



**COUNTY OF ERIE  
DIVISION OF PURCHASE  
MEMORANDUM**

**To:** All Using Departments

**From:** Jamie Kucewicz, Buyer

**Date:** January 3, 2023

**Subject:** ON-CALL EMERGENCY PLUMBING SERVICES

**Bid No.:** 222249-002

**Effective Dates:** September 1, 2022 through August 31, 2024

**Vendor:** M.K.S. Plumbing Corp.  
19 Ransier Drive  
West Seneca, NY 14224

**Telephone:** (716) 675-5771

**Contact:** Joe Marchitte

**Pricing:** per attached document



# County of Erie

MARK C. POLONCARZ  
COUNTY EXECUTIVE

DIVISION OF PURCHASE

## STANDARD AGREEMENT

This AGREEMENT, made as of the 26<sup>th</sup> DAY OF SEPTEMBER, 2022

by and between M.K.S. PLUMBING CORP.

of 19 RANSIER DRIVE, WEST SENECA, NY 14224

herein after referred to as the Contractor, and the County of Erie, a municipal corporation of the State of New York, hereinafter referred to as the County:

WHEREAS, in accordance with public open competitive bidding, sealed proposals were received and publicly opened by the County of Erie, Division of Purchase

on SEPTEMBER 14, 2022 at 11:00AM

for: ON-CALL & EMERGENCY PLUMBING SERVICES

WHEREAS, the bid of the Contractor submitted in accordance therewith, the percent of overhead & profit of 10%, was the lowest responsible bid submitted; and

WHEREAS, a contract is hereby awarded to the Contractor by the County, in accordance with the provisions therein contained; and

WHEREAS, the Notice to Bidders and Specifications make provisions for entering into a proper and suitable contract in connection therewith;

NOW, therefore, the Contractor does hereby for its heirs, executors, administrators and successors agree with the County of Erie that, the Contractor shall for the consideration mentioned, and in the manner set forth in Accepted Invitation to Bid No. 222249-002, Specifications and Provisions of Law annexed hereto and forming a part of this contract, furnish the equipment and materials and perform the work and services described in the Accepted Bid for the above sum.

----- Paid monthly upon presentation of invoices.

----- Upon delivery, completion and approval of the  
work, as per specifications.

Please refer to the Invitation to Bid (Page 1) and the Instructions to Bidders which are part of this agreement.

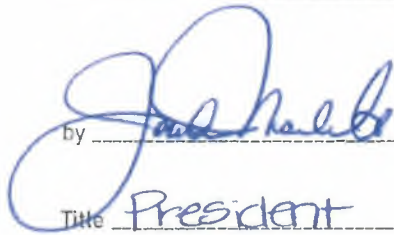
IN WITNESS THEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

COUNTY OF ERIE

CONTRACTOR: M.K.S. PLUMBING CORP.

by -----  
Director of Purchase

Date -----

by  -----  
Title President -----

Date 9/27/22 -----

APPROVED AS TO FORM

-----  
Assistant County Attorney  
County of Erie, New York

Date -----



**COUNTY OF ERIE**

MARK C. POLONCARZ  
COUNTY EXECUTIVE

DIVISION OF PURCHASE

INVITATION TO BID

Bids, as stated below, will be received and publicly opened by the Division of Purchase in accordance with the attached specifications. FAX bids are unacceptable. Bids must be submitted in a sealed envelope to:

County of Erie  
Division of Purchase  
Attention: James D. Kucewicz, Buyer (716) 858-6336  
95 Franklin Street, Room 1254  
Buffalo, New York 14202-3967

**NOTE:** Lower left hand corner of envelope **MUST** indicate the following:

BID NUMBER: 222249-002

OPENING DATE: September 14, 2012- 2022 TIME: 11:00AM

FOR: On-Call & Emergency Plumbing Services

NAME OF BIDDER: M.K.S. Plumbing Corp.

If you are submitting other Invitations to Bid, each bid must be enclosed in a separate envelope.

Following EXHIBITS are attached to and made a part of the bid specifications, and part of any agreement entered into pursuant to this Invitation to Bid:

- EXHIBIT "A" - Assignment of Public Contracts
- EXHIBIT "B" - Purchases by Other Local Governments or Special Districts
- EXHIBIT "C" - Construction/Reconstruction Contracts
- EXHIBIT "D" - Bid Bond (Formal Bid)
- EXHIBIT "E" - Bid Bond (Informal Bid)
- EXHIBIT "EP" - Equal Pay Certification
- EXHIBIT "F" - Standard Agreement
- EXHIBIT "G" - Non-Collusive Bidding Certification
- EXHIBIT "H" - MBE/ WBE Commitment
- EXHIBIT "IC" - Insurance **CLASSIFICATION "A"**
- EXHIBIT "P" & EXHIBIT "PBI" - Performance Bond
- EXHIBIT "Q" - Confined Space Program Certification
- EXHIBIT "PW" - NYS Prevailing Wage

**County of Erie**  
DIVISION OF PURCHASE  
NON-COLLUSIVE BIDDING CERTIFICATION

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

(1) the prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or any competitor;

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

(3) no attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

**NOTICE**

(Penal Law, Section 210.45)

IT IS A CRIME, PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

**BID NOT ACCEPTABLE WITHOUT FOLLOWING CERTIFICATION:**

Affirmed under penalty of perjury this 15th day of September, 20 22

TERMS \_\_\_\_\_ DELIVERY DATE AT DESTINATION \_\_\_\_\_

FIRM NAME M.K.S. Plumbing Corp.

ADDRESS 19 Ransier Drive

West Seneca, NY ZIP 14224

AUTHORIZED SIGNATURE 

TYPED NAME OF AUTHORIZED SIGNATURE Joseph A. Marchitte

TITLE President TELEPHONE NO. 716-675-5771



COUNTY OF ERIE  
 DIVISION OF PURCHASE  
 BID SPECIFICATIONS  
 BID # 222249-002

Ship to:  
 Address:

Ship Via:  
 Required at Destination:

ITEM NO.	QUAN-TITY	U/M	CATALOG NO./DESCRIPTION	UNIT PRICE	TOTAL PRICE
			Vendor to provide on-call emergency plumbing services		
			for County owned facilities, per the accompanying		
			specifications.		
			Term of the contract will be from		
			September 1, 2022 – August 31, 2024		

**NOTE:** Bid results cannot be given over the phone. All requests for bid results should be submitted in writing or faxed to:

**ERIE COUNTY DIVISION OF PURCHASE**  
 Freedom of Information Officer  
 95 Franklin Street, Rm. 1254  
 Buffalo, NY 14202  
 FAX #: 716/858-6465

**NAME OF BIDDER**  M.K.S. Plumbing Corp.

## Specifications

### Article I – General Information and Scope of Work

**1001.1** Erie County Department of Public Works requires a service/on-call contract to provide basic plumbing services utilizing all labor, material, tools, equipment, and work practices in strict accordance with all applicable codes and standards, transportation and supervision necessary to install, service plumbing systems at all Erie County owned buildings as directed by the County of Erie representative during the contract term. All work must conform to the latest edition of New York State family of building codes and local laws.

**1001.2** - Contract is for the term September 1, 2022 to August 31, 2024

**1001.3** - Contractor must be able to provide service 24 hrs./day – 7 days/week and be able to respond within one hour and be on site within two hours from time of call by a County of Erie representative. They must provide a 24-hour emergency number.

**1001.4** - Any work performed under this specification must be at current prevailing rate and contractor is responsible to provide certified payroll as required by New York State Department of Labor for every invoice submitted.

**1001.5** – The county reserves the right to terminate (with 60-day written notice) at any time, for any reason, or suspend any part of the services described herein when conditions change, operation of a county facility is reduced or discontinued or other similar circumstances take place. In the event of such termination or suspension, payment for services shall suspend without penalty.

### Article II – Quality Assurance

**2001.1** – The contractor must be fully licensed by The City of Buffalo and any of the towns and villages within Erie County.

**2001.2** – The contractor shall be a qualified service organization in active operation for a minimum of 10 years. The bidder shall furnish with their bid, a statement that they have in their employ and under their supervision, the necessary personnel and that they possess resources, located within the County of Erie, to properly fulfill all services and conditions required under these specifications.

**2001.3** – The contract will be awarded to a contractor whose primary business is plumbing repair and installation and in the plumbing business for minimum of 10 years.

**2001.4** – The contractor shall have a flawless record with the Department of Labor. Any infractions within the past 10 years, specifically regarding prevailing rate, will disqualify the bidder.

**2002.3** – Contractor to provide quality workmanship and material and be subject to inspection by Erie County Department of Public Works representative.

**Article III – Security**

**3001.1** – The County of Erie has three secure facilities:

- Erie County Holding Center
- Erie County Correctional Facility
- Erie County Youth Detention

**3001.2** – It will be necessary for the contractor's personnel to pass a criminal background check to work in the secure facilities listed. Contractor must follow security regulations in attached security document when working in any of the secured facilities.

**Article IV – Photographic and Video Documentation**

**4001.1** – Contractor must be able to provide photographic documentation of work when requested by Erie County Representative and be able to provide internal piping and sewer video inspection and documentation.

**Article V – Burn Permit**

**5001.1** – Contractor responsible to obtain burn permit from Erie County representative prior to any welding, burning, soldering in a County of Erie facility and discuss scope of work to enable building engineering personnel to disable facility fire alarm system. Upon completion of work notify engineering to enable fire alarm system for required zone.



**PROPOSAL FOR:  
CONSTRUCTION WORK  
On-Call and Emergency Plumbing Services  
All County Owned Buildings.**

Pursuant to and in compliance with advertisement for Bids, the undersigned offers to furnish all material, labor, supplies, equipment, transportation and other facilities necessary or incidental to the construction work as required by and in strict accord with the contract documents entitles: "On-Call and Emergency Plumbing Services" including all Addenda for the following sum of:

**Base Bid: Contractor's Percentage of Overhead and Profit**

Where so indicated on the Bid Proposal Form, the amount of the base bid shall be expressed in both words and figures. Where there is discrepancy between the stipulated amount expressed in words and the stipulated amount expressed in figures, the words shall govern.

Subcontractor percentage of overhead and profit will be 10% and the contractor markup on Subcontractors will be half the amount of the percentage identified as "Base Bid"

If applicable, write fractions as decimals and round to the nearest tenth.

BASE BID: 10 % ( TEN PERCENT ) ~~present~~

## **SECTION 015400 – SECURITY**

### **PART 1 – GENERAL**

#### **1.1 REFERENCE**

A. Documents affecting work of this section include but are not necessarily limited to the agreement, the technical specifications sections and the project drawings.

#### **1.2 RELATED SECTIONS**

A. All technical specification sections.

#### **1.3 SUMMARY**

A. This work of this contract may be performed at an Erie County secure detention or correctional facility.

B. Any reference to "Facility" shall mean a secure detention or correctional facility under Erie County jurisdiction.

C. Any reference to "Correction Officer" shall mean an Owner designated employee of the Facility, typically a corrections officer.

D. Any reference to "ID Officer" shall mean an Owner designated employee of the Facility, typically a corrections identifications officer.

E. Any reference to "Tool Security Officer" shall mean an Owner designated employee of the Facility, typically a corrections officer.

F. Any reference to "Security Officer" shall mean an Owner designated employee of the Facility, typically a corrections identification officer.

G. Any reference to "Captain" shall mean an Owner designated employee of the Facility, typically a corrections identification officer holding the rank Captain.

H. Any Reference to the "Contractor" shall mean Contractors, Sub-Contractors, and any/all of their employees.

I. Any persons other than a Contractor, such as suppliers and equipment manufacturers, must comply with the Facility's visitor regulations.

J. Contractors shall comply with and adhere to the Facility's security regulations and the requirements of this sections.

K. Any work actions that would constitute a breach of the Facility's security, in the opinion of the Owner or the Captain, must be addressed and resolved by the Contractor prior to the end of the work day, to the satisfaction of the Captain.

#### **1.4 SCHEDULING FOR CORRECTION OFFICER COVERAGE**

A. Anytime a Contractor is performing work within the secure perimeter of the facility, Correction Officer coverage must be provided as deemed appropriate by the Captain.

B. Notify the Facility at least 24 hours in advance of each day's work activities, regarding the number of crews which will be working, including when and where they will be working.

C. Any changes from the notified daily work activities shall make the Contractor liable for any additional costs to the Owner for Correction Officer coverage resulting from these changes.

## 1.5 SECURITY REGULATIONS

### A. BACKGROUND CHECK:

The work on this contract is being performed at a secure facility. As such, prior to entering the project site and the facility, Contractor's and Sub-contractors' employees shall have a background check performed, without charge, by the Facility I.D Officer.

Entry into the project site and facility by the captioned persons shall be subject to the approval of Erie County Sheriff's Office.

Anyone deemed inappropriate to enter the project site and facility or to perform work in a secure facility, by the owner or by the Erie County Sheriff's Office, will not be allowed access to the project site and facility.

Former inmates in the State correctional system, or any County, City, Federal jail, or lockup may not be permitted inside the project site and facility, unless reviewed and approved by the Captain, in consultation with the Facility Superintendent.

### B. WORK HOURS:

The Contractor will have access to the site to the work site, at minimum a full eight hours per day. Should the Contractor desire to in addition to the minimum eight hours, this shall be scheduled with the Facility.

The Contractor shall anticipate an additional one-hour total processing time to enter and exit the Facility per day. The actual time when the Contractor (including truck driver) may enter and exit the Facility will be established by the Facility.

Employee who are more than 15 minutes late for their scheduled entrance time may be denied entry, with exception of the Construction Superintendent and/or Project Manager.

Employees other than approved Construction Superintendents, Project Managers and truck drivers will not be allowed to leave the facility during the workday and will be required to bring their lunches and eat in the work areas.

### C. TOOL CHECK IN:

All of the Contractors' employee, tools, materials and vehicles entering a secured area must be checked in and out through an area designated by the Facility.

All Contractors working inside the Facility shall maintain inventories of all tools and other equipment. A copy of the inventory shall be forwarded to the Tool Security Officer. Contractors must notify the Tool Security Officer immediately if a tool is discovered missing.

### D. IDENTIFICATION BADGES:

A photo identification badge may be furnished and maintained by the Facility for all Contractors' employees, including Sub-Contractors' employees. Additionally, each person entering the Facility may be hand-stamped using the ultraviolet hand-stamping technique to aid in identifying people leaving the facility.

### E. ILLEGAL SUBSTANCES:

Alcoholic beverages or illegal drugs of any kind will not be allowed on Facility premises. Prescription medications must be brought to the attention of the Security Officer upon arrival. A single day supply of prescription medicine will be allowed into the facility. Persons under the influence of illegal drugs or alcohol will not allowed into the Facility. Persons under the influence of drugs or alcohol will not allowed into the Facility and may be permanently removed from the project.

### F. WEAPONS:

Firearms, ammunition or other weapons (including mace or pepper spray) will not allowed in the Facility at any time.

### G. CONTACT WITH OCCUPANTS:

Contact, communication, or exchange of any article with Facility inmates is strictly prohibited. Any attempts by inmates to contact or communicate with contractors must be reported immediately to the Security Officer on Duty.

### H. EMERGENCY SITUATIONS:

In the event of an emergency of any kind, which may interfere with the welfare or operation and security of the Facility or its personnel, the Facility reserves the right to stop work for a period of time. During this period, Contractors shall remain in designated areas and shall follow directions of any Correction Officer (s) or Facility Employee (s) on duty.

#### I. TOOLS AND TOOL CLASSIFICATIONS:

The Contractors shall check tools in and out of the Facility and the Work area, through the tool Security Officer, on a daily basis. The Contractor shall assume all responsibilities for tools checked in. Every tool checked in shall also be checked out on a daily basis.

The Contractor shall store tools authorized as allowed in the Facility and the Work area in approved, locked toolboxes, where directed by the owner, when not in use.

Certain extremely hazardous tools present a higher risk in a correctional facility setting and must be removed from the Facility daily. These extremely hazardous tools include the following:

1. Bolt Cutters
2. Locksmith tools.
3. Powder-activated tools (e.g. ram set, Hilti, etc.)
4. Pneumatic Nailer
5. Rescue saws (K-12 type, gasoline or electric)
6. Torches (all cutting-mixing gauges & torch heads)
7. Metal cutting blades and/or disc

The Tool Security Officer and the Captain will determine if any other tools brought into the Facility should be designated extremely hazardous. If any tool is designated as extremely hazardous, such tools may be required to be removed daily. These may include

1. HEPA Masks, n-95 Masks, M-17 Protective Masks, self-contained breathing apparatus, respirators, and filters. All disposable respirator masks must be accounted for, inventoried and disposed of properly.

Blueprints are regarded as tools and should be handled accordingly. All blueprints are to be secured, accounted for and turned over to the Facility at the conclusion of the project.

Tool removal from Work Area: All other tools (those not designated as extremely hazardous) must be removed from all work areas on a daily basis. If such tools are stored on site, they shall be placed within designated secure storage containers, as directed by the project documents and by the Facility.

#### J. CONSTRUCTION MATERIALS

The Contractor shall check construction materials in and out (if appropriate) of the Facility and the work area, through the Tool security Officer, on a daily basis.

The Contractor shall assume all responsibilities for material check in.

Unless approved otherwise by the Owner, all construction materials must be removed from all work areas on a daily basis.

The Tool Security Officer and the Captain will determine if any construction materials brought into the Facility should be designated extremely hazardous. If any construction material is designated as extremely hazardous, such construction material (if not incorporated into the work of the project) may be required to be removed daily.

#### K. ELECTRONIC DEVICES

##### **Cell Phones:**

The possession of cell phones within the perimeter security fences is strictly prohibited.

The use of cell phones outside the perimeter fence is permitted.

##### **Radios:**

Radios require approval for use on Facility property by the Captain of Tool Security Officer for a specific task.

If approved, radios must be checked in and out of the Work area on a daily basis by the Tool Security Officer

Radios must be removed from the Facility on a daily basis.

Radios cannot interfere, in any way, with Facility systems.

##### **Laptop Computers:**

Laptop computers (with or without modems) when necessary for the installation, maintenance, or repair of equipment will be considered for approval in Work areas.

Laptop computers shall be approved for use on Facility property by the Captain or Tool Security Officer.

Laptop computers must be removed from the Facility on a daily basis.

**Pagers:**

Only those pagers necessary for the Work of the project will be considered for approval in Work areas.

Pagers shall be approved for use on Facility property by the Captain or Tool Security Officer.

If approved, pagers must be checked in and out of the Work area on a daily basis by the Tool Security Officer.

Pagers must be removed from the Facility on a daily basis.

**Cameras:**

Only those cameras necessary for the Work of the project will be considered for approval in work areas.

Cameras shall be approved for use on Facility property by the Captain or Tool Security Officer.

Cameras must be removed from the Facility on a daily basis.

**L. CONTROL OF VEHICLES AND HEAVY EQUIPMENT:**

Only vehicles and heavy equipment necessary for the Work of the Project will be considered for approval within the Facility and in work areas.

Vehicles and heavy equipment shall be approved for use on Facility property by the Captain or Tool Security Officer.

If approved, vehicles and heavy equipment must be checked in and out of the Work area on a daily basis by the Tool Security Officer.

The contractor shall assume all responsibilities for vehicles and heavy equipment checked in.

Unless approved otherwise by the Tool Security Officer for the Captain, vehicles and heavy equipment must be removed from the Facility on a daily basis.

If approved for storage within the facility, vehicles and heavy equipment shall be stored on in designated areas, as directed by the project documents and by the Facility.

If vehicles and heavy equipment are approved to be stored within the Facility, they shall be disabled in accordance with direction given by the Facility.

All vehicles and heavy equipment containing any sort of combustible fuel, when left unattended, must be equipped with a locking fuel cap.

**M. SCAFFOLDING, HOISTS AND LADDERS**

All scaffolding, ladders and hoists shall be secured by chain and locked to a stationary object when not in use.

All scaffolding, ladders and hoists in use within the secure perimeter of the facility, shall be secured by chain, and locked to a stationary object.

All scaffolding, ladder and hoist inventory (listed by size) used in the work areas shall be maintained by the contractor. This inventory shall be checked on a daily basis by the Tool Security Officer or Captain.

**N. CONSTRUCTION DEBRIS:**

The contractor shall clean the work area of all construction debris on a daily basis.

Any construction debris that, in the opinion of the Tool Security Officer or the Captain, would jeopardize the safety and security of the Facility shall be removed from the facility immediately by the Contractor.