

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

Contract: NC-036 **Project No.:** 201700090
Project Description: Water System Improvements, Towns of Cheektowaga and Clarence

Item Description:



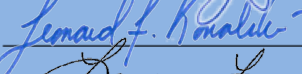


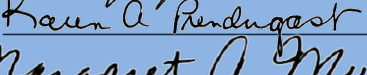

- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT Agreement | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum |
| <input type="checkbox"/> Recommendation for Award of Contract | <input type="checkbox"/> Recommendation to Reject Bids | | |
| <input type="checkbox"/> Request for Proposals | | | |
| <input checked="" type="checkbox"/> Other <u>Final Pay Application</u> | | | |

Action Requested:

- | | |
|---|--|
| <input type="checkbox"/> Board Authorization to Execute | <input checked="" type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input type="checkbox"/> Execution by the Chairman |
| <input type="checkbox"/> Board Authorization to Advertise for Bids | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals | |
| <input checked="" type="checkbox"/> Other <u>Board Approval</u> | |

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Sr. Distribution Engineer		Date: <u>5/21/2020</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>5/22/2020</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>5/21/2020</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>5.26.2020</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>05/27/2020</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>05/26/2020</u>
<input checked="" type="checkbox"/> Legal		Date: <u>05/21/2020</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>05/27/2020</u>
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Remarks: Amount certified for Final Payment \$91,280.06

Resolution Date: _____

Item No: _____



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

May 20, 2020

To: Terrence D. McCracken, Secretary to the Authority

From: Jeffrey R. Sylvester, Distribution Engineer

A handwritten signature in blue ink, appearing to be "JRS", is written next to the name Jeffrey R. Sylvester.

Subject: Contract NC-036
Water System Improvements
Towns of Cheektowaga and Clarence
ECWA Project No. 201700090

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, DJM Contracting, Inc., has provided all 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 \$91,280.06.

JRS:jmf

Attachment

cc: R.Stoll

L.Kowalski

M.Quinn

L.Lester

CONT-NC--1701-I-186-B

May 7, 2020 - Revised
March 11, 2020 - Original



Jeffrey R. Sylvester
Distribution Engineer
Erie County Water Authority
3030 Union Road
Cheektowaga, NY 14227

Re: Contract NC-36
Water System Improvements
Towns of Clarence and Cheektowaga
ECWA Project No. 201700090
File No. 17J1-0017

Dear Mr. Sylvester:

DJM Contracting, Inc. (DJM) has completed all work on the referenced project and has requested final payment. Enclosed please find three (3) originals of the Final Payment Application submitted by DJM. This payment application consists of the release of the retention for the contract. Also enclosed with this letter is the following:

- Change Order No. 2/Final (1 original, 2 copies)
- Surety Bond Letter for Warranty Period (2 originals, 1 copy)
- Form 507 Release-General (by Corporation) (1 original, 2 copies)
- AIA Document G706 – Contractor's Affidavit of Payment of Debts and Claims (1 original, 2 copies)
- AIA Document G706A – Contractor's Affidavit of Release of Liens (1 original, 2 copies)
- AIA Document G707 – Consent of Surety to Final Payment (2 originals, 1 copy)
- Part D of WMBE policy (3 originals)

Nussbaumer & Clarke, Inc. has reviewed the application and supporting documentation and find it accurate as to the amount of work performed in accordance with the contract documents. We hereby certify that all work has been performed in general conformance with the plans and specifications. We therefore recommend that final payment be made to DJM Contracting, Inc. in the amount of \$91,280.06.

It is noted that we have sent a copy of the Minority Business Enterprise Utilization Report-Part D, signed by the contractor, to Lavonya Lester.

If you should have any questions or require additional information regarding this matter, please do not hesitate to contact us.

Sincerely,

NUSSBAUMER & CLARKE, INC.

Travis Sikora, E.I.T.
Civil Engineer

Enclosures

c: Daniel Munich, DJM Contracting, Inc.
File – 02 and 10

ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE		Contractor's Application for Payment No. 8	
Application Period: November 1, 2018-December 14, 2018		Application Date: 2/28/2020	
To (Owner): Erie County Water Authority	From (Contractor): DJM CONTRACTING, INC	Via (Engineer): Nussbaumer & Clarke-Dan Calabrese	
Project: Water Systems Improvement	Contract: Town's of Clarence & Cheektowaga	Owner's Project No. 201700090	
Owner's Contract No.: NC-36	Contractor's Project No. NC-36		

Application For Payment Change Order Summary

Change Order Summary		
Approved Change Orders		
Number	Additions	Deductions
TOTALS		
NET CHANGE BY CHANGE ORDERS		

- | | | |
|---|----|----------------|
| 1. ORIGINAL CONTRACT PRICE..... | \$ | \$2,027,546.00 |
| 2. Net change by Change Orders..... | \$ | \$201,944.83 |
| 3. Current Contract Price (Line 1 ± 2)..... | \$ | \$1,825,601.17 |
| 4. TOTAL COMPLETED AND STORED TO DATE
(Column F on Progress Estimate)..... | \$ | \$1,825,601.17 |
| 5. RETAINAGE: | | |
| a. 5% ##### | \$ | \$91,280.06 |
| b. 10% X _____ Stored Material..... | \$ | |
| c. Total Retainage (Line 5a + Line 5b)..... | \$ | \$91,280.06 |
| 6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)..... | \$ | \$1,825,601.17 |
| 7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application) | \$ | \$1,734,321.11 |
| 8. AMOUNT DUE THIS APPLICATION..... | \$ | \$91,280.06 |
| 9. BALANCE TO FINISH, PLUS RETAINAGE | \$ | |

Contractor's Certification

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: <i>Paul Smith</i>	Date: <i>3/1/2020</i>
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Payment of: \$ 41,280.06
(Line 8 or other - attach explanation of the other amount)

is recommended by:  (Engineer) 3/6/2020 (Date)

Payment of: \$ _____
(Line 8 or other - attach explanation of the other amount)

is approved by: _____ (Owner) _____ (Date)

Approved by: _____
Funding Agency (if applicable) (Date)

Progress Estimate - Unit Price Work						Contractor's Application				
For (Contract):		Erie County Water Authority				Application Number:		7		
Application Period:		November 1, 2018-December 14, 2018				Application Date:		12/28/2018		
A				B	C	D	E	F		
Item										
Bid Item No.	Description	Bid Item Quantity	Unit Price	Bid Item Value (\$)	Work Completed Previously Quantity	Work Completed Previously Total Cost	Work Completed This Period Quantity	Work Completed This Period Total Cost	Total Work Completed to Date Quantity	Total Work Completed To Date Total Cost
1A2	6inch DIP Watermain	350	\$14.00	\$4,900.00	192.45	\$2,694.30			192.45	\$2,694.30
1A3	8in DIP Watermain	9000	\$64.50	\$580,500.00	8,370.16	\$539,875.32			8,370.16	\$539,875.32
2A1	6inch Gate Valve	1	\$3,333.00	\$3,333.00						
2A2	8inch Gate Valve	32	\$3,500.00	\$112,000.00	33.00	\$115,500.00			33.00	\$115,500.00
2 E1	Permanent Blow Off	1	\$2,700.00	\$2,700.00	2.00	\$5,400.00			2.00	\$5,400.00
3A	New Fire Hydrant Assemblies	18	\$5,100.00	\$91,800.00	18.00	\$91,800.00			18.00	\$91,800.00
3C	Fire Hydrant Abandonment	16	\$880.00	\$14,080.00	16.00	\$14,080.00			16.00	\$14,080.00
4A	Test Pits	60	\$100.00	\$6,000.00	22.00	\$2,200.00			22.00	\$2,200.00
5A	Rock Excavation	50	\$100.00	\$5,000.00	44.59	\$4,459.00			44.59	\$4,459.00
6A	Select Backfill	4000	\$29.00	\$116,000.00	4,130.93	\$119,796.97			4,130.93	\$119,796.97
7A	Interconnection 1- Stahley Rd	1	\$29,400.00	\$29,400.00	1	\$29,400.00			1.00	\$29,400.00
7B	Interconnection 2- Stahley Rd	1	\$23,919.00	\$23,919.00	1	\$23,919.00			1.00	\$23,919.00
7C	Interconnection 3-Rosewood Terrace	1	\$18,500.00	\$18,500.00	1	\$18,500.00			1.00	\$18,500.00
7D	Interconnection 4-Ivanhoe Rd	1	\$14,566.00	\$14,566.00	1	\$14,566.00			1.00	\$14,566.00
7E	Interconnection 5- Rosewood Terrace	1	\$16,200.00	\$16,200.00	1	\$16,200.00			1.00	\$16,200.00
7F	Interconnection 6-Rosewood Terrace	1	\$14,566.00	\$14,566.00	1	\$14,566.00			1.00	\$14,566.00
7G	Interconnection 7- Rosewood Terrace	1	\$16,200.00	\$16,200.00	1	\$16,200.00			1.00	\$16,200.00
7H	Interconnection 8- Eastland Parkway	1	\$14,566.00	\$14,566.00	1	\$14,566.00			1.00	\$14,566.00
7I	Interconnection 9-Central Boulevard	1	\$20,616.00	\$20,616.00	1	\$20,616.00			1.00	\$20,616.00
7J	Interconnection 10- East Delevan Avenue	1	\$15,000.00	\$15,000.00	1	\$15,000.00			1.00	\$15,000.00
7K	Interconnection 11-East Delevan Avenue	1	\$15,000.00	\$15,000.00					1.00	\$15,000.00
7L	Interconnection 12-East Delevan Avenue	1	\$15,000.00	\$15,000.00	1	\$15,000.00			1.00	\$15,000.00
7M	Interconnection 13-Eggert Road	1	\$15,000.00	\$15,000.00	1	\$15,000.00			1.00	\$15,000.00
7N	Interconnection 14-Eggert Road	1	\$15,000.00	\$15,000.00	1	\$15,000.00			1.00	\$15,000.00
7O	Interconnection 15-Ivanhoe Road	1	\$17,500.00	\$17,500.00	1	\$17,500.00			1.00	\$17,500.00
8A1	Near Side 3/4" to 1" Service Installation	140	\$1,720.00	\$240,800.00	131	\$225,320.00			131.00	\$225,320.00
8B1	Far Side 3/4" to 1" Service Installation	100	\$1,920.00	\$192,000.00	102	\$195,840.00			102.00	\$195,840.00
8C1	Additional 3/4" to 1" Copper Tubing	6000	\$0.50	\$3,000.00	6188.75	\$3,094.38			6,188.75	\$3,094.38
10A	Abandonment 1-Stahley Road	1	\$5,200.00	\$5,200.00	1	\$5,200.00			1.00	\$5,200.00
10B	Abandonment 2-Central Boulevard	1	\$5,900.00	\$5,900.00	1	\$5,900.00			1.00	\$5,900.00
10C	Abandonment 3-Eggert Road	1	\$5,200.00	\$5,200.00	1	\$5,200.00			1.00	\$5,200.00
10D	Abandonment 4-Ivanhoe Road	1	\$5,200.00	\$5,200.00	1	\$5,200.00			1.00	\$5,200.00
11A1	Concrete Sidewalk Restoration	1500	\$33.00	\$49,500.00	225.69	\$7,447.77			225.69	\$7,447.77
11A2	Concrete Driveway Restoration	1200	\$35.00	\$42,000.00	433.78	\$15,182.30			433.78	\$15,182.30

Item				Bid Item Quantity	Unit Price	Bid Item Value (\$)	Work Completed Previously Quantity	Work Completed Previously Total Cost	Work Completed This Period Quantity	Work Completed This Period Total Cost	Total Work Completed to Date Quantity	Total Work Completed To Date Total Cost
Bid Item No.	Description											
11A3	Concrete Base Course			100	\$30.00	\$3,000.00	5.33	\$159.90			5.33	\$159.90
11A4	Curb/Gutter Restoration			300	\$15.00	\$4,500.00	64.67	\$970.05			64.67	\$970.05
11B2	Asphalt Driveway Restoration			350	\$55.00	\$19,250.00	154.64	\$8,505.20			154.64	\$8,505.20
11B3	Pavement Top Course			2500	\$22.00	\$55,000.00	1797.56	\$39,546.32			1,797.56	\$39,546.32
11B4	Pavement Binder Course			2500	\$31.00	\$77,500.00	2755.73	\$85,427.63			2,755.73	\$85,427.63
11B5	Pavement Base Course			2500	\$18.00	\$45,000.00	1117.81	\$20,120.58			1,117.81	\$20,120.58
11C1	Landscape Restoration			4500	\$5.00	\$22,500.00	4399.16	\$21,995.80			4,399.16	\$21,995.80
11C2	Tree Planting			20	\$250.00	\$5,000.00						
11C3	Tree Removal (Less than 12inch diameter)			5	\$400.00	\$2,000.00	2	\$800.00			2.00	\$800.00
11C4	Tree Removal (Greater than 12inch diameter)			15	\$500.00	\$7,500.00	10	\$5,000.00			10.00	\$5,000.00
12A	Testing and Disinfection			9350	\$4.00	\$37,400.00	8213.16	\$32,852.64			8,213.16	\$32,852.64
13A	Extra Excavation (8 to 10 feet deep)			50	\$20.00	\$1,000.00						
13B	Extra Excavation (10 to 12 feet deep)			25	\$20.00	\$500.00						
13C	Extra Concrete			25	\$50.00	\$1,250.00						
	Totals					\$2,027,546.00		\$1,825,601.17				\$1,825,601.16



December 18, 2019

Erie County Water Authority
295 Main Street, Room 350
Buffalo, NY 14203

**RE: DJM Contracting Inc.
Hamburg, NY 14075
Bond Number: NEFSU0737126
Contract No. NC-36 – Water System Improvements - Towns of Cheektowaga and
Clarence – Project No. 201700090**

To Whom It May Concern:

On March 22nd, 2018 a Performance and Payment bond was issued for the above client for Contract No. NC-36 - Water System Improvements for the Towns of Cheektowaga and Clarence – Project No. 201700090. It is our understanding that this project is complete and the contract can be closed out.

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 final payment becomes due.

Please contact the undersigned should you have any questions or require anything additional.

Sincerely,
International Fidelity Insurance Company

Timothy M. Toole, Attorney-in-Fact
ttoole@lawleyinsurance.com
(716) 849-1523 (direct)

ACKNOWLEDGEMENT OF SURETY

STATE OF New York)
COUNTY OF Erie) ss
CITY OF BUFFALO)

On this 18th day of December in the year 2019, before me personally
came Timothy M. Toole , to me known, who, being by me duly sworn, did depose
and say that he/she/they reside (s) Buffalo, NY , that he/she/they (is) (are) the
Attorney-in -Fact duly appointed of the International Fidelity Insurance Company
the corporation described in and which executed the above instrument; that he/she/they
know(s) the seal of said corporation; that the seal affixed to said instrument is such corporate
seal; that it was so affixed by authority of the board of directors of said corporation, and that
he/she/they signed his/her/their name(s) thereto by like authority.



NOTARY PUBLIC

ALISSA J WOLF
Notary Public, State of New York
No. 01WC0224714
Qualified in Erie County
Commission Expires June 24, 2021

POWER OF ATTORNEY
INTERNATIONAL FIDELITY INSURANCE COMPANY
ALLEGHENY CASUALTY COMPANY

Bond # NEIFSU0737126

One Newark Center, 20th Floor, Newark, New Jersey 07102-5207 PHONE: (973) 624-7200

KNOW ALL MEN BY THESE PRESENTS: That **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and **ALLEGHENY CASUALTY COMPANY** a corporation organized and existing under the laws of the State of New Jersey, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

TIMOTHY M. TOOLE, CHRISTOPHER D. ROSS, WILLIAM J. LAWLEY, JR.

Buffalo, NY

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of **ALLEGHENY CASUALTY COMPANY** at a meeting duly held on the 10th day of July, 2015 :

"RESOLVED, that (1) the Chief Executive Officer, President, Executive Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **INTERNATIONAL FIDELITY INSURANCE COMPANY** and
ALLEGHENY CASUALTY COMPANY have each executed and attested these presents
on this 31st day of December, 2017

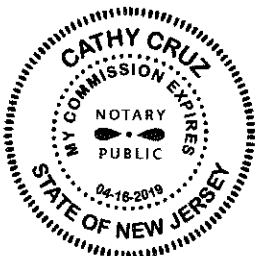


STATE OF NEW JERSEY
County of Essex

George R. James
Executive Vice President (International Fidelity Insurance Company) and
Vice President (Allegheny Casualty Company)



On this 31st day of December, 2017, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Cathy Cruz a Notary Public of New Jersey
My Commission Expires April 16, 2019

CERTIFICATION

I, the undersigned officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, 18th day of December, 2019

Maria H. Branco, Assistant Secretary

INTERNATIONAL FIDELITY INSURANCE COMPANY
ONE NEWARK CENTER, 20TH FLOOR, NEWARK, NEW JERSEY 07102-5207

STATEMENT OF ASSETS, LIABILITIES, SURPLUS AND OTHER FUNDS

AT DECEMBER 31, 2017

<u>ASSETS</u>	
Bonds (Amortized Value)	\$129,146,944
Common Stocks (Market Value)	35,217,707
Mortgage Loans on Real Estate	354,803
Cash, Bank Deposits & Short Term Investments	19,878,873
Unpaid Premiums & Assumed Balances	9,751,860
Reinsurance Recoverable from Reinsurers	(115,529)
Electronic Data Processing Equipment	138,265
Investment Income Due and Accrued	918,427
Net Deferred Tax Assets	2,545,704
Receivables from Parent, Subsidiaries & Affiliates	37,109
Other Assets	<u>21,934,273</u>
TOTAL ASSETS	<u>\$219,808,436</u>
<u>LIABILITIES, SURPLUS & OTHER FUNDS</u>	
Losses (Reported Losses Net as to Reinsurance Ceded and Incurred But Not Reported Losses)	\$5,279,222
Reinsurance Payable on Paid Losses and Loss Adjustment Expenses	1,078,655
Loss Adjustment Expenses	3,559,438
Commissions Payable, Contingent Commissions & Other Similar Charges ..	1,386,906
Other Expenses (Excluding Taxes, Licenses and Fees)	6,393,991
Taxes, Licenses & Fees (Excluding Federal Income Tax)	282,722
Current Federal and Foreign Income Taxes	58,761
Unearned Premiums	36,204,847
Dividends Declared & Unpaid: Policyholders & Stockholders	1,294,389
Ceded Reinsurance Premiums Payable	2,089,984
Funds Held by Company under Reinsurance Treaties	1,031
Amounts Withheld by Company for Account of Others	60,144,796
Provision for Reinsurance	72,386
Payable to Parent, Subsidiaries and Affiliates	57,862
Other Liabilities	<u>7,654,547</u>
TOTAL LIABILITIES	<u>\$125,559,537</u>
Common Capital Stock	\$1,500,000
Gross Paid-in & Contributed Surplus	374,600
Surplus Notes	16,000,000
Unassigned Funds (Surplus)	76,879,289
Less: Treasury Stock at cost (21,904 shares common) (value incl. \$45.)	<u>504,990</u>
Surplus as Regards Policyholders	<u>\$94,248,899</u>
TOTAL LIABILITIES, SURPLUS & OTHER FUNDS	<u>\$219,808,436</u>

I, Francis L. Mitterhoff, President of INTERNATIONAL FIDELITY INSURANCE COMPANY, certify that the foregoing is a fair statement of Assets, Liabilities, Surplus and Other Funds of this Company, at the close of business, December 31, 2017, as reflected by its books and records and as reported in its statement on file with the Insurance Department of the State of New Jersey.



IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the Company, this 23rd day of February, 2018.
INTERNATIONAL FIDELITY INSURANCE COMPANY

A handwritten signature in black ink, appearing to read "F. Mitterhoff", written over a horizontal line.

***To all to Whom these Presents shall Come,
or may concern:***

Greeting: Know Ye, That [

***DJM Contracting, Inc.
7147 Boston State Road
Hamburg, NY 14075***

NAME AND ADDRESS OF CORPORATION]

*for and in consideration of the sum of one million eight hundred twenty-five thousand six hundred
and one dollars and seventeen cents (\$1,825,601.17),*

lawful money of the United States of America to its duly authorized officer in hand paid by the

Erie County Water Authority,

the receipt whereof is hereby acknowledged, has remised, released, and forever discharged, and

by these presents does for itself, its successors and assigns, remise, release and forever discharge

*the said **Erie County Water Authority,***

heirs, executors, administrators, successors and assigns, of and from all, and all manner of action

and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckoning,

bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances,

trespasses, damages, judgments, extents, executions, claims and demands whatsoever, in law or

in equity, which against the said:

DJM, Contracting, Inc.

(NAME OF CORPORATION)

ever had, now has or which it or its successors or assigns, hereafter can, shall or may have for,

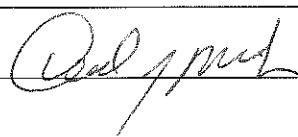
upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the

day of the date of these presents.

In Presence of

In Witness Whereof, the

DJM Contracting INC has caused its
corporate seal to be hereunto affixed, and
these presents to be signed by its duly
authorized officer this 12/26/2019
day of Two Thousand
and Nineteen.


By 

State of New York }

County of } ss..

Erie of NY }

On this 26 day of December, Two Thousand
and Nineteen, before me personally came Daniel Munich,
to me personally known who, being by me duly sworn did depose and say that he/she resides in
Eden, NY, that he/she
is the President of DJM Contracting INC, the
corporation described in and which executed the above Instrument, that he/she knows the seal of
said corporation; that it was so affixed to said Instrument is such corporate seal; that it was so
affixed by order of the Board of Directors of said corporation, and he/she signed his/her name
thereto by like order.


Senior Relationship Banker

CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS

AIA Document G706

(Instructions on reverse side)

OWNER ☐

ARCHITECT ☐

CONTRACTOR ☐

SURETY ☐

OTHER ☐

TO OWNER: *ERIE County water Authority*
(Name and address) *295 MAIN STREET Room 350*
Buffalo NY 14203

ARCHITECT'S PROJECT NO.: *20100090*

CONTRACT FOR: *ERIE County Water Authority*

PROJECT:

(Name and address)

Waterline Improvement
Town of Cheektowague
Town of Clarence

CONTRACT DATED: *April 2010*

STATE OF:

COUNTY OF:

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.

EXCEPTIONS:

NONE

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required. AIA Document G707, Consent of Surety, may be used for this purpose.

Indicate attachment: ☐ yes ☐ no

The following supporting documents should be attached hereto if required by the Owner:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.
3. Contractor's Affidavit of Release of Liens (AIA Document G706A).

CONTRACTOR: *DJM Contracting INC.*
(Name and address) *7174 Boston STATE RD*
Hamburg NY 14075

BY:

(Signature of authorized representative)

Daniel J. Munich
DANIEL J. MUNICH President
(Printed name and title)

Subscribed and sworn to before me on this date: *1/21/2020*

Notary Public:

Carlyn J. Szarowicz
CARLYN J. SZAROWICZ
NOTARY PUBLIC STATE OF NEW YORK
ERIE
LIC. #01SZ6320817
COMM. EXP. 03/09/2023

My Commission Expires:



CAUTION: You should sign an original AIA document that has this caution printed in red. An original assures that changes will not be obscured as may occur when documents are reproduced. See Instruction Sheet for Limited License for Reproduction of this document.



AIA DOCUMENT G706 • CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS
1994 EDITION • AIA • ©1994 • THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK
AVENUE, N.W., WASHINGTON, D.C. 20006-5292 • WARNING: Unlicensed photocopying
violates U.S. copyright law and may be subject to civil and criminal penalties.

**AIA****Document G706A™ – 1994****Contractor's Affidavit of Release of Liens**

PROJECT: (Name and address) waterline improvements Town of Cheektowaga Town of Cheektowaga	ARCHITECT'S PROJECT NUMBER: 20100090	OWNER: <input type="checkbox"/>
TO OWNER: (Name and address) ERIE County Water Authority 295 Main Street Room 350 Buffalo NY 14203	CONTRACT FOR: ERIE County Water Authority	ARCHITECT: <input type="checkbox"/>
	CONTRACT DATED: April 2018	CONTRACTOR: <input checked="" type="checkbox"/>
		SURETY: <input type="checkbox"/>
		OTHER: <input type="checkbox"/>

STATE OF:
COUNTY OF:

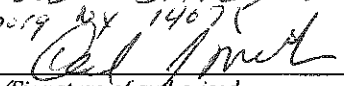
The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or 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.

EXCEPTIONS:
None

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR: (Name and address)
DSM Contracting Inc
7124 Boston State Rd
Hamburg NY 14075

BY: 
(Signature of authorized representative)
DANIEL J. MUNICH
(Printed name and title) President

Subscribed and sworn to before me on this date: 1/21/2020



Notary Public:
My Commission Expires: CARLYN J SZAROWICZ
NOTARY PUBLIC STATE OF NEW YORK
ERIE
LIC. #01SZ6320817
COMM. EXP. 03/09/2023



AIA® Document G707™ – 1994

Consent Of Surety to Final Payment

Bond No. NEFSU0737126

Executed in Duplicate

PROJECT: *(Name and address)*

Erie County Water Authority Contract
No. NC-36 Water System Improvements
for the Towns of Cheektowaga and
Clarence - Project No. 201700090.

ARCHITECT'S PROJECT NUMBER: 201700090

CONTRACT FOR: Erie County Water Authority Contract No.
NC-36 Water System Improvements for the Towns of
Cheektowaga and Clarence - Project No. 201700090.

OWNER: ☒

ARCHITECT: ☒

CONTRACTOR: ☒

SURETY: ☒

OTHER: ☒

TO OWNER: *(Name and address)*

Erie County Water Authority
295 Main Street, Room 350
Buffalo, NY 14215

CONTRACT DATED: 3/22/2018

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

International Fidelity Insurance Company
One Newark Center
Newark, NJ 07102-5207

, SURETY,

on bond of

(Insert name and address of Contractor)

DJM Contracting, Inc.
7174 Boston State Road
Hamburg, NY 14075

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the
Surety of any of its obligations to

(Insert name and address of Owner)

Erie County Water Authority
295 Main Street, Room 350
Buffalo, NY 14215

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: December 18th, 2019

(Insert in writing the month followed by the numeric date and year.)

International Fidelity Insurance Company

(Surety)

(Signature of authorized representative)

Timothy M. Toole, Attorney-in-Fact

(Printed name and title)

Witness:

~~Attest:~~

(Seal):

Alissa J. Wolf

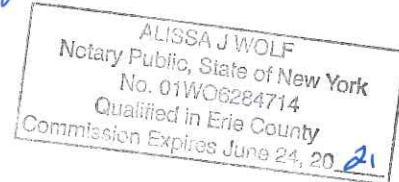
ACKNOWLEDGEMENT OF SURETY

STATE OF New York)
COUNTY OF Erie) ss
CITY OF BUFFALO)

On this 18th day of December in the year 2019, before me personally
came Timothy M. Toole , to me known, who, being by me duly sworn, did depose
and say that he/she/they reside (s) Buffalo, NY , that he/she/they (is) (are) the
Attorney-in-Fact duly appointed of the International Fidelity Insurance Company
the corporation described in and which executed the above instrument; that he/she/they
know(s) the seal of said corporation; that the seal affixed to said instrument is such corporate
seal; that it was so affixed by authority of the board of directors of said corporation, and that
he/she/they signed his/her/their name(s) thereto by like authority.



NOTARY PUBLIC



POWER OF ATTORNEY
INTERNATIONAL FIDELITY INSURANCE COMPANY
ALLEGHENY CASUALTY COMPANY

Bond # NEIFSU0737126

One Newark Center, 20th Floor, Newark, New Jersey 07102-5207 PHONE: (973) 624-7200

KNOW ALL MEN BY THESE PRESENTS: That **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and **ALLEGHENY CASUALTY COMPANY** a corporation organized and existing under the laws of the State of New Jersey, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

TIMOTHY M. TOOLE, CHRISTOPHER D. ROSS, WILLIAM J. LAWLEY, JR.

Buffalo, NY

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of **ALLEGHENY CASUALTY COMPANY** at a meeting duly held on the 10th day of July, 2015 :

"**RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **INTERNATIONAL FIDELITY INSURANCE COMPANY** and
ALLEGHENY CASUALTY COMPANY have each executed and attested these presents
on this 31st day of December, 2017



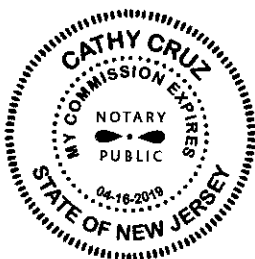
STATE OF NEW JERSEY
County of Essex

George R. James

Executive Vice President (International Fidelity Insurance Company) and
Vice President (Allegheny Casualty Company)



On this 31st day of December, 2017, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and of **ALLEGHENY CASUALTY COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark,
New Jersey the day and year first above written.

Cathy Cruz a Notary Public of New Jersey
My Commission Expires April 16, 2019

CERTIFICATION

I, the undersigned officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, 18th day of December, 2019

B36637

Maria H. Branco, Assistant Secretary

INTERNATIONAL FIDELITY INSURANCE COMPANY
ONE NEWARK CENTER, 20TH FLOOR, NEWARK, NEW JERSEY 07102-5207

STATEMENT OF ASSETS, LIABILITIES, SURPLUS AND OTHER FUNDS

AT DECEMBER 31, 2018

<u>ASSETS</u>	
Bonds (Amortized Value)	\$126,525,302
Common Stocks (Market Value)	24,794,502
Mortgage Loans on Real Estate	344,840
Cash, Bank Deposits & Short Term Investments	42,240,486
Unpaid Premiums & Assumed Balances	9,544,138
Reinsurance Recoverable from Reinsurers	83,650
Electronic Data Processing Equipment	423,280
Investment Income Due and Accrued	1,307,538
Current Federal & Foreign income Tax Recoverable & Interest thereon	971,023
Net Deferred Tax Assets	1,298,541
Receivables from Parent, Subsidiaries & Affiliates	2,216,045
Other Assets	18,400,278
TOTAL ASSETS	<u>\$228,149,623</u>

<u>LIABILITIES, SURPLUS & OTHER FUNDS</u>	
Losses (Reported Losses Net as to Reinsurance Ceded and Incurred But Not Reported Losses)	\$8,729,241
Reinsurance Payable on Paid Losses and Loss Adjustment Expenses	1,255,433
Loss Adjustment Expenses	3,910,677
Commissions Payable, Contingent Commissions & Other Similar Charges ..	1,731,782
Other Expenses (Excluding Taxes, Licenses and Fees)	4,194,006
Taxes, Licenses & Fees (Excluding Federal Income Tax)	446,580
Unearned Premiums	38,599,862
Dividends Declared & Unpaid: Policyholders & Stockholders	700,000
Ceded Reinsurance Premiums Payable	2,452,973
Funds Held by Company under Reinsurance Treaties	1,031
Amounts Withheld by Company for Account of Others	70,169,700
Provision for Reinsurance	31,630
Payable to Parent, Subsidiaries and Affiliates	46,354
Other Liabilities	5,144
TOTAL LIABILITIES	<u>\$132,274,413</u>

Common Capital Stock	\$3,600,000
Gross Paid-in & Contributed Surplus	374,600
Surplus Notes	16,000,000
Unassigned Funds (Surplus)	81,855,190
Less: Treasury Stock at cost (50,682 shares common) (value incl. \$45.)	5,954,580

Surplus as Regards Policyholders

\$95,875,210

TOTAL LIABILITIES, SURPLUS & OTHER FUNDS

\$228,149,623

I, John M Mruk, Treasurer of INTERNATIONAL FIDELITY INSURANCE COMPANY, certify that the foregoing is a fair statement of Assets, Liabilities, Surplus and Other Funds of this Company, at the close of business, December 31, 2018, as reflected by its books and records and as reported in its statement on file with the Insurance Department of the State of New Jersey.



IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the Company, this 22nd day of February, 2019.
INTERNATIONAL FIDELITY INSURANCE COMPANY

John M Mruk

MINORITY BUSINESS ENTERPRISE UTILIZATION REPORT - PART D

FINAL CERTIFICATION OF EXPENDITURES TO MBE's

(to be completed by the prime CONTRACTOR and submitted with the request for final payment)

CONTRACTOR: DJM Contracting Inc. CONTRACT: 201700090

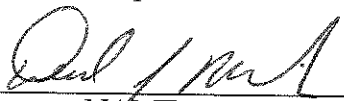
MBE	TOTAL AMOUNT EXPENDED
<u>Oneida Sales & Service</u>	<u>\$ 146,127. 98</u>
<u>Mallare Enterprises</u>	<u>\$ 55,993. 25</u>

TOTAL OF ALL MBE
SUB-CONTRACTS \$ 202,121. 23

AMOUNT OF
CONTRACT \$ 1,825,601. 17

FINAL MBE
PERCENTAGE 11 %

I, Daniel Munich, as an official
representative of DJM Contracting Inc.,
do hereby certify that the information listed above is correct and complete.


NAME
President
TITLE
3/1/2020
DATE

Jeff Sylvester

From: Lavonya Lester
Sent: Friday, April 17, 2020 3:39 PM
To: Jeff Sylvester
Subject: RE: NC-036 PN 201700090 Final Pay App Approval

The certified payrolls are ok.

From: Jeff Sylvester <jsylvester@ecwa.org>
Sent: Friday, April 17, 2020 12:56 PM
To: Lavonya Lester <llester@ecwa.org>
Cc: Michael J. Quinn <mquinn@ecwa.org>
Subject: NC-036 PN 201700090 Final Pay App Approval

Lavonya,

Does this info satisfy your requirements for approval and sign-off for the final pay app?

The contractor is looking for an update.

Thank you.

JEFFREY R SYLVESTER
DISTRIBUTION ENGINEER

Erie County Water Authority
3030 Union Road
Cheektowaga, NY 14227-1097
T: 716.685.8266
M: 716.440.0703
F: 716.684.3937
jsylvester@ecwa.org

From: Daniel Munich <danmdjm@gmail.com>
Sent: Wednesday, April 15, 2020 1:46 PM
To: Lavonya Lester <llester@ecwa.org>; Jeff Sylvester <jsylvester@ecwa.org>
Subject: Fwd: Message from KMBT_C224e

Please disregard the certified payroll that was sent yesterday, I apologize there was a typo in the date field.

Thank you,
Leah Cattarin

that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. Thank you for your cooperation.

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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

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