

ERIE COUNTY WATER AUTHORITY  
 AUTHORIZATION FORM  
 For Approval/Execution of Documents  
 (check which apply)

**Contract:** 16-16-07 **Project No.:** 201400160  
**Project Description:** Distribution SCADA Replacement  
Contract EMA-003-A

**Item Description:**

Agreement     Professional Service Contract     Amendment     Change Order  
 BCD     NYSDOT Agreement     Contract Documents     Addendum  
 Recommendation for Award of Contract     Recommendation to Reject Bids  
 Request for Proposals  
 Other Final Payment Application MEMO 32 \$59,889.31

**Action Requested:**

Board Authorization to Execute     Legal Approval  
 Board Authorization to Award     Execution by the Chairman  
 Board Authorization to Advertise for Bids     Execution by the Secretary to the Authority  
 Board Authorization to Solicit Request for Proposals  
 Other Board Approval

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

Department Head [Signature] Date: 4/5/19  
 Risk Manager [Signature] Date: 04/26/2019  
 Director of Administration \_\_\_\_\_ Date: \_\_\_\_\_  
 Executive Engineer Russell J. Stal Date: 4/5/19

**APPROVED AS TO FORM:**

Legal [Signature] Date: 4/26/19

**APPROVED FOR BOARD RESOLUTION:**

Secretary to the Authority Margaret A. Murphy Date: 4/26/19

**Remarks:** Amount certified for Final Payment: \$59,889.31

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

April 5, 2019

To: Terrence D. McCracken, Secretary to the Authority

From: Michael T. Haendiges, Production Engineer *MTH*

Subject: Contract EMA-003A  
Distribution SCADA Replacement  
ECWA Project No. 201400160  
Final Payment Application

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The following documents are attached for processing of the Final Pay Application for the above referenced project.

- Blue Authorization Form - this form provides the project name and project number, the action that is being requested of the Board, and it provides a list of approvals that are required prior to being acted on by the Board.
- ECWA Final Payment Application Checklist and Packet.

The checklist indicates that the contractor has provided all of the proper documentation to close out the contract, including the required WMBE Utilization Report – Part D and Final Certified Payrolls, which were already reviewed and approved by Director of EEO (ECWA). The entire Final Pay Application package has to be reviewed by Risk Manager and Legal Department prior to Board action. The amount certified for Final Payment is \$59,889.31.

MTH:jmf  
Attachment  
cc: R.Stoll  
L.Kowalski  
D.Patton  
CONT-EMA-003-A-1401-I-186-B



EMA, Inc.  
2355 Highway 36 West, Suite 200  
St. Paul, MN 55113-3819  
Phone: 651.639.5600  
www.ema-inc.com

April 2, 2019

Mr. Greg Merriam  
Project Manager  
Kaman Automation.  
245 Cooper Ave.  
Tonawanda, NY 14150

Re: Erie County Water Authority  
Contract Number: EMA-3A  
Project Number: 201400160  
Distribution SCADA Replacement

Dear Mr. Merriam,

Please be advised that all work on the above referenced project has been completed in general conformance with the requirements of the Contract Documents. The final contract value is \$1,428,693.66 of which \$1,368,804.35 in payments have been previously made to you. The balance due is \$59,889.31, which is return of retention monies previously withheld equal to \$71,447.57 less an \$11,558.26 over payment.

Attached please find MEMO 32 with the final payment value of \$59,889.31. Please sign and return for further processing. Please note that we also request the following:

1. Evidence the surety bond remains in effect throughout the warranty period. This shall be on the surety's or surety agent's letterhead. This is in accordance with Article 5.01 of the General Conditions, modified by 5.01A of the Supplementary Conditions, which states the payment bond shall remain in effect for one year and the performance bond shall remain in effect for two years after final payment becomes due. The bond shall be in the amount of \$1,428,693.66.

The surety or surety agent shall include the following statement in their letter:

*Be advised that, in accordance with Article 5.01 of the General Conditions, modified by 5.01A of the Supplementary Conditions, the performance bond for the above captioned project will remain in full force and effect for two (2) years after final acceptance and the payment bond will remain in effect for one (1) year after the date of final acceptance.*

2. As required per the Contract Documents, please furnish the following:
  - a. A general release (copy attached for your use, Form 507).

- b. Evidence that all payrolls, amounts due to sub-contractors, etc. have been paid. Utilize AIA Form G706.

The following statement shall be included on the AIA Form G706:

*The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or Owner's property might in any way be held responsible or encumbered.*

- c. A statement that all bills for labor and materials have been paid. Utilize AIA Form G706A.

The following statement shall be included on the AIA Form G706A:

*The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.*

- d. Consent of Surety to Final Payment. Utilize AIA Form G707.
- e. Copies of certified payrolls.
- f. Part D of the MWBE.

Upon receipt of all the above documentation, we will process the final payment application. If you have any questions, please do not hesitate to call.

Sincerely yours,  
EMA Inc.



Gary Scheerer  
Contract Administrator



EMA, Inc.  
PO Box 1414 – BMO-94  
Minneapolis, MN 55480-1414

[www.ema-inc.com](http://www.ema-inc.com)

## **MEMO 32**

**DATE:** April 2, 2019  
**TO:** Greg Merriam  
**FROM:** Gary Scheerer  
**CC:** Dean Foote, Mike Haendiges  
**SUBJECT:** Erie County Water Authority Distribution SCADA Replacement Project **Final Payment Value**

**Project:** Erie County Water Authority Distribution SCADA Replacement

**Contract Number:** EMA-03A

**Project Number:** 201400160

**Engineer:** EMA Inc.

**Contractor:** Kaman Automation Inc.

245 Cooper Avenue

Tonawanda, New York 14150

The following table itemizes the project values and payments throughout the contract. There was an overpayment of an invoice during the project for \$11,558.26, and this amount is being deducted from the final payment value. The retention for the contract is \$71,447.57 less the overpayment amount. The final contract value is \$1,428,693.66 with a final payment amount of \$59,889.31.

**Certificate of Final Payment:**

I hereby certify that according to the above-mentioned Contract, the work done, and materials furnished under the Contract, both inclusive, and the value thereof, being \$59,889.31 as required by Article 6.03 of the said Contract.

Prepared By	<u>Gary Scheerer</u> Print Name	<u></u> Signature	<u>April 3, 2019</u> Date
Contractor	<u>Gregory H. Merriam</u> Print Name	<u></u> Signature	<u>4/4/19</u> Date
Production Engineer	<u>Michael Haendiges</u> Print Name	<u></u> Signature	<u>4/26/19</u> Date
Executive Engineer	<u>Russell J. Stoll</u> Print Name	<u></u> Signature	<u>4/26/19</u> Date

Date	Title	Amount	
	Base Contract	\$1,221,760.00	
3/30/2017	CO 1 Memo 12	\$142,732.25	
3/23/2018	CO 2 Memo 18	\$101,013.00	
8/21/2018	CO 3 Memo 24	(\$155.00)	
<del>1/29/2019</del>	<del>CO 4 Memo 30</del>		-
	Total Contract Value	\$1,465,350.25	
		<b>Paid Kaman</b>	
			<b>Retention</b>
9/14/2016	AIA #1	\$164,058.03	
11/10/2016	AIA #2	\$173,058.03	
2/22/2017	AIA #3	\$15,232.00	
3/30/2017	Invoice STD0265349	\$11,558.26	
6/25/2017	AIA #4	\$143,462.80	
7/13/2017	AIA #5	\$48,284.59	\$28,650.16
9/28/2017	AIA #6	\$152,279.37	\$8,014.71
11/9/2017	AIA #7	\$114,523.93	\$6,027.57
2/12/2018	AIA #8	\$53,574.82	\$2,819.73
5/3/2018	AIA #9	\$78,336.76	\$4,122.99
7/11/2018	AIA #10	\$98,629.47	\$5,191.02
9/10/2018	AIA #11	\$137,751.69	\$7,250.09
10/15/2018	AIA #12	\$53,259.44	\$2,803.13
12/20/2018	AIA #13	\$124,795.16	\$6,568.17
	Paid to Date	<b>\$1,368,804.35</b>	<b>\$71,447.57</b>
	Retention Total	\$71,447.57	
	Project Total	<b>\$1,440,251.92</b>	
	Double billing deduction	(\$11,558.26)	
	<b>Final Contract Value</b>	<b>\$1,428,693.66</b>	
	Unused Contract Funds	<b>\$36,656.59</b>	
	Calculated Contract Value	<b>\$1,465,350.25</b>	
	Retention Total	\$71,447.57	
	Double billing deduction	(\$11,558.26)	
	<b>Final Payment Value</b>	<b>\$59,889.31</b>	

# Erie County Water Authority

## Final Payment Application

### CHECK LIST: Items to Accompany Final Payment Application

- 1. Blue Authorization Form
- 2. Statement by Consultant, if applicable, certifying that all work was performed in general conformance to plans and specifications and recommend that Final Payment be made. If no Consultant, ECWA Engineering should recommend the Final Payment be made.
- 3. Final Payment Application. The Amount Certified for Final Payment must be written on the Blue Authorization Form.

### Insurance & Bond Requirements

- 4. Evidence that Insurance is in effect for two years. This is usually evident on the Certificates of Insurance that are issued.
- 5. Certification that Performance Bond is in effect for two years and Payment Bond is in effect for one year.

### Release & AIA Forms

- 6. Form 507 Release by Corporation
- 7. AIA G706, Contractor's Affidavit of Payment of Debts and Claims
- 8. AIA G706A, Contractor's Affidavit of Release of Liens
- 9. AIA G707, Consent of Surety to Final Payment

### EEO Requirements

- 10. M/WBE Utilization Report – Part D
- 11. Final Certified Payrolls

### DISTRIBUTION:

#### To Accounts Payable

- After the Final Payment Application has been approved by the ECWA Board of Commissioners, a PDF copy can be emailed to [accountspayable@ECWA.org](mailto:accountspayable@ECWA.org)

#### To ECWA Engineering

- A hard copy of the entire Final Payment Application should be placed in the files.
- A PDF copy of the Final Payment Application should be saved to the appropriate project folder on the network.

#### EEO:

- M/WBE Part D
- Certified Payrolls