

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

**Contract:** NC-039 **Project No.:** 201900073  
**Project Description:** Water System Improvements, Town of Amherst, Town of Cheektowaga

**Item Description:**



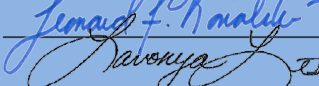
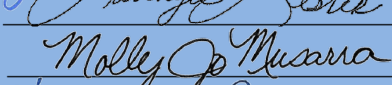
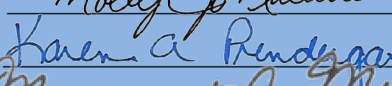
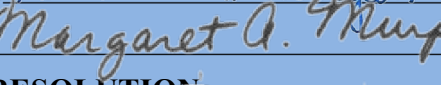

- |  |  |   |                                       |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement                                     | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment          | <input type="checkbox"/> 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	<u></u>	Date: <u>5/03/2021</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u></u>	Date: <u>5/3/2021</u>
<input checked="" type="checkbox"/> Executive Engineer	<u></u>	Date: <u>05/03/2021</u>
<input checked="" type="checkbox"/> Director of Administration	<u></u>	Date: <u>05/04/2021</u>
<input checked="" type="checkbox"/> Risk Manager	<u></u>	Date: <u>05/03/2021</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u></u>	Date: <u>05/03/2021</u>
<input checked="" type="checkbox"/> Legal	<u></u>	Date: <u>05/04/2021</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority	<u></u>	Date: <u>05/18/2021</u>
--	--	-------------------------

**Remarks:** Amount certified for Final payment \$129,521.80

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

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




# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

May 3, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: Leonard F. Kowalski, Executive Engineer 

Subject: Contract NC-039  
Water System Improvements  
Town of Amherst  
Town of Cheektowaga  
ECWA Project No. 201900073

---

The following documents are attached for processing of the Final Pay Application #7F 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, New Frontier Excavating & Paving, Inc 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 \$129,521.80 and includes all the previous retainage. The project was billed to Unit 2590 Eng/Const Distribution Mains – Item 101410 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: R.Stoll  
M.Quinn  
L.Lester  
CONT-NC-039-1901-I-186-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. Contractor has a current project with ECWA.
- ☒ 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

March 9, 2021

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



Re: Contract NC-039  
Water System Improvements  
Towns of Amherst and Cheektowaga  
ECWA Project No. 201900073  
File No. 19J1-0021

Dear Mr. Sylvester:

New Frontier Excavating & Paving Inc. (New Frontier) 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 New Frontier. This payment application consists of the release of the retention for the contract. Also enclosed with this letter is the following:

- Surety Bond Letter for Warranty Period (3 originals)
- Form 507 Release-General (by Corporation) (3 originals)
- AIA Document G706 – Contractor's Affidavit of Payment of Debts and Claims (3 originals)
- AIA Document G706A – Contractor's Affidavit of Release of Liens (3 originals)
- AIA Document G707 – Consent of Surety to Final Payment (3 originals)
- Part D of WMBE policy (3 copies)

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 New Frontier in the amount of \$129,521.80.

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.

Darrell Jamieson  
Construction Administrator

Enclosures

c: Rick Zydel, New Frontier Excavating & Paving Inc.  
File – 02 and 10



**APPLICATION AND CERTIFICATION FOR PAYMENT**

1 of 1 PAGES

TO OWNER: PROJECT: 201900073  
 Erie County Water Authority  
 295 Main Street, Rm. 350  
 Buffalo, NY 14203-2494  
 FROM CONTRACTOR: VIA ARCHITECT:  
 New Frontier Excavating and Paving Inc. Nussbaumer & Clarke Inc  
 7003 Brown Hill Road 3556 Lake Shore Road, Suite 500  
 Boston, NY 14025 Buffalo, NY 14219  
 CONTRACT FOR: - Water System Improvements, Town of Amherst & Cheektowaga

APPLICATION NO: 7 &amp; FINAL

Distribution to:

<input type="checkbox"/>	OWNER
<input type="checkbox"/>	ARCHITECT
<input type="checkbox"/>	CONTRACTOR
<input type="checkbox"/>	
<input type="checkbox"/>	

PERIOD TO: 12/1/2020

PROJECT NO: 201900073

CONTRACT DATE: April 30, 2020

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Progress Sheet which is attached.

1. ORIGINAL CONTRACT SUM	\$	2,644,843.00
2. NET CHANGE BY CHANGE ORDERS	\$	0.00
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$	2,644,843.00
4. TOTAL COMPLETED & STORED TO DATE (Column L on Est)	\$	2,590,435.99
5. RETAINAGE:		
a. 0 % of Completed Work	\$	0.00
(Column D + E on Progress Estimate)		
b. % of Stored Material	\$	0
Total Retainage (Lines 5a + 5b or Total in Column I of G703)		0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	2,590,435.99
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT		
(Line 6 from prior Certificate)	\$	2,460,914.19
8. CURRENT PAYMENT DUE	\$	129,521.80
9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$	54,407.01
(Line 3 less Line 6)		

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

**CONTRACTOR:**

By: Michael Halloran Date: 3-9-21  
 Michael Halloran - President  
 State of: New York  
 Subscribed and sworn to before me this 9th day of Mar, 2021

Notary Public:

My Commission expires:

Richard T. Zydel  
3-22-22

Notary Public, State of New York  
 Richard T. Zydel  
 Qualified in Erie County  
 My Commission Expires 03 / 22 / 2022  
 No. 012Y6217791

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... \$ 129,521.80

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

**ARCHITECT:**

By: [Signature] Date: 3-9-21

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	

	A	B	C	D	E	F	G	H	I	J	K	L	M
1		Progress Estimate							Contractor's Application				
2													
3		For (contract):	NC-039 ECWA Amherst & Tonawanda						Application Number:	7 & FINAL			
4		Application Period:	November 14, 2020		thru	December 1, 2020			Application Date:	March 8, 2021			
5													
6		Bid Item / Schedule of Value			Schedule of Value		This Pay Request		Previous Pay Requests		Total Complete To Date		Balance to
7	Item	Description	Quantity	Unit	U/P	Extension	Qty	Extension	Qty	Extension	Qty	Extension	Complete
8	1A1	4 in. DIP Watermain	20	LF	30.99	619.80	-	-	1.50	46.49	1.50	46.49	573.32
9	1A2	6 in. DIP Watermain	250	LF	30.16	7,540.00	-	-	199.29	6,010.59	199.29	6,010.59	1,529.41
10	1A3	8 in. DIP Watermain	8300	LF	146.34	1,214,622.00	-	-	8,143.39	1,191,703.69	8,143.39	1,191,703.69	22,918.31
11	1A5	12 in. DIP Watermain	30	LF	66.91	2,007.30	-	-	19.10	1,277.98	19.10	1,277.98	729.32
12	2A2	8 in. Gate Valve	52	EA	1485.90	77,266.80	-	-	51.00	75,780.90	51.00	75,780.90	1,485.90
13	2B1	12 in. Butterfly Valve	2	EA	1960.25	3,920.50	-	-	2.00	3,920.50	2.00	3,920.50	-
14	2C11	Tapping Sleeve & Valve 20 in. x 8 in.	1	EA	9524.00	9,524.00	-	-	1.00	9,524.00	1.00	9,524.00	-
15	2D1	Permanent Blow-off Assembly	4	EA	1559.55	6,238.20	-	-	4.00	6,238.20	4.00	6,238.20	-
16	3A	New Fire Hydrant	15	EA	5307.76	79,616.40	-	-	14.00	74,308.64	14.00	74,308.64	5,307.76
17	3C	Fire Hydrant Abandonment	9	EA	1242.35	11,181.15	-	-	8.00	9,938.80	8.00	9,938.80	1,242.35
18	4A	Test Pit Excavation and Backfill (Fixed Min. \$100/EA)	100	EA	100.00	10,000.00	-	-	18.00	1,800.00	18.00	1,800.00	8,200.00
19	5A	Rock Excavation (Fixed Min. \$100/CY)	50	CY	100.00	5,000.00	-	-	48.97	4,897.00	48.97	4,897.00	103.00
20	6A	Select Backfill (Fixed Min. \$20/CY)	4300	CY	35.18	151,274.00	-	-	3,548.81	124,847.14	3,548.81	124,847.14	26,426.86
21	7A	Interconnect No.1 - Crosby & Maynard   C-101	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
22	7B	Interconnect No.2 - Crosby & Maynard   C-101	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
23	7C	Interconnect No.3 - Crosby & Endicott   C-102	1	LS	8755.00	8,755.00	-	-	1.00	8,755.00	1.00	8,755.00	-
24	7D	Interconnect No.4 - Crosby & Endicott   C-102	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
25	7E	Interconnect No.5 - Crosby & Rosedale   C-103	1	LS	2925.00	2,925.00	-	-	1.00	2,925.00	1.00	2,925.00	-
26	7F	Interconnect No.6 - Crosby & Eggert   C-104	1	LS	8690.00	8,690.00	-	-	1.00	8,690.00	1.00	8,690.00	-
27	7G	Interconnect No.7 - Olney & Hendricks   C-105	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
28	7H	Interconnect No.8 - Olney & Hendricks   C-105	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
29	7I	Interconnect No.9 - Olney & Olney (west)   C-106	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
30	7J	Interconnect No.10 - Bissell & Hendricks   C-108	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
31	7K	Interconnect No.11 - Bissell & Hendricks   C-108	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
32	7L	Interconnect No.12 - Garland & Morton   C-111	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
33	7M	Interconnect No.13 - Garland & Eggert   C-112	1	LS	8607.00	8,607.00	-	-	1.00	8,607.00	1.00	8,607.00	-
34	7N	Interconnect No.14 - Fairchild & Hendricks   C-113	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
35	7O	Interconnect No.15 - Fairchild & Hendricks   C-113	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
36	7P	Interconnect No.16 - Treehaven C-115	1	LS	6490.00	6,490.00	-	-	1.00	6,490.00	1.00	6,490.00	-
37	7Q	Interconnect No.17 - Treehaven & Century   C-115	1	LS	8695.00	8,695.00	-	-	1.00	8,695.00	1.00	8,695.00	-
38	7R	Interconnect No.18 - Anna & Lorraine   C-116	1	LS	6670.00	6,670.00	-	-	1.00	6,670.00	1.00	6,670.00	-
39	7S	Interconnect No.19 - Anna & Lorraine   C-116	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
40	7T	Interconnect No.20 - Kensington   C-118	1	LS	9044.00	9,044.00	-	-	1.00	9,044.00	1.00	9,044.00	-
41	7U	Interconnect No.21 - Avery   C-119	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
42	7V	Interconnect No.22 - Avery & Herbert   C-119	1	LS	8780.00	8,780.00	-	-	1.00	8,780.00	1.00	8,780.00	-
43	7W	Interconnect No.23 - Avery & Herbert   C-119	1	LS	12414.00	12,414.00	-	-	1.00	12,414.00	1.00	12,414.00	-
44	7X	Interconnect No.24 - Elm & Washington   C-120	1	LS	11499.00	11,499.00	-	-	1.00	11,499.00	1.00	11,499.00	-
45	7Y	Interconnect No.25 - Elm & Washington   C-120	1	LS	8970.00	8,970.00	-	-	1.00	8,970.00	1.00	8,970.00	-
46	8A1	3/4 - 1 in. NEAR Side Water Service	95	EA	1271.80	120,821.00	-	-	79.00	100,472.20	79.00	100,472.20	20,348.80
47	8A2	1-1/2 in. and Larger NEAR Side Water Service	3	EA	4681.79	14,045.37	-	-	-	-	-	-	14,045.37
48	8B1	3/4 - 1 in. FAR Side Water Service	100	EA	2100.06	210,006.00	-	-	105.00	220,506.30	105.00	220,506.30	(10,500.30)
49	8B2	1-1/2 in. and Larger FAR Side Water Service	3	EA	4681.79	14,045.37	-	-	1.00	4,681.79	1.00	4,681.79	9,363.58

6	A	B	C	D	E	F	G	H	I	J	K	L	M
7	Item	Bid Item / Schedule of Value Description	Quantity	Unit	Schedule of Value U/P	Extension	This Pay Request Qty	Extension	Previous Pay Requests Qty	Extension	Total Complete To Date Qty	Extension	Balance to Complete
50	8C1	3/4 - 1 in. Additional Copper Tubing	4000	LF	3.40	13,600.00	-	-	4,931.30	16,766.42	4,931.30	16,766.42	(3,166.42)
51	8C2	1-1/2 in. and Larger Additional Copper Tubing	100	LF	11.00	1,100.00	-	-	37.50	412.50	37.50	412.50	687.50
52	9A	18 in. Dia. Casing Pipe	100	LF	0.01	1.00	-	-	-	-	-	-	1.00
53	10A	Abandonment No.1 - Treehaven Road   C-115	1	LS	8356.87	8,356.87	-	-	1.00	8,356.87	1.00	8,356.87	-
54	10B	Abandonment No.2 - Lorraine Lane   C-116	1	LS	8518.79	8,518.79	-	-	2.00	17,037.58	2.00	17,037.58	(8,518.79)
55	10C	Abandonment No.3 - Kensington Avenue   C-118	1	LS	5901.35	5,901.35	-	-	1.00	5,901.35	1.00	5,901.35	-
56	10D	Abandonment No.4 - Elm & Washington   C-120	1	LS	5971.84	5,971.84	-	-	1.00	5,971.84	1.00	5,971.84	-
57	11A1	Concrete Sidewalk Restoration (Fixed Min. \$20/SY)	950	SY	20.00	19,000.00	-	-	318.08	6,361.60	318.08	6,361.60	12,638.40
58	11A2	Concrete Driveway Restoration (Fixed Min. \$30/SY)	50	SY	126.20	6,310.00	-	-	184.71	23,310.40	184.71	23,310.40	(17,000.40)
59	11A3	Concrete Base Course (Fixed Min. \$30/SY)	50	SY	150.00	7,500.00	-	-	17.81	2,671.50	17.81	2,671.50	4,828.50
60	11A4	Concrete Curb/Gutter Restoration (Fixed Min. \$15/LF)	375	LF	60.00	22,500.00	-	-	21.20	1,272.00	21.20	1,272.00	21,228.00
61	11B2	Asphalt Driveway Restoration (Fixed Min. \$15/SY)	50	SY	42.29	2,114.50	-	-	37.94	1,604.48	37.94	1,604.48	510.02
62	11B3	Asphalt Pav't 1-1/2 in. Top Course (Fixed Min. \$5/SY)	8500	SY	16.73	142,205.00	-	-	9,568.87	160,087.20	9,568.87	160,087.20	(17,882.20)
63	11B4	Asphalt Pav't 2-1/2 in. Binder Course (Fixed Min. \$5/S)	2700	SY	18.59	50,193.00	-	-	3,371.97	62,684.92	3,371.97	62,684.92	(12,491.92)
64	11B5	Asphalt Pav't 4 in. Base Course (Fixed Min. \$5/SY)	2700	SY	54.51	147,177.00	-	-	3,354.49	182,853.25	3,354.49	182,853.25	(35,676.25)
65					0.00	-	-	-	-	-	-	-	-
66	11C1	Landscape Restoration (Fixed Min. \$3/LF)	1000	LF	11.49	11,490.00	-	-	947.50	10,886.78	947.50	10,886.78	603.23
67	11C2	Tree Planting (Fixed Min. \$100/EA)	6	EA	854.46	5,126.76	-	-	2.00	1,708.92	2.00	1,708.92	3,417.84
68	11C3	Tree Removal < 12 in. Dia. (Fixed Min. \$100/EA)	3	EA	100.00	300.00	-	-	2.00	200.00	2.00	200.00	100.00
69	11C4	Tree Removal > 12 in. Dia. (Fixed Min. \$100/EA)	3	EA	100.00	300.00	-	-	-	-	-	-	300.00
70	12A	Testing and Disinfection (Fixed Min. \$3/LF)	8600	LF	3.00	25,800.00	-	-	8,367.79	25,103.37	8,367.79	25,103.37	696.63
71	13A	Extra Excavation (8 - 10 Ft Deep) (Fixed Min. \$20/LF)	100	LF	20.00	2,000.00	-	-	157.09	3,141.80	157.09	3,141.80	(1,141.80)
72	13B	Extra Excavation (10 - 12 Ft Deep) (Fixed Min. \$20/LF)	50	LF	20.00	1,000.00	-	-	-	-	-	-	1,000.00
73	13C	Extra Concrete (Fixed Min. \$50/CY)	50	CY	50.00	2,500.00	-	-	-	-	-	-	2,500.00
74	67					-	-	-	-	-	-	-	-
75	68					-	-	-	-	-	-	-	-
76	69	SUBTOTALS				2,644,843.00	-	-		2,590,435.99		2,590,435.99	54,407.01
77	70						-	-					



**WORLD WIDE BONDING AGENCY**

2846 WILLIAM STREET BUFFALO NEW YORK 14227  
PH 888-681-7685 ~ FAX 716-681-7683  
[www.wwbagency.com](http://www.wwbagency.com)

March 3, 2021

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

RE: New Frontier Excavating and Paving, Inc.  
Bond no. RCB0029904 – Water System Improvements  
Contract No. NC-039, Project No. 201900073  
Towns of Amherst & Cheektowaga

To Whom It May Concern:

This letter is in reference to the above project, completed by our Customer, New Frontier Excavating and Paving, Inc. 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.

Should you require anything additional, please let me know.

Sincerely,

Gary A. Cardinale,  
Attorney-In-Fact

*The content above has been reviewed by:*



**Gary A Cardinale, President**  
World Wide Bonding Agency  
Work Phone: Toll Free (888)-681-7685  
Cell Phone: (716)-583-3968  
[gary@wwbagency.com](mailto:gary@wwbagency.com)



Independent Insurance Agent



# POWER OF ATTORNEY

## RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615  
Phone: 800-645-2402

### Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Gary A. Cardinale, Joseph V Cardinale, Colleen A Kendziora, jointly or severally

in the City of Buffalo, State of New York its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

**RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 25th day of February, 2021.



**RLI Insurance Company  
Contractors Bonding and Insurance Company**

By: B. W. Davis  
Barton W. Davis Vice President

State of Illinois }  
County of Peoria } SS

### CERTIFICATE

On this 25th day of February, 2021, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 3rd day of March, 2021.

By: Catherine D. Glover  
Catherine D. Glover Notary Public

**RLI Insurance Company  
Contractors Bonding and Insurance Company**

By: Jeffrey D. Dick  
Jeffrey D. Dick Corporate Secretary



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

*Greeting: Know Ye, That* New Frontier Excavating & Paving Inc.

7003 Brown Hill Road

Boston, NY 14025

NAME AND ADDRESS OF CORPORATION

*for and in consideration of the sum of* Two million five hundred ninety thousand four hundred thirty  
five dollars and ninety cents (\$ 2,590,435.99),

*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:*

New Frontier Excavating & Paving 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*

New Frontier Excavating & Paving Inc *has caused its*

*corporate seal to be hereunto affixed, and*

*these presents to be signed by its duly authorized*

*officer this* 9th *day of* March

*Two Thousand and* Twenty One

Michael Halloran, President

By Michael Halloran

*State of New York* )

*County of Erie* ss.

Town Of Boston )

*On this* 9<sup>th</sup> *day of* March *, Two Thousand*

*and* Twenty One *, before me personally came* Michael Halloran *to*

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

Angola, NY *that he/she is*

*the* President *of* New Frontier Excavating & Paving 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.*

Richard T. Zydel

Notary Public, State of New York  
Richard T. Zydel  
Qualified in Erie County  
My Commission Expires 03 / 22 / 20 22  
No. 01ZY6217791



## Contractor's Affidavit of Payment of Debts and Claims

TO OWNER: Erie County Water Authority  
350 Ellicott Square Building  
295 Main Street  
Buffalo, NY 14203

PROJECT No.: 201900073  
CONTRACT No.: NC-039

OWNER: ☐

ARCHITECT: ☐

CONTRACT FOR:  
General Construction

CONTRACTOR: ☐

PROJECT: Water System Improvements  
Towns of Amherst & Cheektowaga  
Contract No. NC-039

CONTRACTED DATE:  
April 30, 2020

SURETY: ☐

OTHER: ☐

STATE OF: NEW YORK

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.

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 equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

3. Contractor's Affidavit of Release of Liens.

CONTRACTOR: New Frontier Excavating & Paving Inc  
7003 Brown Hill Rd  
Boston, NY 14025

BY:

  
(Signature of authorized representative)

Michael Halloran, President

(Printed name and title)

Subscribed and sworn to before me on

Date: Mar. 9, 2021

Notary Public: Richard T. Zydel

My Commission expires: 3-22-22

Notary Public, State of New York  
Richard T. Zydel  
Qualified in Erie County  
My Commission Expires 03 / 22 / 20 22  
No. 01ZY6217791

## Contractor's Affidavit of Release of Liens

TO OWNER: Erie County Water Authority  
350 Ellicott Square Building  
295 Main Street  
Buffalo, NY 14203

PROJECT No.: 201900073  
CONTRACT No.: NC-039

OWNER: ☐

ARCHITECT: ☐

CONTRACT FOR:  
General Construction

CONTRACTOR: ☐

PROJECT: Water System Improvements  
Towns of Amherst & Cheektowaga  
Contract No. NC-039

SURETY: ☐

CONTRACTED DATE:  
April 30, 2020

OTHER: ☐

STATE OF: NEW YORK

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:

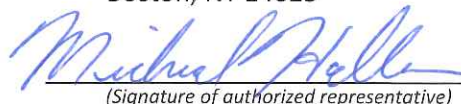
none

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: New Frontier Excavating & Paving Inc  
7003 Brown Hill Rd  
Boston, NY 14025

BY:

  
(Signature of authorized representative)

Michael Halloran, President

(Printed name and title)

Subscribed and sworn to before me on

Date: Mar. 9, 2021

Notary Public: Richard T. Zydel

My Commission expires: 3-22-22

Notary Public, State of New York  
Richard T. Zydel  
Qualified in Erie County  
My Commission Expires 03 / 22 / 20 22  
No. 01ZY6217791

# AIA® Document G707™ – 1994

## Consent Of Surety to Final Payment

Bond No.: RCB0029904  
Executed in Triplicate

PROJECT: (Name and address)  
Water System Improvements,  
Town of Amherst, Town of  
Cheektowaga, Contract No.  
NC-039 Project No. 201900073,  
Approximately LF of DIP

ARCHITECT'S PROJECT NUMBER:  
  
CONTRACT FOR: Construction

OWNER: ☒  
ARCHITECT: ☒  
CONTRACTOR: ☒  
SURETY: ☒  
OTHER: ☒

TO OWNER: (Name and address)  
Erie County Water Authority  
295 Main Street, Room 350  
Buffalo, NY 14203

CONTRACT DATED: 4/30/2020

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

### RLI INSURANCE COMPANY

9025 N. Lindbergh Dr.

Peoria, IL 61615

on bond of

(Insert name and address of Contractor)

New Frontier Excavating & Paving, Inc.

7003 Brown Hill Rd.

Boston, NY 14025

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 14203

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: **March 02, 2021**

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

### RLI INSURANCE COMPANY

(Surety)

(Signature of authorized representative)

**Gary A. Cardinale, Attorney-in-Fact**

(Printed name and title)

Attest:

(Seal):

Wendy Montante



ACKNOWLEDGMENT OF SURETY

STATE OF New York )  
COUNTY OF Erie ) SS.:

On the 2nd day of March in the year 2021, before me, the undersigned, personally appeared Gary A. Cardinale, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

COLLEEN A KENDZIORA  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01KE4993847  
Qualified in Erie County  
Commission Expires March 23, 2022

Colleen A. Kendziora  
Notary Public



RLI Insurance Company  
P.O. Box 3967 Peoria IL 61612-3967  
Phone: 309-692-1000 Fax: 309-683-1610

# RLI Insurance Company

December 31, 2019

## Admitted Assets

### Investments:

Fixed maturities	\$ 862,561,832
Equity securities	1,055,538,936
Short-term investments	0
Real estate	31,007,459
Properties held to produce income	0
Cash on hand and on deposit	33,336,619
Other invested assets	48,753,549
Receivables for securities	444,547
Agents' balances	83,802,269
Investment income due and accrued	6,501,710
Funds held	0
Reinsurance recoverable on paid losses	22,362,745
Federal income taxes receivable	0
Net deferred tax asset	0
Guarantee funds receivable or on deposit	37,626
Electronic data processing equipment, net of depreciation	1,471,612
Receivable from affiliates	1,309,958
Other admitted assets	5,064,817

Total Admitted Assets \$ 2,152,193,679

State of Illinois }

County of Peoria }

## Liabilities and Surplus

### Liabilities:

Reserve for unpaid losses and loss adjustment expenses	\$ 647,131,355
Unearned premiums	262,417,849
Accrued expenses	69,047,381
Funds held	394,003
Advance premiums	9,455,157
Amounts withheld	91,632,930
Dividends declared and unpaid	30,710
Ceded reinsurance premium payable	17,558,467
Payable for securities	1,633,390
Statutory penalties	515,000
Current federal & foreign income taxes	1,385,232
Federal income tax payable	8,803,610
Borrowed money and accrued interest	0
Drafts outstanding	0
Payable to affiliate	11,391,542
Other liabilities	1,125,885
Total Liabilities	<u>\$ 1,122,522,511</u>

### Surplus:

Common stock	\$ 10,000,375
Additional paid-in capital	242,451,084
Unassigned surplus	777,219,709

Total Surplus \$ 1,029,671,168

Total Liabilities and Surplus \$ 2,152,193,679

The undersigned, being duly sworn, says: That he is the President of **RLI Insurance Company**; that said Company is a corporation duly organized, in the State of Illinois, and licensed and engaged in business in the State of \_\_\_\_\_ and has duly complied with all the requirements of the laws of said State applicable of said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under the Act of Congress approved July 1947, 6U.S.C sec. 6-13; and that to the best of his knowledge and belief the above statement is a full, true, and correct statement of the financial condition of the said Company on the 31st day of December 2019.

## Attest:



{ Corporate  
Seal  
Affixed }

Craig Kliethermes  
Craig Kliethermes President

Cherie L. Montgomery  
Cherie L. Montgomery Assistant Secretary

Sworn to before me this 3rd day of March, 2020.



{ Notarial  
Seal  
Affixed }

Gretchen L. Johnigk  
Gretchen L. Johnigk Notary Public, State of Illinois

M0058320

# POWER OF ATTORNEY

## RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615  
Phone: 800-645-2402

### Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Gary A. Cardinale, Joseph V Cardinale, Colleen A Kendziora, jointly or severally

in the City of Buffalo, State of New York its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

**RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 25th day of February, 2021.



**RLI Insurance Company  
Contractors Bonding and Insurance Company**

By:

Barton W. Davis

Vice President

State of Illinois

County of Peoria

} SS

### CERTIFICATE

On this 25th day of February, 2021, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 2nd day of March, 2021.

By:

Catherine D. Glover

Notary Public

**RLI Insurance Company**

**Contractors Bonding and Insurance Company**

By:

Jeffrey D. Fick

Corporate Secretary



**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: New Frontier Excavating and Paving, Inc. CONTRACT: NC-039 (20-14-04)

MBE	TOTAL AMOUNT EXPENDED
See Attached	

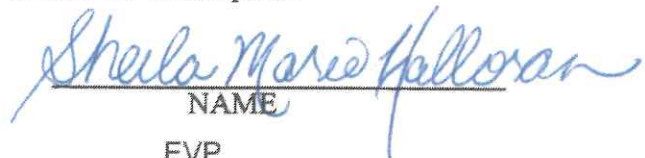
TOTAL OF ALL MBE  
SUB-CONTRACTS \$ 164,129.06

AMOUNT OF  
CONTRACT 2,590,435.99

FINAL MBE  
PERCENTAGE 6.3%

I, Sheila Marie Halloran, as an official  
representative of New Frontier Excavating and Paving, Inc.,

do hereby certify that the information listed above is correct and complete.



NAME

EVP

TITLE

March 8, 2021

DATE



# NEW FRONTIER EXCAVATING & PAVING, INC.

SITE WORK • EXCAVATING & PAVING



January 7, 2021

Lavonya Lester, Director of EEO  
Erie County Water Authority  
3030 Union Road  
Buffalo, NY 14227

RE: WMBE Utilization Summary, Contract NC-039, Project 201900073, Towns of Amherst & Cheektowaga

Dear Ms. Lester,

In completing the Minority Business Enterprise Utilization Report -Part D, our 13.1% goal was not realized. Our goal quantity was based on our bid which was compiled from the Engineer's estimated quantities. We understand that the Engineer's quantities are not guaranteed, but rather used for comparison of bids; however it is the only data that we have pre-bid to estimate our WMBE utilization. Below are explanations for concrete and trucking.

#### Concrete

- Items 11A1, 11A2, 11A3 & 11A4 – Concrete Driveway & Sidewalk Restoration, Base Course & Curb
  - Bid quantity for items 11A1 & 11A2 was 1,000 SY. The actual amount installed was 502.79 SY (50%)
  - Bid quantity for 11A3 was 50 SY. The actual amount installed was 17.81 SY. (35.6%)
  - Bid quantity for 11A4 was 375 LF. The actual amount installed was 21.2 LF (5.7%)
- Item 13C – Extra Concrete – Bid quantity was 50 CY. No extra concrete was utilized on the job. (0%)

#### Trucking

- Item 6A – Select Fill
  - Bid quantity for item 6A was 4,300 CY. The actual amount installed in the job was 3,549 CY (82.5%)
- Item 1A3 – 8" Ductile Iron Pipe
  - Pipe was installed at a rate faster than it was bid. The actual days were 22.9% less than plan. The actual hours to haul spoil away were 24.9% less than plan.
  - Provisions in the PPP loan required head count to be maintained. Our internal trucking hours were 16.2% higher than prior year and 100% higher than planned.

I hope that this explains the main drivers of the variance to plan. If you have any questions or if you require additional information, please feel free to contact me. Thank you in advance.

Sincerely,

A handwritten signature in blue ink that reads "Sheila Marie Halloran".

Sheila Marie Halloran, CIA, CCSA

**7003 BROWN HILL ROAD • BOSTON, NEW YORK 14025**  
**OFFICE: 716-226-4298 • FAX: 716-226-4299**

**From:** [Lavonya Lester](#)  
**To:** [Leonard F. Kowalski](#)  
**Subject:** RE: nc-039  
**Date:** Friday, April 30, 2021 12:42:58 PM  
**Attachments:** [NC-039 Utilization Part D - Signed PUBLIC.pdf](#)  
[NC-039 Utilization Part D - Letter.pdf](#)

---

Len-

All certified payrolls are received and correct.

I also have the letter which has been verified by you.

Please proceed with processing final payment.

Thanks

Lavonya

-----  
Lavonya – I remember discussing this with you a couple months ago.

Their statement about the concrete quantities is accurate, the actual quantities utilized on the project were less than what was estimated, therefore reducing their ability to utilize an MWBE subcontractor for this work.

For the trucking, they basically finished the work faster than they thought they would and therefore didn't utilize their MWBE trucking subcontractor as much as they originally anticipated.

---

Confidentiality Notice: This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender which is protected by the attorney-client privilege/or otherwise. If you are not the intended recipient, you are hereby notified 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.