included in the Bid Sum.

Addendum	Date	Acknowledgment

The Undersigned has included with this Bid attachments noted:

1. Attachment #1: Alternate Proposals
2. Attachment #2: Schedule of Allowances
3. Attachment #3: Unit Prices

By submission of this Proposal, the undersigned acknowledges that they have read the milestone and schedule requirements, Section 01 10 00, and agrees to provide sufficient staff and organization as well as to select subcontractors, suppliers and vendors to comply with the requirements for submittals, delivery dates, work periods and completion dates as specified.

The Undersigned hereby certifies that they are able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the Work.

NON-COLLUSIVE AFFIDAVIT

Every bid or proposal made to a political subdivision of the State or any public department, agency or official thereof or to a fire district or any agency or official thereof, for work or services performed or to be performed or goods sold to or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury and is made pursuant to Section 103d of the General Municipal Law of the State of New York as amended by Laws of 1966.

NON-COLLUSIVE BIDDING CERTIFICATION

- 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 organization, under penalty of perjury, that to the best of his knowledge and belief:

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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 the 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.
- b. A bid shall not be considered for award nor shall any award be made if (a)1, 2 and 3 above, have not been complied with; provided, however, that if 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 therefore.
Where (a)1, 2 and 3 above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of purchasing unit of the political subdivision, public department, agency or official thereof to which bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

Further, by submission of this Proposal

- 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 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 state finance law.”
- the Undersigned acknowledges that they have visited the site, informed themselves of the existing conditions, and have included in the Proposal a sum to cover the costs of all items in the contracts.

Respectfully submitted,

Contractor

By _____ Title _____

Business Name: _____

Address: _____

Telephone Number: _____

Attest: _____ Title _____

SEAL IF CORPORATION

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 April 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, _____, being duly sworn, deposes and

says that he/she is the _____ of the

_____ Corporation and that neither the Bidder/ Contractor nor any proposed subcontractor is identified on the Prohibited Entities List.

SIGNED

SWORN to before me this _____ day of _____ 201____

Notary Public: _____

OR

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: _____

Address of Bidder _____

Has bidder been involved in investment activities in Iran? _____

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?

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, _____ being duly sworn, deposes and says that he/she is the

_____ of the _____ Corporation and the foregoing is true and accurate.

SIGNED

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Nyack Union Free School District
Hilltop Professional Development Center

SWORN to before me this _____ day of _____ 201____

Notary Public: _____

ATTACHMENT #1 – SCHEDULE OF ALTERNATE PROPOSALS

In accordance with the terms and conditions of the Contract and the Proposal Form, the undersigned agrees to execute alternates selected for the sums set forth in the following schedule of Alternate Proposals in accordance with the general description outlined in Section 01 10 00 and Section 01 23 00.

General Construction Alternate #1: Enlarged storefront opening at main entrance

Description: Base Bid shall include removal of existing exterior door, window, and masonry wall as applicable adjacent to Lobby. Install new exterior door and window in existing masonry rough openings. Alternate #1 to include enlarged masonry openings to provide new exterior storefront system. Provide structure as required and infill masonry wall to match adjacent finishes.

State the amount to be ADDED to the Base Bid for Alternate #1.

ADD _____
_____ Dollars (\$_____)

****End of Alternate Schedule****

ATTACHMENT #2 – SCHEDULE OF ALLOWANCES

In accordance with the terms and conditions of the Contract and the Proposal Form, Section 01 21 00 "Allowances", the Drawings and the specific technical sections as applicable, the undersigned agrees that the following allowances are included in the Base Bid.

Electrical Contract Allowance #1: Include the sum of \$10,000 for unforeseen existing conditions to locate the electrical panelboards on the north wall of Storage Room 105.

GC Contract Allowance #1: *Include the sum of \$10,000 for unforeseen existing conditions to prepare and/or replace existing subfloor in Conference Room 110A/110B to receive new flooring, millwork, and operable partition as indicated, including leveling.*

****End of Schedule of Allowances****

ATTACHMENT #3 – UNIT PRICES

In accordance with the terms and conditions of the Contract and the Proposal Form, the undersigned agrees to execute work for the sums set forth in the following schedule of Unit Prices in accordance with the general description outlined in Section 01 10 00 and Section 01 22 00.

Unit Price No 1: Abatement of TSI fittings for the unit price per five LF of:

_____ Dollars (\$))

Unit Price No 2: Abatement of vapor barrier for the unit price per ten SF of:

_____ Dollars (\$))

****End of Unit Price Schedule****

****End of Proposal Form****