

ATTACHMENT A - BID SCHEDULE OF PRICES - BID NO. IFB-7069
SED PROJECT #66-23-00-01-0-101-010

GENERAL CONSTRUCTION CONTRACT

ITEM	APPROX. EST. QUANTITY (A)	ITEMS WITH UNIT BID PRICES WRITTEN IN WORDS	UNIT BID PRICES DOLLARS CENTS (B)		TOTAL AMT. BID DOLLARS CENTS (A) X (B)	
1	1	Lump Sum: <u>Base Bid</u> Price to Complete all General Construction Work as Described in the Contract Documents. WRITTEN IN WORDS <u>Two Hundred Thirty Four Thousand Four Hundred Dollars and Zero cents</u> Lump Sum	\$		\$234,400	.00

TOTAL BID - ITEM 1, INCLUSIVE

PLEASE PRINT Two Hundred Thirty Four Thousand Four Hundred
WRITTEN IN WORDS: _____ Dollars Zero Cents

WRITTEN IN FIGURES: \$234,400.00

LEGAL NAME OF BIDDER: Milcon Construction Corp.

ADDRESS: 142 Dale Street
West Babylon NY 11704

PREPARED BY: Boguslaw Kiwior

TITLE: Vice President

TELEPHONE NO.: 631 756 9530

EMAIL: estimating@milconconstruction.com

DATE: 12/19/23



YONKERS
PUBLIC SCHOOLS

**SCHOOL FACILITIES MANAGEMENT
CONTRACT MANUAL AND SPECIFICATIONS**

for the

EMERGENCY KITCHEN RECONSTRUCTION AT SCHOOL 9

BID NO. IFB-7069

OPENING DATE: FRIDAY, DECEMBER 15, 2023

SED # 66-23-00-01-0-009-011

BOARD OF EDUCATION

Rev. Steve Lopez, President
Dr. Rosalba Corrado Del Vecchio, Vice President

Mr. Lawrence R. Sykes
Mr. Amjed I. Kuri
Ms. Gail Burns
Ms. Sheila Greenwald

Mr. Kevin Cacace
Dr. John Castanaro
Ms. Rosemarie P. Linton

Dr. Luis Rodriguez
Interim Superintendent of Schools

Michael Pelliccio
Interim Executive Director
School Facilities Management

YONKERS PUBLIC SCHOOLS
One Larkin Center
Yonkers, New York 10701

BIDDER TO FILL OUT (PRINT):

LEGAL NAME OF BIDDER: Milcon Construction Corp.

ADDRESS: 142 Dale St. West Babylon NY 11704

(P. O. Boxes are not acceptable)

CONTACT: Dariuslaw Kiwor **TITLE:** Vice President

PHONE NO.: 631 756 9530 **FAX:** 631 756 9537

E-MAIL: estimating@milconconstruction.com

DATE: 12/19/23

**DO NOT RETURN ENTIRE BID PACKAGE -
ONLY RETURN WHAT IS LISTED IN THE "INFORMATION FOR BIDDERS", PAGE 5**

COMPLETE THIS FORM IN INK

BID NO.: IFB-7069

BID SCHEDULE OF PRICES - ITEMIZED

SEE ATTACHMENT A

For furnishing and providing all the necessary material, machinery, plant, implements, tools, labor, services, skill and other items of whatever nature required, and to do and perform all the work necessary under the Contract, to complete the work in accordance with the Drawing and Specifications and any Addenda thereto and to accept in full compensation therefore the amount of the total bid stated, the sum of:

TOTAL BID: ITEM 1 INCLUSIVE, THE SUM OF:

PLEASE PRINT:

Written in Words: TWO Hundred Thirty-FOUR
Thousand Four Hundred Dollars zero Cents

Written in Figures: \$ 234,400.00

Discount for Prompt Payment: 1 % 15 Days, Net 30.

The Bidder hereby acknowledges receipt of all Solicitation Documents and Addenda through and including Addendum number 2 (Bidder to insert number of last Addendum received.)

Availability to Start Work: UPON Award

Legal Name of Bidder: Millon Construction Corp.

Address of Bidder: 142 Dale Street
West Babylon NY 11704

Is this business a Certified Minority / Women Business Enterprise in New York State?
☐ Yes ☒ No

Prepared By: Boguslaw Kiwior

Title: Vice President

Signature: [Signature]

Telephone No.: 631 756 9530

Fax No.: 631 756 9537

E-Mail: estimating@milconconstruction.com

Date: 12/19/23

BID AND BIDDER'S AFFIDAVIT

Bid No.: IFB-7069

By submission of this bid and the execution of the Bidder's Affidavit, the Bidder hereby submits a binding offer to furnish all required work and meet all other obligations set forth in the Contract Documents, and all addenda thereto, whether received by the undersigned or not; for the total sum indicated below:

Bid Amount: TWO Hundred Thirty Four Thousand
Four Hundred Dollars, Zero Cents
(printed or typed in words)

\$ 234,400.00

(Total Bid in Figures)

By submission of this bid, the Bidder acknowledges that it has read all the contents of this document including the Important Information for Bidders, Information for Bidders, Schedule "A", General Agreement, General Conditions, Supplementary Conditions, Engineering Department Rules and Regulations, Technical Construction Specifications, Drawings, the Prevailing Wage Schedule for Article 8 Public Work Project (PRC# 2023013961), all Schedules, and all addenda, if any.

Bid Made by:
(Firm Legal Name)

Milcon Construction Corp

Address:

142 Dale St. West Babylon NY 11704

By:

[Signature]
(Signature-Authorized Officer)

Boguslaw Kwior
(Print Name)

Vice President
(Print Title)

Telephone: 631 756 9530

Fax: 631 756 9537

Tax ID Number: 11-3243439

Date: 12/19/23

Email: estimating@milconconstruction.com

The Bidder's authorized Representative on this Project shall be:

Scott J Miller

Additionally, by submission of this bid and the execution of the Bidder's Affidavit each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies on behalf of its own organization, under penalty of perjury, that to the best of his/her knowledge and belief:

- A. The prices in the 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;
- B. Unless otherwise required by law, the prices which have been quoted in the 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;

- C. 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;
- D. The bidder is not in arrears to the City of Yonkers upon debt, contract or taxes and is not a defaulter, as surety or otherwise, upon obligation to the City of Yonkers;
- E. The bid prices are to cover all expenses of every kind incidental to the completion of the work and the Contract therefore, including all claims that may arise through damage or any other cause whatever, and for those items for which the prices are established in the Specifications, hereby agree to perform such additional work and supply such additional material at the prices therein established;
- F. The Bidder shall make no claim on account of any variations between the quantities of the approximate estimate and the quantities of the work as done, nor on account of any misconception or misunderstanding of the nature and character of the work to be done, or of the ground or place where it is to be done;
- G. The bidder is the only one interested in this bid; and it is made without any connection with any other person or persons making an estimate for the same work, and is in all respects fair, and without collusion or fraud;
- H. No member of the municipal government of the City of Yonkers nor any officer or employee of the City, is directly or indirectly interested in this bid, or in the supplies or the material for the work or in any portion of the profit thereof;
- I. Fair and Ethical Business Practices will be strictly adhered to during the life of this Contract. During the term of this Contract, neither the Bidder nor any director, partner, principal, officer or employee shall:
 - 1) File with a government office or employee, a written instrument which intentionally contains a false statement or false information;
 - 2) Intentionally falsify business records;
 - 3) Give, or offer to give, money or any other benefit to a labor official with intent to influence that labor official with respect to any of his or her acts, duties or decisions as a labor official;
 - 4) Give, or offer to give, money or any other benefit to a public servant with intent to influence that public servant with respect to any of his or her acts, duties or decisions as a public servant; and
 - 5) Knowingly participate in the criminal activities of any organized crime group, syndicate or family, nor shall any person employed by or associated with any such organized crime family, syndicate or group participate through criminal means in any of the business affairs of the Bidder.
- J. In addition, if it becomes known that any director, partner, officer, employee of the Bidder, or any shareholder owning 5% or more of the Bidder's stock:
 - 1) is the subject of investigation involving any violation of criminal law or other federal, state or local law or regulation by any governmental agency; or
 - 2) is arrested, indicted or named as an unindicted co-conspirator in any indictment or other accusatory instrument; or
 - 3) is convicted of any felony under state or federal law and/or any misdemeanor involving a business-related crime.

The Bidder shall immediately notify the City of any such event.

AFFIDAVIT WHERE THE BIDDER IS A CORPORATION

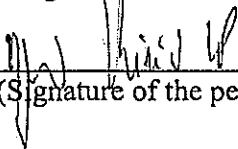
STATE OF New York, COUNTY OF Suffolk

as:

Boguslaw Kiwior being duly sworn,
says:

I am a member of Milcon Construction,
the above named corporation whose name is subscribed to and which executed the foregoing bid. I reside at
N. Arlington, NJ

I have full knowledge of the matters pertaining thereto.

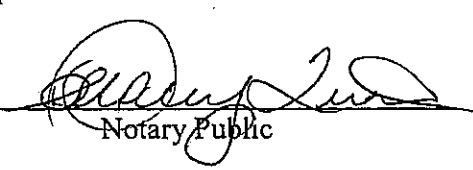

(Signature of the person who signed the Bid)

ACKNOWLEDGEMENT WHERE THE CONTRACTOR IS A CORPORATION

STATE OF New York
COUNTY OF Suffolk } ss:

On the 19 day of December, in the year 2023 before me personally came
Boguslaw Kiwior, to me known, who, being by me duly sworn,
did depose and say that he/she resides at Milcon Construction, that
she is the Vice President of N. Arlington, NJ, the
corporation described in and which executed the above instrument; and that he/she signed his/her name
thereto by order of the Board of Directors of said corporation.

STACEY QUALLS
Notary Public, State of New York
No. 01QU6190088
Qualified in Suffolk County
Commission Expires 07/14/2024


Notary Public

If a Corporation, Bidder must complete both Affidavit and Acknowledgement sections and submit this page with its bid

(Bid and Bidder's Affidavit – Bid # IFB-7069)



ONE LARKIN CENTER, 3RD FLOOR
Yonkers, New York 10701
(914) 377-6035

thomas.collich@yonkersny.gov

CITY OF YONKERS

Purchasing

Mike Spano, Mayor

Tom Collich, Director

VENDOR BACKGROUND QUESTIONNAIRE

BID NUMBER: IFB-7069

OPENING DATE DECEMBER 15, 2023

This questionnaire has been developed to collect information from vendors/contractors wishing to do business with the City of Yonkers.

Please complete the questionnaire carefully, answering all questions completely accurately. Answers must be typewritten or printed in black or blue ink. If you need more space to answer a question, type or print the answer on company letterhead and attach it to the questionnaire. **ANSWER ALL QUESTIONS - DO NOT LEAVE BLANKS.** Failure to submit a complete and accurate questionnaire may result in your bid or proposal being rejected as non-responsive and, therefore, ineligible for award.

GENERAL INFORMATION Initial Application: YES ☒ NO ☐ Revision: YES ☐ NO ☒

1. Submitting Business Name Milcon Construction Corp.
EIN/SSN 11-3243439
Dun & Bradstreet # 932337363
"Doing Business As" Name(s), if any _____
Business Address and date business _____
located at this address 142 Dale Street
West Babylon, NY 11704
Other business addresses, if any (satellite _____
offices, plants, warehouses, branch offices _____
headquarters, etc.) _____
Mailing address, if different from above Same as above
Telephone Number 631 756 9530
Mobile Number 631 987 5787
E-Mail estimating@milconconstruction.com
Contact Person and Title Boguslaw Kiwior - Vice President
2. Does this business now, or has it in the past 10 years, used an EIN, SSN, Name, Trade Name or abbreviation other than those given in the above question? YES ☐ NO ☒ If YES, please provide details and explain: _____

3. Has this business changed address(es) in the past five years? YES ☐ NO ☒. If YES, please provide all complete former addresses: _____
4. a. Date business was formed December 1994
b. Date business was incorporated December 1994
5. Type of Organization (Please circle one)
a. Business Corporation
State/County in which incorporated Suffolk County, NY
Name of individuals/entities incorporating business _____
b. Sole Proprietorship
c. General Partnership/ Limited Partnership
State or County where partnership certificate/agreement is filed _____
d. Joint Venture
e. Non Profit
f. Not for Profit
g. Other (Explain) _____
6. Type of Business (Please circle one)
a. Manufacturing
b. Distribution
c. Retail
d. Commercial Service
e. Professional Service, Non Construction, Non-Law
f. Bank
g. Construction Manager
h. Architect
i. Engineer
j. General Contractor
k. Consultant (Specify) _____
l. Laboratory Testing and Analysis
m. Law Firm
n. Other (Explain) _____
7. Has this business been certified by a government entity (SBA, NYC, etc.) as a Minority Business, Women-Owned Business, Disadvantaged Business or Small Business Enterprise? YES ☐, NO ☒. If YES, please explain. _____
- a. Do you perform outreach to any of these Enterprises to perform subcontracting work?
YES ☒, NO ☐
- b. Will you use one of these Enterprises as a subcontractor on work performed for the City of Yonkers?
YES ☐, NO ☒ If YES, explain. _____

BUSINESS HISTORY

8. Was this business purchased as an existing business by its present owners? YES ☐, NO ☒
If YES, please provide date of purchase and name(s) of previous owner(s). _____
9. Does this business own ☒, rent ☐, or lease ☐ its office facilities? (Please check one)
If leased or rented, please provide name, address, and telephone number of building owner/landlord. _____
10. Does this business share office space, staff, equipment, or expenses with any other business or not-for-profit organization? YES ☐, NO ☒ If YES, please provide the name and address of the other entity and nature of relationship to this business. _____
11. Will this business use or occupy any real property, other than the addresses listed in response to Question 1., to carry out the terms of any contract you may receive from the City of Yonkers? YES ☐, NO ☒. If YES, please provide details and explain. _____

BUSINESS PRINCIPALS

12. For all proprietors, partners, directors, officers, shareholders of 5% or more of the businesses' issued stock, any manager or individual who takes part in overall policy making or financial decisions for the business, and any person in a position to control or direct the businesses' overall operations, please provide name, home address, date of birth, social security number, title, percentage of ownership, and business telephone number.
Scott J. Miller - President _____
Boguslaw Kiwior - Vice President _____

13. Number of Employees 130
14. Is this business now or has it been in the last five years a subsidiary of another business? YES ☐, NO ☒.
In this period, has another business been a partner in this business, or has another business been affiliated with this business through common ownership, management or agreement, or has another business owned 5% or more of this business? YES ☐, NO ☒. If YES, please provide details and explain. _____

15. Has this business or any other business listed in response to question 14 pledged or hypothecated 5% or more of its stock to another business or to an individual to guarantee payment for a debt or obligation? YES ☐, NO ☒. If YES, please provide details and explain.
-

16. Is this business or any business listed in response to question 14 now or has it been in the last five years:
- a. The owner of 5% or more or in control of another business, an affiliate or a subsidiary? YES ☐, NO ☒
 - b. A vendor of or contractor to the City of Yonkers? YES ☒, NO ☐
 - c. A subcontractor on any contract with the City of Yonkers? YES ☐, NO ☒.
- If YES to any above, please provide details and explain. _____

17. Are any of the persons listed in answer to question 12 now or have been in the past, elected or appointed officials or officers or employees of the City of Yonkers? YES ☐, NO ☒
- If YES, please provide details and explain. _____

18. Has this business or any business listed in response to question 14 at present or has it ever been:
- a. Debarred by any agency* from entering contracts? YES ☐, NO ☒.
 - b. Found not responsible by any government agency? YES ☐, NO ☒.
 - c. Declared in default and/or terminated for cause on any contract, and/or had any contract cancelled for cause? YES ☐, NO ☒.
 - d. Suspended by any government agency from entering any contract with it? YES ☐, NO ☒.
 - e. Party to any action pending that could formally debar or otherwise effect this business' ability to bid or propose on contracts? YES ☐, NO ☒.
 - f. A respondent before the Grand Jury or any Federal, State or City Board? YES ☐, NO ☒.
 - g. Unable to execute a contract with a government agency because it could not provide the required security or obtain a surety bond? YES ☐, NO ☒.
 - h. Required to pay liquidated damages on a contract? YES ☐, NO ☒.
 - i. In default on any obligation to, or subject to any unsatisfied judgment or lien obtained by a government agency, including judgments based on taxes owed? YES ☐, NO ☒.
 - j. Filed a bankruptcy petition or been subject to any involuntary bankruptcy proceedings? YES ☐, NO ☒.
 - k. Subject of termination for cause or revocation of permits, licenses, concessions, franchises, or leases? YES ☐, NO ☒.
 - l. Subject of a criminal investigation** or civil anti-trust investigation by any Federal, State or Local prosecutorial or investigative agency? YES ☐, NO ☒.
 - m. Subject of an investigation by any government agency, including regulatory agencies (Security Exchange Commissions, Federal Communications Commission, Department of Consumer Affairs, etc.) YES ☐, NO ☒.

If you answered YES TO ANY OF THE QUESTIONS IN ITEM 18, please provide details on company letterhead including dates, agency/entity names, and disposition.

* Government agency includes City, State and Federal Public Agencies, quasi-public agencies, authorities and corporations, public development corporations and local development corporations.

**** An investigation includes an appearance before a grand jury by a person or representatives of a business entity, any oral or written inquiry or review of documents by a public agency, temporary commission or other investigative body, or questioning concerning the general operation or a specific project or activities of business entity or the activities of a person.**

19. In the last five years, have any of the persons listed in response to question 12:

- a). **Been the subject of an investigation involving any alleged violation of criminal law?**
YES ☐, NO ☒.
- b). **Been arrested, indicted or named as an unindicted co-conspirator in any indictment or other legal instrument?** YES ☐, NO ☒.
- c). **Been convicted, after trial or by plea, of any felony under State or Federal Law?**
YES ☐, NO ☒.
- d). **Been convicted of any misdemeanor involving business-related crimes?**
YES ☐, NO ☒.
- e). **Entered a plea of nolo contendere in a legal proceeding?** YES ☐, NO ☒.
- f). **Entered a consent decree?** YES ☐, NO ☒.
- g). **Been granted immunity from prosecution for any business-related conduct constituting a crime under State or Federal Law?** YES ☐, NO ☒.

If you answered YES TO ANY OF THE QUESTIONS IN ITEM 19, please provide details on company letterhead including dates, agency/entity names, and disposition.

20. Has any person listed in response to question 12 been employed by or affiliated with any person or business that has:

- a. **Been the subject of an investigation involving any alleged violation of criminal law?**
YES ☐, NO ☒.
- b. **Been arrested, indicted or named as an unindicted co-conspirator in any indictment or other legal instrument** YES ☐, NO ☒.
- c. **Been convicted, after trial or by plea, of any felony under State or Federal Law?**
YES ☐, NO ☒.
- d. **Been convicted of any misdemeanor involving business-related crimes?** YES ☐, NO ☒.
- e. **Entered a plea of nolo contendere in a legal proceeding?** YES ☐, NO ☒.
- f. **Entered a consent decree?** YES ☐, NO ☒.
- g. **Been granted immunity from prosecution for any business – related conduct constituting a crime under State or Federal Law?** YES ☐, NO ☒.

If you answered YES TO ANY OF THE QUESTIONS IN ITEM 20, please provide details on company letterhead including dates, agency/entity names, and disposition.

21. Has this or any business listed in response to question 14 or any person listed in response to question 12 failed to pay any applicable Federal, State or Local government taxes for the past five years? YES ☐, NO ☒. If YES, explain _____

22. In the past five years, has this or any business listed in response to question 14 or any person listed in response to question 12 committed any act of collusion, bid rigging or price fixing in submitting a competitive bid? YES ☐, NO ☒.

If YES, explain _____

23. Licensing: List jurisdiction and trade categories in which your organization is legally qualified to do business (if applicable), and attach legible copies of registrations and/or licenses.

<u>Jurisdiction</u>	<u>Trade Category</u>
New York State	Asbestos Abatement
_____	_____
_____	_____
_____	_____

24. Pursuant to Executive Order No 6-2013, "delinquent Contractors shall not be deemed responsible bidders for purposes of awarding contract. It is the policy of the City of Yonkers to disqualify persons or business entities which are delinquent in financial obligations to the City or its affiliated agencies, boards or commissions from participating in City contracts and business opportunities." Is the Contractor currently delinquent in its financial obligations to the City or its affiliated agencies, boards or commissioners?

YES ☐, NO ☒.

If YES, explain _____

25. Does the Contractor or Controlling Person(s) own any property within the City of Yonkers?

YES ☐ NO ☒

If "Yes," please list the address of each property.

26. If requested, the Bidder shall provide a list of references on company letterhead in this format:

1. Agency/owner
2. Contract number
3. Contract title
4. Name & location of project
5. Contact name, telephone number, address
6. Brief description of work and services provided
7. Indicate if you were a prime or sub-contractor
8. If you were the prime contractor and sub-contractors were used, identify the names of the sub-contractors and describe the work they performed
9. Period of performance
10. Original contract amount

CERTIFICATION

A materially false statement willfully or fraudulently made in connection with this questionnaire is sufficient cause for rendering the business entity not responsible with respect to the present bid or proposal and future bids or proposals, and in addition, may subject the person and/or entity making the false statement to criminal charges, including but not limited to New York State Penal Law sections 175.35 (Offering a false statement for filing) and 210.40 (Sworn false statement) and/or Title 18 U.S.C. sections 1001 (False or fraudulent statement) and 1341 (Mail fraud).

I, Boguslaw Kiwior, being duly sworn, state that I am the
Print or Type Name of Bidder/Proposer Authorized Representative

Vice President of Milcon Construction Corp., and Print or Type Title of
Bidder/Proposer Authorized Representative Print or Type Name of Entity Submitting Bid/Proposal

I have read and understand the questions contained in the attached questionnaire and its appendices. I certify that to the best of my knowledge the information given in response to each question and appendices is full, complete, and truthful.

I will notify the City of Yonkers in writing of any change in circumstances occurring after the submission of this questionnaire and before the execution of any contract with the City.

I acknowledge that the City of Yonkers may, by means it deems appropriate, determine the accuracy and truth of the statements made in this questionnaire.

I recognize that all information submitted is for the express purpose of inducing the City to enter a contract with the submitting business entity.

I authorize the City to contact any entity or person named in this questionnaire, for purposes of verifying the information submitted.


Signature of Bidder/Proposer Authorized Representative

STATE OF NEW YORK
COUNTY OF Suffolk ss:

On the 19 day of December, in the year 2023, before me personally came
Boguslaw Kiwior, to me known and known to me to be the person
Print or Type Name of Bidder/Proposer Authorized Representative

described in and who executed the foregoing instrument, and he/she duly acknowledged that he/she executed the same.


Notary Public

Place Notary Public Stamp Here:

STACEY QUALLS
Notary Public, State of New York
No. 01QU6190088
Qualified in Suffolk County
Commission Expires 07/14/20 24

IN WITNESS WHEREOF: The Superintendent, or his authorized designee, on behalf of the City of Yonkers/YPS and the Contractor, have executed this agreement in duplicate for the purposes herein mentioned.

YONKERS PUBLIC SCHOOLS

Milcon Construction Corp.
Name of Contractor

By: _____

Name: Dr. Luis Rodriguez

Title: Interim Superintendent

Date: _____

By: Boguslaw Kiwior

Name: Boguslaw Kiwior

Title: Vice President

Date: 12/19/23

By: _____

Name: Rev. Steve Lopez

Title: President, Board of Education

Date: _____

APPROVED AS TO FORM

Yonkers Senior Associate Corporation Counsel

TO BE COMPLETED BY CITY OF YONKERS BUREAU OF PURCHASING

DATE OF B.O.C.S. APPROVAL: _____

INITIATING DEPARTMENT:

School Facilities Management

PURCHASING CONTACT- BUYER:

Miguel Martinez, Associate Director

ACKNOWLEDGEMENT OF THE YONKERS PUBLIC SCHOOLS

State of New York
County of Westchester
City of Yonkers

ss:

On this _____ day of _____, 20____, before me personally came _____, to me known, and known to me to be the Mayor of the City of Yonkers; executed the foregoing instrument pursuant to a resolution of the City of Yonkers Board of Contract and Supply; and he acknowledged to me that he executed the same for and on behalf of the City of Yonkers for the purposes herein mentioned.

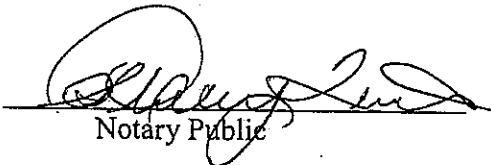
Notary Public or Commissioner of Deeds

ACKNOWLEDGEMENT WHERE THE CONTRACTOR IS A CORPORATION

STATE OF NEW YORK,
COUNTY OF SUFFOLK }

ss:

On the 19 day of December, in the year 2023, before me personally came Boguslaw Kiwior, to me known, who, being by me duly sworn, did depose and say that he/she resides at N. Arlington, N.J., that he/she is the Vice President of Milken Construction, the corporation described in and which executed the above instrument; and that he/she signed his/her name thereto by order of the Board of Directors of said corporation.


Notary Public

STACEY QUALLS
Notary Public, State of New York
No. 01QU6190088
Qualified in Suffolk County
Commission Expires 07/14/20 24

SCHEDULE "B"
**Questionnaire Regarding Business Enterprises Owned
and Controlled by Persons of Color or Women**

As part of the City's desire to encourage the meaningful and significant participation of business enterprises owned and controlled by persons of color or women in City contracts, and in furtherance of Article VIII of Chapter 13 of the City Code, completion of this form is required.

The term persons of color means a United States citizen or permanent resident alien who is and can demonstrate membership of one of the following groups: (a) Black persons having origins in any of the Black African racial groups; (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race; (c) Native American or Alaskan native persons having origins in any of the original peoples of North America; or (d) Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian sub-continent or the Pacific Islands.

An enterprise owned and controlled by persons of color or women means a business enterprise including a sole proprietorship, limited liability partnership, partnership, limited liability corporation or corporation that is (a) at least 51% owned by one or more persons of color or women; (b) an enterprise in which such ownership by persons of color or women is real, substantial and continuing; (c) an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and (d) an enterprise authorized to do business in this state which is independently owned and operated.

In addition, a business enterprise owned and controlled by persons of color or women shall be deemed to include any business enterprise certified as an MBE or WBE pursuant to article 15-a of the New York State Executive Law and implementing regulations, 9 NYCRR subtitle N Part 540 et seq., or as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 et seq., and the relevant provisions of the Code of Federal Regulations as amended.

1. Are you a business enterprise which is owned and controlled by persons of color or women in accordance with the standards listed above?

☒ No
☐ Yes (as a business owned and controlled by persons of color)
☐ Yes (as a business owned and controlled by women)

2. Are you certified with the State of New York as a minority business enterprise ("MBE") or a women business enterprise ("WBE")?

☒ No
☐ Yes (as a MBE)
☐ Yes (as a WBE)

If yes, official documentation of such certification must be attached hereto.

3. If you are a business owned and controlled by persons of color, please specify the minority classifications which apply: _____
4. If you are certified with the State of New York as an MBE, please specify the minority classifications which apply: _____
5. Are you certified with the Federal Government as a small disadvantaged business concern?

☐ Yes
☒ No

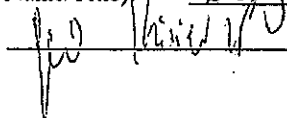
6. Name of Firm/Business Enterprise:

Address:

Completed By (Print Name/Title):

Signature:

Milcon Construction Corp.
142 Dale Street
West Babylon NY 11704
Dariuslaw Kiwior



SCHEDULE "C"

CERTIFICATION REGARDING BUSINESS DEALINGS WITH NORTHERN IRELAND

- A. The Contractor and any individual or legal entity in which the Contractor holds a ten percent (10%) or greater ownership interest and any individual or legal entity that holds a ten percent (10%) or greater ownership interest in the Contractor (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Principles.
- B. For purposes of this Certification, "MacBride Principles" shall mean those principles relating to nondiscrimination in employment and freedom of workplace opportunity which require employers doing business in Northern Ireland to:
- (1) increase the representation of individuals from underrepresented religious groups in the work force, including managerial, supervisory, administrative, clerical and technical jobs;
 - (2) take steps to promote adequate security for the protection of employees from underrepresented religious groups both at the workplace and while traveling to and from work;
 - (3) ban provocative religious or political emblems from the workplace;
 - (4) publicly advertise all job openings and make special recruitment efforts to attract applicants from underrepresented religious groups;
 - (5) establish layoff, recall and termination procedures which do not in practice favor a particular religious group;
 - (6) abolish all job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion;
 - (7) develop training programs that will prepare substantial numbers of current employees from underrepresented religious groups for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of workers from underrepresented religious groups;
 - (8) establish procedures to assess, identify and actively recruit employees from underrepresented religious groups with potential for further advancement; and
 - (9) appoint a senior management staff member to oversee affirmative action efforts and develop a timetable to ensure their full implementation.
- C. For purposes of this Certification, "Northern Ireland" shall be understood to be the six counties partitioned from the Irish Province of Ulster, and administered from London and/or from Stormont.
- D. The Contractor agrees that the warranties and representation in paragraph "A" are material conditions of this Contract. If the City receives information that the Contractor is in violation of paragraph "A", the City shall review such information and give the Contractor opportunity to respond. If the City finds that such a violation has occurred, the City may declare the Contractor in default, and/or terminate this Contract. In the event of any such termination, the City may procure the supplies, services or work from another source in accordance with applicable law. The Contractor shall pay to the City the difference between the contract price for the uncompleted portion of this Contract and the cost to the City of completing performance of this Contract either by itself or by engaging another contractor. If this is a contract other than a construction contract, the Contractor shall be liable for the difference in price if the cost of procurement from another source is greater than what the City would have paid the Contractor plus any reasonable costs the City incurs in any new procurement and if this is a construction contract, the City shall also have the right to hold the Contractor in partial or total default in accordance with the default provisions of this Contract. In addition, the Contractor may be declared not to be a responsible bidder or proposer for up to three (3) years, following written notice to the Contractor, giving the Contractor the opportunity for a hearing at which the Contractor may be represented by counsel. The rights and remedies of the City hereunder shall be in addition to, and not in lieu of, any rights and remedies the City has pursuant to this Contract or by operation of law or in equity.

Agreed:

Milcon Construction Corp.
(Legal Name of Person, Firm or Corporation)

By:

[Signature]

(Signature of Authorized Representative)

Vice President

(Title)

Dated:

12/14/23

SWORN to before me this 14 day
of December, 2023

[Signature]
Notary Public

STACEY QUALLS
Notary Public, State of New York
No. 01QU6190088
Qualified in Suffolk County
Commission Expires 07/14/2024

SCHEDULE "D"
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.

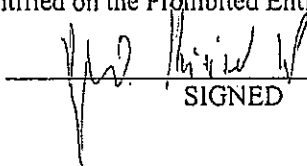
By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, each Bidder/Contractor, any person signing on behalf of any Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under 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.

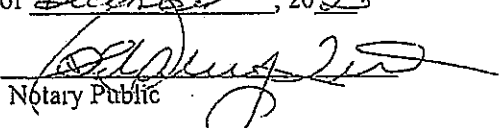
During the term of the Contract, should the City of Yonkers receive information that a Bidder/Contractor is in violation of the above-referenced certification, the City will offer the person or entity an opportunity to respond. If the person or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the City 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 City 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, Boquslaw Kilwior, being duly sworn, deposes and says that he/she is the Vice President of the Milcon Construction Corporation and that neither the Bidder/Contractor nor any proposed subcontractor is identified on the Prohibited Entities List.


SIGNED

SWORN to before me this 15th day
of December, 2023


Notary Public

STACEY QUALLS
Notary Public, State of New York
No. 01QU6190088
Qualified in Suffolk County
Commission Expires 07/14/2024

SCHEDULE "E"
NON-COLLUSIVE BIDDING CERTIFICATION

1. By submission of this bid, the undersigned bidder and each person signing on behalf of such 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 the undersigned's knowledge and belief:
- (a) 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;
 - (b) 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
 - (c) 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.
2. The undersigned acknowledges and agrees that a bid shall not be considered for award nor shall any award be made where any of the above have not been complied with; provided however, that if 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 therefor. Where one or more of the above has/have not been complied with, the bid shall not be considered for award nor shall any award be made unless 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.
3. The undersigned also acknowledges and agrees that the fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers 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 1 above.
4. The undersigned further acknowledges and agrees that any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a bidder which is a corporation or a limited liability company 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, or local law, and where such bid contains the certification referred to in paragraph 1 of this certificate, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation or limited liability company.

Name of Bidder: Milcon Construction Corp.
(print full legal name)

Date Signed: 12/15/23 Signature: [Signature]

Name of Person Signing Certificate: Boguslaw Kiwior
(print full legal name of signer)

Bidder is (check one): ☐ an individual, ☐ a limited liability partnership, ☐ a limited liability company,
☒ other entity (specify): corporation

SWORN to before me this 15 day
of December, 2023

[Signature]
Notary Public

STACEY QUALLS
Notary Public, State of New York
No. 01QU6190088
Qualified in Suffolk County
Commission Expires 07/14/20 24

END OF BID ADDENDUM NO. 1

IFB-7069: ADDENDUM No. 1 – ACKNOWLEDGEMENT – Return this document with your sealed bid.

Bidding Firm: Milcon Construction Corp

Address: 142 Oak Street City State Zip West Babylon NY 11704

Bidder's Representative: Boguslaw Kiwior

Title: Vice President Signature: [Signature]

Date: 12/19/23 E-mail: estimating@milconconstruction.com

END OF BID ADDENDUM NO. 2

IFB-7069: ADDENDUM No. 2 – ACKNOWLEDGEMENT – Return this document with your sealed bid.

Bidding Firm: Milcon Construction Corp

Address: 142 Oak Street City State Zip West Babylon NY 11704

Bidder's Representative: Boguslaw Kiwior

Title: Vice President

Signature: [Signature]

Date: 12/19/23 E-mail: estimating@milconconstruction.com

FORM OF BID BOND

City of Yonkers
Bureau of Purchasing

Yonkers City Hall
Yonkers, New York 10701

BID NO.: IFB-7069

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned

Milcon Construction Corp.

(Bidder's Legal Title)

as principal and RLI Insurance Company
(Surety's Legal Title)

as Surety, are hereby held and firmly bound unto the City of Yonkers, Yonkers City Hall, Yonkers, N.Y. in the penal sum of

Five Percent of Amount Bid Dollars

(\$ 5% Amt Bid)

or in the full and just sum of the difference between the total bid of the Principal and the total bid of the Bidder submitting the next lowest bid, whichever sum shall be higher, for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

Executed this 14th day of December, 2023.

The condition of the above obligation is such that whereas the Principal has submitted to the City of Yonkers, Yonkers City Hall, Yonkers, N. Y., a certain bid, attached hereto and made a part hereof to enter into a Contract in writing for the construction

of EMERGENCY KITCHEN RECONSTRUCTION AT SCHOOL 9
BID NO. IFB-7069, SED # 66-73-00-01-0-009.011

located at 53 Fairview Street, Yonkers, NY 10703

NOW, THEREFORE,

- (A) If said bid shall be rejected or in the alternate
- (B) If said bid shall be accepted and the Principal shall furnish a bond for the faithful performance of said Contract by the Principal, and for the payment of said persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said bid, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event exceed the penal amount of this obligation as herein stated.
- (C) The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and said Surety's bond in no way shall be impaired or affected by any extension of

time within which the City may accept such bid; and said Surety does hereby waive notice of any such extension.

- (D) In the event that the Bid of the Principal shall be accepted and the Contract be awarded to him or her, the Surety hereunder agrees subject only to the payment by the Principal of the premium therefore, if requested by the City, to write the Performance and Payment Bonds in the form set forth in Contract Documents herein.

IN THE WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals and such of them are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by the proper officers, the day and year first set forth above.

(SEAL)

Milcon Construction Corp.

Principal

RLI Insurance Company

Surety

(SEAL)

By:


Vincent G. Matthews, Attorney-in-Fact

(BID BOND – Bid # **IFB-7069**)

ACKNOWLEDGEMENT OF CONTRACTOR, IF A CORPORATION

STATE OF NEW YORK,
CITY OF Suffolk) ss:

On the 19 day of December in the year 2023 before me personally came
Boguslaw Kiwior to me known (or proved to me on the basis of satisfactory evidence), who, being
by me duly sworn, did depose and say that he/she resides at
N. Arlington N.J., that he/she is the
Vice President of Milcon Construction, the corporation described
in and which executed the above instrument, and that he/she signed his/her name thereto by order of the Board of
Directors of said corporation.



Notary Public

(BID BOND – Bid # IFB-7069)

STACEY QUALLS
Notary Public, State of New York
No. 01QU6190088
Qualified in Suffolk County
Commission Expires 07/14/20 28

ACKNOWLEDGEMENT OF CONTRACTOR, IF A PARTNERSHIP

STATE OF _____)

CITY OF _____) ss:

On the _____ day of _____ in the year 20____, before me personally came _____, to me known (or proved to me on the basis of satisfactory evidence), and known to me to be a member of firm _____; described in and who executed the foregoing instrument; and he/she duly acknowledged to me that he/she executed the same for and in behalf of said firm for the uses and purpose mentioned therein.

Notary Public

(BID BOND – Bid #)

ACKNOWLEDGEMENT OF CONTRACTOR, IF AN INDIVIDUAL

STATE OF _____)

CITY OF _____) ss:

On the _____ day of _____ in the year 20____, before me personally came _____, to me known (or proved to me on the basis of satisfactory evidence) and known to me to be the person described in and who executed the foregoing instrument and he/she duly acknowledged that he/she executed the same.

Notary Public

(BID BOND – Bid # **1FB-7069**)

ATTORNEY IN FACT ACKNOWLEDGEMENT

STATE OF _____)

CITY OF _____) ss:

On the _____ day of _____ in the year of 20____, before me personally came _____ the attorney in fact of _____ the Company named in the foregoing contract, to me known to be the individual described in and who, as such attorney, executed the foregoing contract, and acknowledged that he/she executed the same as the Act and deed of the said party or parties; therein described as Consultant, and for the purpose therein mentioned, by virtue of a power of attorney duly executed and acknowledged by the said party or parties, bearing date the _____ day of _____ 20____; that said powers of attorney is still in full force.

Notary Public

ACKNOWLEDGEMENT OF SURETY

STATE OF New Jersey)

CITY Livingston) ss:

On this 14th day of December in the year 20 23, before me personally came Vincent G. Matthews to me known, who, being by me duly sworn, did depose and say that he/she resides at Bergen County, that he/she is the Attorney-in-Fact of RLI Insurance Company, the corporation described in and which executed the above instrument; and that he/she signed his/her name thereto by order of the Board of Directors of said corporation.

Frank A. Leff
NOTARY PUBLIC

(BID BOND – Bid # **IFB-7069**)

FRANK A. LEFF
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JULY 29, 2028

POWER OF ATTORNEY
RLI Insurance Company
Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That RLI Insurance Company and/or Contractors Bonding and Insurance Company, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

David M. Solimine, Vincent G. Matthews, Donald L. Felter, Anthony R. Ferrara, Adriana Giammichele, jointly or severally

in the City of Livingston, State of New Jersey its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or Contractors Bonding and Insurance Company, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"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, any 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."

IN WITNESS WHEREOF, the RLI Insurance Company and/or Contractors Bonding and Insurance Company, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 28th day of June, 2022.



RLI Insurance Company
Contractors Bonding and Insurance Company

By: B. W. Davis
Barton W. Davis Vice President

State of Illinois } SS
County of Peoria }

CERTIFICATE

On this 28th day of June, 2022, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the RLI Insurance Company and/or Contractors Bonding and Insurance Company and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of RLI Insurance Company and/or Contractors Bonding and Insurance Company, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the RLI Insurance Company and/or Contractors Bonding and Insurance Company this 14th day of December, 2023.

By: Catherine D. Glover
Catherine D. Glover Notary Public

RLI Insurance Company
Contractors Bonding and Insurance Company

By: Jeffrey D. Pick
Jeffrey D. Pick Corporate Secretary





P.O. BOX 3967 PEORIA, IL 61612-3967
P: (800)645-2402 E: asksurety@rlicorp.com
RLISURETY.COM

RLI Insurance Company

December 31, 2022

Admitted Assets

Investments:

Fixed maturities	\$ 1,343,631,923
Equity securities	1,268,806,758
Short-term investments	3,054,500
Real estate	27,014,108
Properties held to produce income	0
Cash and cash equivalents	57,699,481
Other invested assets	53,001,785
Receivables for securities	203,933
Agents' balances	88,924,498
Investment income due and accrued	10,365,064
Funds held	0
Reinsurance recoverable on paid losses	10,825,931
Federal income taxes receivable	1,430,379
Net deferred tax asset	11,010,858
Guarantee funds receivable or on deposit	0
Electronic data processing equipment, net of depreciation	755,308
Receivable from affiliates	0
Other admitted assets	39,343,761

Total Admitted Assets \$ 2,916,068,307

Liabilities and Surplus

Liabilities:

Reserve for unpaid losses and loss adjustment expenses	\$ 830,658,551
Unearned premiums	354,155,024
Accrued expenses	97,292,026
Funds held	422,374
Advance premiums	19,971,481
Amounts withheld	84,822,062
Remittances and items not allocated	1,448,394
Dividends declared and unpaid	44,327
Ceded reinsurance premium payable	28,148,458
Payable for securities	2,248,339
Statutory penalties	785,200
Current federal & foreign income taxes	0
Net deferred tax liability	0
Borrowed money and accrued interest	50,036,167
Drafts outstanding	0
Payable to affiliate	33,879,630
Other liabilities	4,231,114

Total Liabilities \$ 1,508,143,147

Surplus:

Common stock	\$ 10,000,375
Additional paid-in capital	242,451,084
Unassigned surplus	1,155,473,701

Total Surplus \$ 1,407,925,160

Total Liabilities and Surplus \$ 2,916,068,307

State of Illinois }

County of Peoria }

The undersigned, being duly sworn, says: That he is the President of RLI Insurance Company; that said Company is a corporation duly organized, in the State of Illinois, and licensed and engaged in business in the State of New York and has duly complied with all the requirements of the laws of said State applicable of said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under the Act of Congress approved July 1947, 6U.S.C sec. 6-13; and that to the best of his knowledge and belief the above statement is a full, true, and correct statement of the financial condition of the said Company on the 31st day of December 2022.

Attest:



{ Corporate Seal Affixed }

Craig Kliethermes President

Olga S. Happel Assistant Secretary

Sworn to before me this 10th day of March, 2023.



{ Notarial Seal Affixed }

Catherine D. Geiger Notary Public, State of Illinois

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