



VILLAGE OF FORT EDWARD

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BOARD OF TRUSTEES

Mayor Matthew Traver

Trustee Peter Williams

Trustee John Boucher, Jr.

Trustee Edward Carpenter

Trustee David Cutler

BOARD OF TRUSTEES OF THE VILLAGE OF FORT EDWARD COUNTY OF WASHINGTON, STATE OF NEW YORK

Resolution 34 of 2025-2026

RESOLUTION CONSENTING TO SUBCONTRACTOR SUBSTITUTION

Motion by: Trustee Boucher

Seconded by: Trustee Cutler

Dated: April 6, 2026

New York State Drinking Water State Revolving Fund Project No. 18458

Whereas, the Board of Trustees of the Village of Fort Edward previously authorized the Mayor to let bids for a drinking water project consisting of water tank replacement and booster pump improvements in the Village of Fort Edward (the “Project”); and

Whereas, bids were let and solicited in accordance with New York law; and

Whereas, bids received by the Village were opened and read aloud; and

Whereas, the Village’s engineers, LaBella, have reviewed the bids and issued a Project Award Recommendation Letter dated January 27, 2026 for the general construction portion of the Project; and

Whereas, the Board of Trustees awarded the contract for general construction to Trinity Construction; and

Whereas, Trinity Construction thereafter filed its list of subcontractors, including therein Caldwell Tanks, Inc. as Trinity Construction’s selected subcontractor for tank related work in accordance with the plans and specifications for the Project; and

Whereas, Trinity Construction issued a letter dated March 31, 2026 to the Village’s engineer requesting a change in subcontractor to Pittsburg Tank & Tower Group, LLC, and included therein certain allegations with regard to the contract specifications, particularly that Trinity Construction, Inc. asserted that, after review, bidding on, and being awarded a contract, it objected to Specification Section 331614, as a violation of General Municipal Law Section 103 because of (i) the use of the term “pedesphere” as a proprietary product designation, (ii) the requirement for five prior pedesphere-style builds, (iii) EMR & TRIR thresholds and (iv) the

prohibition on subcontracting the design and erection of the tank, because, Trinity Construction, Inc. asserts, the foregoing constitute a restriction on competition; and

Whereas, the Village's engineers have reviewed the request and issued a recommendation dated April 3, 2026; and

Whereas, the Board of Trustees having considered the foregoing and offered the contractor the opportunity to be heard before the Board of Trustees, is prepared to render a determination on said request.

NOW THEREFORE BE IT

Resolved, that the Board of Trustees hereby finds and determines that the allegations by Trinity Construction, Inc. that the plans and specifications of the Project somehow contradict or violate the provisions of New York General Municipal Law Section 103 are without merit. The requirements set forth in Section 33 16 44 of the contract documents provide relevant criteria by which the Village and its engineers can be assured that the tank to be supplied will provide the Village with a safe and properly constructed tank, and do not unduly restrict competition to one or more suppliers. The Village neither selected nor intended to select or direct the manufacturer of the tank to a single or limited source, and in fact, Trinity Construction, Inc. itself originally submitted its list of subcontractors, without objection, evidencing its intent to select Caldwell Group, Inc. That Trinity Construction, Inc. has now decided that it wishes to revisit its choice has no bearing on the legality of the specifications, and as such, the Board of Trustees rejects the allegations set forth in Trinity Construction, Inc.'s letter of March 31, 2026.; and be it further

Resolved, that based on the recommendation of the Village's engineers in evaluating the technical aspects of the request, and the discussion held by the Board of Trustees on April 6, 2026, the Board of Trustees consents to the substitution of Pittsburg Tank & Tower Group, LLC in the place of Caldwell Tanks, Inc., as subcontractor to Trinity Construction, Inc., in accordance with the plans, specifications and contract documents between the Village and Trinity Construction, Inc. subject to the following conditions:

The substitution is approved solely as to the identity of the tank subcontractor/manufacturer and does not otherwise modify the contract documents;

The substitution shall result in no increase in Contract Price and no extension of Contract Time, as defined in the contract documents;

Prior to commencement of any tank work, Trinity shall provide an updated Certificate of Insurance for Pittsburg Tank & Tower Group naming the Village of Fort Edward and LaBella Associates, DPC as an additional insured and meeting all insurance requirements of the Contract Documents;

Trinity shall remain fully responsible for the substituted subcontractor/manufacturer and for full compliance with all Contract requirements, including submittals, design, fabrication, erection, coatings, testing, warranties, insurance, bonds, and schedule obligations;

The Village's consent is based on the specific documentation submitted with this request and shall not establish precedent for any future substitution request;

Prior to commencing any tank work, LaBella shall confirm that Pittsburg satisfies all applicable DWSRF program requirements, and the Village shall thereafter provide written notice of the substitution to the Environmental Facilities Corporation (EFC) consistent with the requirements of the project's Drinking Water State Revolving Fund (DWSRF) financing;

All remaining requirements of the Contract Documents shall remain in full force and effect; and

That this resolution, Trinity Construction, Inc.'s substitution request, and LaBella Associates DPC's recommendation are hereby be made part of the Village's public record for the Project; and be it further

Resolved, that this resolution shall constitute an action of the Board of Trustees taken this 6th day of April 6, 2026, and shall take effect immediately.

ROLL CALL VOTE

Trustee Boucher - Yes

Trustee Cutler - Yes

Trustee Carpenter - Yes

Trustee Williams - Absent