



**ERIE COUNTY WATER AUTHORITY**  
**INTEROFFICE MEMORANDUM**

June 30, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: Leonard F. Kowalski, Executive Engineer

A handwritten signature in blue ink, appearing to be "LFK", is written over the name Leonard F. Kowalski.

Subject: Area No. 2 Restoration  
April 1, 2018 through March 31, 2020  
ECWA Project No. 201800009

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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, Ledge Creek Development, 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 \$90,021.53 and includes all the previous retainage. The project was billed to Unit 2535 Restoration – Item 18 and retention was withheld from progress payments per the contract requirements. The retention will be paid from the following budget line: General Ledger No 232003 Contract Retentions.

LFK:jmf  
Attachment  
cc: M.Quinn  
ECWA-736-1802-I-186

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

**Contract:** 18-14-03 **Project No.:** 201800009

**Project Description:** Area No. 2 Restoration  
April 1, 2018 through March 31, 2020

**Item Description:**



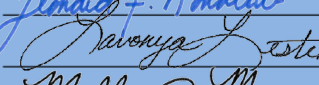

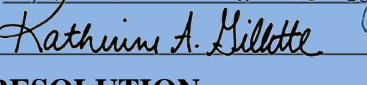

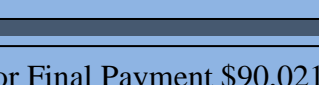
- |                                                                        |                                                        |                                             |                                       |
|------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------|---------------------------------------|
| <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>6/30/2021</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>6/30/2021</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>06/30/2021</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>06/30/2021</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>6/30/2021</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>06/30/2021</u>
<input checked="" type="checkbox"/> Legal		Date: <u>6/30/2021</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>06/30/21</u>
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**Remarks:** Amount certified for Final Payment \$90,021.53


**Resolution Date:** \_\_\_\_\_

**Item No:** \_\_\_\_\_



# 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. **Ledgescreek currently has a contract with ECWA. LFK 06/30/2021**
-  ☐ 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



## ERIE COUNTY WATER AUTHORITY

3030 Union Road • Cheektowaga, New York 14227-1097

716-684-1510 • FAX 716-684-3937

January 18, 2021

Mr. Scott Roetzer, Secretary  
Ledge Creek Development, Inc.  
10100 County Road  
Clarence Center, New York 14032

Re: Area No. 2 Restoration  
April 1, 2018 through March 31, 2020  
ECWA Project No. 201800009

Dear Mr. Roetzer:

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 \$2,310,085.93 of which \$2,220,064.40 in payments have been previously made to you. The balance due is \$90,021.53, which is return of retention monies previously withheld.

Enclosed please find three copies of Estimate No. 25 and Final in the amount of \$90,021.53. Please sign and return two copies to our office 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 \$2,310,085.93.

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 statements 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.*

In the event that the Contractor takes no exceptions, it should be stated in the space provided.

SUPPORTING DOCUMENTS: *Check the "yes" box*

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

The following statements 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.*

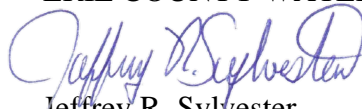
In the event that the Contractor takes no exceptions, it should be stated in the space provided.

- 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,

ERIE COUNTY WATER AUTHORITY



Jeffrey R. Sylvester  
Distribution Engineer

JRS:jmf  
Attachments  
cc: L.Kowalski  
M.Quinn  
ECWA-840-1801



Erie County Water Authority

Area #2 Restoration

4/01/2018 - 3/31/2020

Estimate : 25F  
Invoice Number : 25 and Final  
Contract Number : 18-14-03

Period Covered : 11/1/2020 - 12/31/2020  
Invoice Date : 12/31/2020  
Project Number: 201800009

	Ledge Creek Development, Inc. 10100 County Road Clarence Center, NY 14032-9244				
Bid Item No.	Item	Contract Breakdown	Completed to Date Amount	Completed Prev. Est. Amount	Amount this Estimate
1A	Pavement - 6" Binder + 2" Top	\$1,555,500.00	\$1,011,026.27	\$1,011,026.27	\$0.00
1B	Pavement - 6" Base	\$28,500.00	\$3,223.65	\$3,223.65	\$0.00
1C	Drive & Walk - 3" Binder + 1" Top	\$297,000.00	\$182,738.82	\$182,738.82	\$0.00
1D	Curb - 3" Top	\$450.00	\$0.00	\$0.00	\$0.00
1E	Top per 1" Depth	\$18,000.00	\$46,764.48	\$46,764.48	\$0.00
1F	Binder per 1" Depth	\$54,000.00	\$104,769.99	\$104,769.99	\$0.00
1G	Concrete Pavement Base	\$6,000.00	\$0.00	\$0.00	\$0.00
1H	H.P. Coldpatch per 3" depth	\$52,500.00	\$0.00	\$0.00	\$0.00
1I-1	For Cold Milling, under 25 SY	\$22,875.00	\$8,693.76	\$8,693.76	\$0.00
1I-2	For Cold Milling per 1" under 25 SY	\$6,000.00	\$451.52	\$451.52	\$0.00
1I-3	For Cold Milling 1" to 2" over 25 SY	\$33,750.00	\$14,864.64	\$14,864.64	\$0.00
1I-4	Cold Milling each additional inch over 2", over 25 SY	\$12,000.00	\$0.00	\$0.00	\$0.00
1J	For Inductance Loop Installation	\$9,000.00	\$10,944.00	\$10,944.00	\$0.00
1Z	Liquidated Damages (Asphalt)	\$0.00	(\$1,259.94)	(\$1,259.94)	\$0.00
2A	Topsoil & Seed	\$375.00	\$0.00	\$0.00	\$0.00
2B	Topsoil & Sod	\$5,000.00	\$754.00	\$754.00	\$0.00
2C-1	Topsoil & Hydroseed	\$490,000.00	\$354,369.40	\$354,369.40	\$0.00
2C-2	Hydroseed Only	\$1,500.00	\$5,632.50	\$5,632.50	\$0.00
2D	Topsoil	\$5,000.00	\$24.70	\$24.70	\$0.00
2E	Replace Deciduous Trees 4 - 4.5"	\$7,000.00	\$4,200.00	\$4,200.00	\$0.00
2F	Replace Evergreen Trees 5 - 6'	\$2,125.00	\$0.00	\$0.00	\$0.00
2G	Repair Damaged Trees	\$800.00	\$160.00	\$160.00	\$0.00
2H	Replace Deciduous Shrubs 3 - 4'	\$1,850.00	\$1,665.00	\$1,665.00	\$0.00
2I	Replace Evergreen Shrub 2.5 - 4'	\$900.00	\$0.00	\$0.00	\$0.00
2J	Fertilizing Existing Trees	\$265.00	\$0.00	\$0.00	\$0.00
2K	Additional Spoil Removal	\$2,000.00	\$871.10	\$871.10	\$0.00
2L	Rough Dirt Fill	\$41,000.00	\$26,895.64	\$26,895.64	\$0.00
2Z	Liquidated Damages (Lawn)	\$0.00	(\$1,582.19)	(\$1,582.19)	\$0.00
3A	Pavement - 8" Depth	\$12,500.00	\$32,000.00	\$32,000.00	\$0.00
3B	Drive - 6" Depth & Walk - 4" Depth	\$525,000.00	\$326,235.00	\$326,235.00	\$0.00
3C	Gutter Curb	\$32,500.00	\$11,388.00	\$11,388.00	\$0.00
3D	Integral Curb	\$200,000.00	\$98,960.00	\$98,960.00	\$0.00
3E	Welded Wire Fabric	\$3,150.00	\$1,970.35	\$1,970.35	\$0.00

3F	Deformed Steel Reinforcing Bar	\$900.00	\$2,446.50	\$2,446.50	\$0.00
3G	Crushed Stone	\$9,000.00	\$4,000.50	\$4,000.50	\$0.00
3H	Inductance Loop Installation	\$9,000.00	\$6,264.00	\$6,264.00	\$0.00
3I	Concrete Reinforcement Fibers	\$800.00	\$17.12	\$17.12	\$0.00
3Z	Liquidated Damages (Concrete)	\$0.00	(\$159.99)	(\$159.99)	\$0.00
4A-1	Crew Labor & Equipment	\$100,000.00	\$41,400.00	\$41,400.00	\$0.00
4A-2	Material Allowance	\$20,000.00	\$9,163.78	\$9,163.78	\$0.00
4Z	Liquidated Damages (Other)	\$0.00	(\$400.00)	(\$400.00)	\$0.00
5A	Asphalt Sealant	\$9,000.00	\$1,593.33	\$1,593.33	\$0.00
5Z	Liquidated Damages (Sealant)	\$0.00	\$0.00	\$0.00	\$0.00
6-Z	Liquidated Damages (Re-Do)	\$0.00	\$0.00	\$0.00	\$0.00
	Less Retention Held		(\$90,021.53)		\$0.00
	Total	\$3,575,240.00	\$2,220,064.40	\$2,310,085.93	\$0.00
	Less 5% Retention*			\$115,021.53	
	Retention Returned			\$25,000.00	
	Revised Retention Amount				\$90,021.53
	Amount Due This Estimate				\$90,021.53

\*Retainage not held on Inv S18002-11A, Repair of Service Center Driveway

I hereby certify that, according to the above-mentioned contract, this is a just estimate of the work done and the materials furnished under the contract between 11/1/2020 and 12/31/2020, both inclusive, and the value thereof being \$90,021.53 as required by Article 6 of the said Contract.

Prepared by: Maureen Denning  
Date: 1/15/2021

CONTRACTOR

BY: [Signature]  
DATE: 1/28/2021

Correct as to Unit Pricing and Extensions

DISTRIBUTION ENGINEER

NA

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

Approved for payment

SR DISTRIBUTION ENGINEER

NA

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

EXECUTIVE ENGINEER

BY: [Signature]  
DATE: 06/17/2021

CERTIFICATION OF SURETY

January 25, 2021

RE: Ledge Creek Development, Inc. - Bond No. NEIFSU0679739  
ECWA Area No. 2 Restoration  
April 1, 2018 - March 31, 2020, ECWA Project 201800009  
Bond Amount \$2,310,085.93

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.

If you have any questions or require further information, feel free to contact our offices at 716-314-2000.

Sincerely,



Andrew J. Tokasz,  
Attorney-in-Fact for  
International Fidelity Insurance Company





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

**Greeting: Know Ye, That**

Ledge Creek Development, Inc.

10100 County Road

Clarence Center, New York 14032

NAME AND ADDRESS OF CORPORATION

*For and in consideration of the sum of*

Two Million Three Hundred Ten Thousand Eight Five and 93/100 dollars (\$ 2,310,085.93 ),

*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:*

Ledge Creek Development, 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.*

PROJECT:  
Erie County Water Authority (ECWA)  
Area No. 2 Restoration  
April 1, 2018 through March 31, 2020  
ECWA Project No. 201800009

In Presence of

in witness Whereof, the

LEDGE CREEK DEVELOPMENT, INC has caused its

corporate seal to be hereunto affixed, and

these presents to be signed by its duly authorized

officer this 2<sup>ND</sup> day of FEBRUARY

Two Thousand and Twenty One

By Scott Roetzer COO

State of New York )

County of Erie ss.

\_\_\_\_\_ Of \_\_\_\_\_)

On this 2<sup>ND</sup> day of FEBRUARY, Two Thousand  
and Twenty One, before me personally came SCOTT ROETZER to

me personally known who, being by me duly sworn did depose and say that he/she resides in

WILLIAMSVILLE, NEW YORK that he/she is

the C.O.O of LEDGE CREEK DEVELOPMENT, 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.



Edwin J Hoyt III

**CONTRACTOR'S AFFIDAVIT OF  
PAYMENT OF DEBTS AND CLAIMS**

*AIA Document G706*

OWNER  
ARCHITECT  
CONTRACTOR  
SURETY  
OTHER


TO OWNER:

*(Name and address)*

Erie County Water Authority (ECWA)  
3030 Union Rd.  
Cheektowaga, NY 14227

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: Area No. 2 Restoration

PROJECT:

*(Name and address)*

Erie County Water Authority (ECWA) - Area No. 2 Restoration  
April 1, 2018 through March 31, 2020  
ECWA Project No. 201800009

CONTRACT DATED:

4/1/2018

STATE OF: NY

COUNTY OF: Erie

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:  
*(Name and address)*

Ledge Creek Development, Inc.  
10100 County Rd.  
Clarence Center, NY 14032

By:

  
*(Signature of authorized representative)*

Scott Roetzer C.O.O.  
*(Printed name and title)*

Subscribed and sworn to before me on this date:

2/2/2021

Notary Public:



My Commission Expires:

9/10/2024

EDWIN J HOYT III  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01HO6267326  
Qualified in Erie County  
My Commission Expires September 10, 2024

**CONTRACTOR'S AFFIDAVIT OF  
RELEASE OF LIENS**

*AIA Document G706A*

OWNER  
ARCHITECT  
CONTRACTOR  
SURETY  
OTHER


TO OWNER:

*(Name and address)*

**Erie County Water Authority (ECWA)**

**3030 Union Rd.**

**Cheektowaga, NY 14227**

ARCHITECT'S PROJECT NO.:

CONTRACT FOR:

**Area No. 2 Restoration**

PROJECT:

*(Name and address)*

**Erie County Water Authority (ECWA) - Area No. 2 Restoration**

**April 1, 2018 through March 31, 2020**

**ECWA Project No. 201800009**

CONTRACT DATED:

**4/1/2018**

STATE OF: **NY**

COUNTY OF: **Erie**

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)*

**Ledge Creek Development, Inc.**

**10100 County Rd.**

**Clarence Center, NY 14032**

By:

  
*(Signature of authorized representative)*

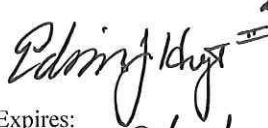
**Scott Roetzer C.O.O.**

*(Printed name and title)*

Subscribed and sworn to before me on this date:

Notary Public:

My Commission Expires:

  
**2/2/2021**  
**9/10/2024**

**EDWIN J HOYT III**  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01HO6267326  
Qualified in Erie County  
My Commission Expires September 10, 2024



# CONSENT OF SURETY TO FINAL PAYMENT

AIA Document G707

Executed in Triplicate in  
Conjunction with Bond #NEIFSU0679739

OWNER ☐  
ARCHITECT ☐  
CONTRACTOR ☐  
SURETY ☒  
OTHER ☐

TO OWNER: *(Name and address)*  
**ERIE COUNTY WATER AUTHORITY**  
295 Main Street, Room 350  
Buffalo, New York 14203

ARCHITECT'S PROJECT NO.:  
ECWA Project No. 201800009  
CONTRACT FOR: Restoration Work

PROJECT: *(Name and address)*  
Erie County Water Authority  
Area No. 2 Restoration  
April 1, 2018 through March 31, 2020  
Project No. 201800009

CONTRACT DATED: March 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, 20<sup>th</sup> Floor  
Newark, New Jersey 07102

, SURETY,

on bond of  
*(Insert name and address of Contractor)*

**LEDGE CREEK DEVELOPMENT, INC.**  
10100 County Road  
Clarence Center, New York 14032

, 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, New York 14203

, OWNER

as set forth in said surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: January 25, 2021  
*(Insert in writing the month followed by the numeric date and year.)*

**INTERNATIONAL FIDELITY INSURANCE COMPANY**  
*(Surety)*

*(Signature of authorized representative)*

Andrew J. Tokasz, Attorney-in-Fact  
*(Printed name and title)*

Attest:  
(Seal):



**POWER OF ATTORNEY**  
**HARCO NATIONAL INSURANCE COMPANY**  
**INTERNATIONAL FIDELITY INSURANCE COMPANY**

Bond # NEIFSU0679739

Member companies of IAT Insurance Group, Headquartered: 702 Oberlin Road, Raleigh, North Carolina 27605

**KNOW ALL MEN BY THESE PRESENTS:** That **HARCO NATIONAL INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Illinois, and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

LAUREN E. BORDONARO, JOANN BAYNE, ANTHONY BIAGIOTTI, APRIL A. ADAMS, MICHAEL DEAN,  
LAWRENCE DIGIULIO, ANDREW J. TOKASZ, CANDACE J. CASEY-WNEK, CYNTHIA A. SCHARF  
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 **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE 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 **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE 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 13th day of December, 2018 and by the Board of Directors of **HARCO NATIONAL INSURANCE COMPANY** at a meeting held on the 13th day of December, 2018.

**"RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Senior 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, **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** have each executed and attested these presents  
on this 31st day of December, 2018



STATE OF NEW JERSEY  
County of Essex

  
Kenneth Chapman

Executive Vice President, Harco National Insurance Company  
and International Fidelity Insurance Company

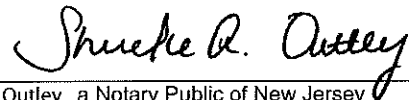
STATE OF ILLINOIS  
County of Cook



On this 31st day of December, 2018, 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 **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE 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.



Shirelle A. Outley a Notary Public of New Jersey  
My Commission Expires April 04, 2023

**CERTIFICATION**

I, the undersigned officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE 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 office 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, January 25, 2021

**From:** [Lavonya Lester](#)  
**To:** [Leonard F. Kowalski](#)  
**Subject:** RE: [EXTERNAL] RE: 201800009 Restoration Area #2 Closeout  
**Date:** Thursday, June 17, 2021 1:51:08 PM  
**Attachments:** [image001.png](#)

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I have reached out to Joe advising him of what I need to close the MWBE portion out.  
When he provides this to me I will advise.  
I also reviewed certified payrolls and these are OK.  
Thanks  
Lavonya

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**From:** Leonard F. Kowalski <[lkowalski@ecwa.org](mailto:lkowalski@ecwa.org)>  
**Sent:** Thursday, June 17, 2021 12:16 PM  
**To:** Lavonya Lester <[llester@ecwa.org](mailto:llester@ecwa.org)>  
**Subject:** FW: [EXTERNAL] RE: 201800009 Restoration Area #2 Closeout

Lavonya – need to verify that we have all of the certified payroll for this project. The final payment application is returning the retention withheld on the project.

Ledgecreek would have stopped working on this contract in the summer of 2020.

Thanks,  
Len

---

**From:** Jeff Sylvester <[jsylvester@ecwa.org](mailto:jsylvester@ecwa.org)>  
**Sent:** Friday, March 26, 2021 9:50 AM  
**To:** 'Joe Hoyt' <[JHoyt@ledgecreek.com](mailto:JHoyt@ledgecreek.com)>  
**Cc:** Leonard F. Kowalski <[lkowalski@ecwa.org](mailto:lkowalski@ecwa.org)>; Lavonya Lester <[llester@ecwa.org](mailto:llester@ecwa.org)>; Michael J. Quinn <[mquinn@ecwa.org](mailto:mquinn@ecwa.org)>  
**Subject:** RE: [EXTERNAL] RE: 201800009 Restoration Area #2 Closeout

Joe,

Typically we need from the last invoice to the final payment.

JEFFREY R SYLVESTER  
DISTRIBUTION ENGINEER



**Erie County Water Authority**  
3030 Union Road  
Cheektowaga, NY 14227-1097

# 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: LEDGE CREEK DEVELOPMENT

CONTRACT: 201800009

MBE	TOTAL AMOUNT EXPENDED
EASTWOOD INDUSTRIES	\$ 14,977.20
IROQUOIS BAR	\$ 114,587.33
UPSTATE REBAR	\$ 4,422.05
VS TRAFFIC CONTROL	\$ 14,448.54

TOTAL OF ALL MBE SUB-CONTRACTS \$ 148,435.12 \$148,435.12  
LFK 06/30/2021

AMOUNT OF CONTRACT 2,310,085.93

FINAL MBE PERCENTAGE 6.43%

I, JOE HOYT, as an official representative of LEDGE CREEK DEVELOPMENT, INC, do hereby certify that the information listed above is correct and complete.

JRH/dgt  
NAME  
CONTROLLER  
TITLE  
6/29/2021  
DATE



10100 County Road • Clarence Center, New York 14032 • (716) 741-3174 • (716) 741-3175

RE: 201800009 Restoration Area #2 Closeout

Dear Lavonya

The main reason why we were unable to meet our goal of 10% WMBE was that we did not have to buy as much concrete as we had originally thought based on the units in the original bid package. The percentage of units that utilize concrete in the original bid was higher than what was used during the life of the contract. And the purchase of concrete was by far largest single material used on this contract. We bought every yard of concrete utilized on this contract from the minority supplier per the contract. We also used this supplier for other Ledge Creek projects as well. So, we were trying there just was not very much material or sub-contracting used on this project. By far the largest cost was our own labor.

Sincerely

Joe Hoyt  
Controller

Ledge Creek Development