



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

May 21, 2020

To: Terrence D. McCracken, Secretary to the Authority

From: Jeffrey R. Sylvester, Distribution Engineer

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

Subject: Contract CPL-004
Water System Improvements
Town of Clarence
ECWA Project No. 201800079

The following documents are attached for processing of the Final Pay Application #6 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 \$20,024.42.

JRS:jmf

Attachment

cc: R.Stoll

L.Kowalski

M.Quinn

L.Lester

CONT-CPL-005-1801-I-186-B



May 7, 2020

Jeff Sylvester
Erie County Water Authority
3030 Union Road
Buffalo, NY 14227

**RE: PROFESSIONAL SERVICES CONTRACT NO. CPL-004
WATER IMPROVEMENTS, TOWN OF CLARENCE
ECWA PROJECT NO. 201800079
PROJECT CLOSEOUT**

Dear Mr. Sylvester,

New Frontier Excavating and Paving, Inc. has completed all work on the referenced project and has requested final payment. CPL and New Frontier have prepared the attached closeout documents for ECWA Project No. 201800079:

1. Application for Payment No.6 & Final
2. Change Order No.1
3. Surety Letter
4. General Release
5. Affidavit of Payment
6. Affidavit of Release of Liens
7. Consent of Surety to Final Payment
8. MWBE Utilization Report – Part D
9. Certified Payrolls for 11/13/19 – 12/14/19

We have 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 \$20,024.42.

Please let me know if you need additional information or documentation.

Very truly yours,

Clark Patterson Lee

James Hunt, EIT
Project Engineer

**ARCHITECTURE
ENGINEERING
PLANNING**

Application Period: 11/13/19 to 12/11/19	Application Date: 12/11/2019
To (Owner): Erie County Water Authority	From (Contractor): New Frontier Excavating and Paving, Inc.
Project: Town of Clarence	Via (Engineer): Clark Patterson Lee
Contract: Water System Improvements	
Owner's Contract No.: #201800079	Contractor's Project No.: _____
	Engineer's Project No.: CPL-004

**Application For Payment
Change Order Summary**

Approved Change Orders		
Number	Additions	Deductions
1		\$134,109.86
TOTALS		\$134,109.86
NET CHANGE BY CHANGE ORDERS		-\$134,109.86

1. ORIGINAL CONTRACT PRICE.....	\$	\$1,617,400.00
2. Net change by Change Orders.....	#	-\$134,109.86
3. Current Contract Price (Line 1 ± 2).....	\$	\$1,483,290.14
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate).....	\$	\$1,483,290.14
5. RETAINAGE:		
a. X \$1,483,290.14 Work Completed.....	\$	
b. 5% X _____ Stored Material.....	\$	
c. Total Retainage (Line 5a + Line 5b).....	\$	
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$	\$1,483,290.14
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$	\$1,463,265.72
8. AMOUNT DUE THIS APPLICATION.....	\$	\$20,024.42
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....	\$	

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: Michael J. Hall Date: 12/09/19
New Frontier Excavating and Paving, Inc.

Payment of: \$20,024.42
(Line 8 or other - attach explanation of the other amount)

is recommended by: Clark Patterson Lee (Engineer) 12/24/19 (Date)

Payment of: \$20,024.42
(Line 8 or other - attach explanation of the other amount)

is approved by: Erie County Water Authority (Date)

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

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): Water System Improvements						Application Number: 6							
Application Period: 11/13/19 to 12/11/19						Application Date: 12/11/2019							
A CONTRACT				B	C	D	E	F	G TOTAL TO DATE				
Item				THIS PERIOD									
Bid Item No.	Description	Units	Bid Item Quantity	Unit Price	Bid Item Value (\$)	Estimated Quantity Installed	Value of Work Installed	Materials Presently Stored (not in C)	Total Completed and Stored this period (D + E)	Estimated Quantity Installed to Date	Value of Work Installed to Date	% (G / B)	Balance to Finish (B - G)
1A2	6-inch DIP Water Main	LF	60	\$28.13	\$1,687.80					20	\$562.60	33.3%	\$1,125.20
1A3	8-inch DIP Water Main	LF	2,500	\$74.22	\$185,550.00					2,246	\$166,698.12	89.8%	\$18,851.88
1A4	10-inch DIP Water Main	LF	5,200	\$100.23	\$521,196.00					4,701	\$471,181.23	90.4%	\$50,014.77
1A5	12-inch DIP Water Main	LF	40	\$95.86	\$3,834.40					13	\$1,246.18	32.5%	\$2,588.22
2A2	8-inch Gate Valves	EA	10	\$1,480.10	\$14,801.00					9	\$13,320.90	90.0%	\$1,480.10
2A3	10-inch Gate Valves	EA	13	\$2,195.56	\$28,542.28					12	\$26,346.72	92.3%	\$2,195.56
2D1	Permanent Blow Off Assembly	EA	5	\$1,891.60	\$9,458.00					5	\$9,458.00	100.0%	
3	Fire Hydrants	EA	12	\$5,086.70	\$61,040.40					12	\$61,040.40	100.0%	
3C	Fire Hydrant Abandonments	EA	11	\$475.43	\$5,229.73					11	\$5,229.73	100.0%	
4A	Test Pit Excavation and Backfill	EA	10	\$500.00	\$5,000.00					5	\$2,500.00	50.0%	\$2,500.00
5A	Rock Excavation	CY	1,000	\$150.00	\$150,000.00					651	\$97,708.50	65.1%	\$52,291.50
6A	Select Backfill	CY	2,000	\$32.25	\$64,500.00					2,195	\$70,795.52	109.8%	-\$6,295.52
7A1	Interconnection No.1 Ledge Lane/Greiner Road	LS	1	\$100,150.19	\$100,150.19					1	\$100,150.19	100.0%	
7A2	Interconnection No.2 Clearview Drive	LS	1	\$4,857.57	\$4,857.57					1	\$4,857.57	100.0%	
7A3	Interconnection No.3 Galbrieth Road	LS	1	\$4,664.53	\$4,664.53					1	\$4,664.53	100.0%	
7A4	Interconnection No.4 Ledge Lane/ Sheridan Dr.	LS	1	\$5,519.44	\$5,519.44					1	\$5,519.44	100.0%	
8A1	3/4" to 1" Service Repl./Inst. Near Side	EA	29	\$922.58	\$26,754.82					29	\$26,754.82	100.0%	
8B1	3/4" to 1" Service Repl./Inst. Far Side	EA	64	\$3,657.49	\$234,079.36					63	\$230,421.87	98.4%	\$3,657.49
8C1	3/4" to 1" Additional Copper Tubing	LF	1,000	\$3.93	\$3,930.00					1,518	\$5,965.74	151.8%	-\$2,035.74
9B	20-inch Casing Pipe	LF	20	\$243.86	\$4,877.20					20	\$4,877.20	100.0%	
10A1	Watermain Abandonment No 1 Ledge/Greiner	LS	1	\$4,554.50	\$4,554.50					1	\$4,554.50	100.0%	
10A2	Watermain Abandonment No 2 Ledge/Sheridan	LS	1	\$4,462.38	\$4,462.38					1	\$4,462.38	100.0%	
11A2	Concrete Driveway Restoration	SY	35	\$122.90	\$4,301.50					62	\$7,571.87	176.0%	-\$3,270.37
11A3	Concrete Base Course	SY	35	\$133.04	\$4,656.40					62	\$8,196.59	176.0%	-\$3,540.19
11B2	Asphalt Driveway Restoration	SY	570	\$75.00	\$42,750.00					563	\$42,243.00	98.8%	\$507.00
11B3	Asphalt Pavement Top Course	SY	275	\$25.00	\$6,875.00					470	\$11,758.50	171.0%	-\$4,883.50
11B4	Asphalt Pavement Binder Course	SY	275	\$25.00	\$6,875.00					374	\$9,343.00	135.9%	-\$2,468.00
11B5	Asphalt Pavement Base Course	SY	275	\$50.00	\$13,750.00					374	\$18,686.00	135.9%	-\$4,936.00
11B6	Concrete Curbing	LF	10	\$35.00	\$350.00					16	\$560.00	160.0%	-\$210.00
11C1	Landscape Restoration	LF	7,200	\$6.30	\$45,360.00					5,890	\$37,107.00	81.8%	\$8,253.00
11C2	Tree Planting	EA	6	\$830.84	\$4,985.04								\$4,985.04
11C3	Tree Removal	EA	3	\$836.67	\$2,510.01					1	\$836.67	33.3%	\$1,673.34
11C4	Tree Removal Greater Than 12-inch	EA	3	\$1,673.35	\$5,020.05								\$5,020.05
12A	Testing and Disinfection	LF	8,340	\$4.11	\$34,277.40					6,976	\$28,671.36	83.6%	\$5,606.04
13A	Extra Excavation 8-10 ft Deep	LF	50	\$10.00	\$500.00								\$500.00
13B	Extra Excavation 10-12 ft Deep	LF	25	\$20.00	\$500.00								\$500.00
Totals					\$1,617,400.00						\$1,483,290.14	91.7%	\$134,109.86

Notes:



WORLD WIDE BONDING AGENCY

2846 WILLIAM STREET BUFFALO NEW YORK 14227
PH 888-681-7685 FAX 716-681-7683
www.wwbagency.com

December 6, 2019

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

RE: New Frontier Excavating and Paving, Inc.
Bond No. RCB0018641 - Water System Improvements
Contract No. CPL-004, Project No. 201800079
Town of Clarence

To Whom It May Concern:

This letter is in reference to the above captioned project, completed by our customer, New Frontier Excavating and Paving, Inc. Please 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 (1) year after the date of final acceptance.

Should you require anything further, please let me know.

Sincerely,
RLI Insurance Company

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



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, 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 12th day of November, 2019.



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 12th day of November, 2019, 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 12th day of November, 2019.

By: Gretchen L. Johnnigk
Gretchen L. Johnnigk Notary Public

RLI Insurance Company
Contractors Bonding and Insurance Company

By: Jean M. Stephenson
Jean M. Stephenson 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 One million four hundred eighty three thousand two hundred ninety dollars and fourteen cents (\$ 1,483,290.14),

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* December

Two Thousand and Nineteen

Michael Halloran, President

By *Michael Halloran*

State of New York)

County of Erie ss.

Town Of Boston)

On this 9th *day of* December *, Two Thousand and* Nineteen *, 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. Zydell

Notary Public, State of New York
Richard T. Zydell
Qualified in Erie County
My Commission Expires 03 / 22 / 20 22
No. 0121621791

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.: 201800079
CONTRACT No.: CPL-004

OWNER:

ARCHITECT:

CONTRACT FOR:
General Construction

CONTRACTOR:

PROJECT: Water System Improvements
in the Town of Clarence
Contract No. CPL-004

CONTRACTED DATE:
April 4, 2019

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:

12-9-2019

Notary Public:



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.: 201800079
CONTRACT No.: CPL-004

OWNER:

ARCHITECT:

CONTRACT FOR:
General Construction

CONTRACTOR:

PROJECT: Water System Improvements
in the Town of Clarence
Contract No. CPL-004

CONTRACTED DATE:
April 4, 2019

SURETY:

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:

12-9-2019

Notary Public:



My Commission expires:

3-22-22

Notary Public, State of New York
Richard T. Zydel
Qualified in Erie County
My Commission Expires 03 / 22 / 2022
No. 01ZY6217791

Consent of Surety to Final Payment

Bond No. RCB0018641
Executed in Four Counterparts

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

PROJECT No.: 201800079
CONTRACT No.: CPL-004

OWNER:

ARCHITECT:

CONTRACT FOR:
General Construction

CONTRACTOR:

PROJECT: Water System Improvements
Town of Clarence
Contract No. CPL-004

CONTRACTED DATE:
April 4, 2019

SURETY:

OTHER:

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the

RLI Insurance Company
9025 N. Lindbergh Dr.
Peoria, IL 61615

, SURETY,

on bond of

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

, 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

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

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: December 6, 2019

(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):


Colleen A. Kendziora

ACKNOWLEDGMENT OF SURETY

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

On the 6th day of December in the year 2019, 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
ERIE COUNTY
COMM. EXP. 03/23/20 22

Colleen A. Kendziora
Notary Public

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, 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 12th day of November, 2019.



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 12th day of November, 2019, 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 14th day of December, 2019.

By: Gretchen L. Johnigk
Gretchen L. Johnigk Notary Public

RLI Insurance Company
Contractors Bonding and Insurance Company
By: Jean M. Stephenson
Jean M. Stephenson Corporate Secretary





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

RLI Insurance Company

December 31, 2018

Admitted Assets

Investments:	
Fixed maturities	\$ 747,235,489
Equity securities	884,291,735
Short-term investments	0
Real estate	29,802,463
Properties held to produce income	0
Cash on hand and on deposit	29,638,778
Other invested assets	34,966,118
Receivables for securities	0
Agents' balances	81,240,293
Investment income due and accrued	5,929,976
Funds held	0
Reinsurance recoverable on paid losses	8,591,035
Federal income taxes receivable	0
Net deferred tax asset	3,836,443
Guarantee funds receivable or on deposit	60,867
Electronic data processing equipment, net of depreciation	8,145,831
Receivable from affiliates	460,607
Other admitted assets	11,201,403
Total Admitted Assets	\$ 1,845,401,038

Liabilities and Surplus

Liabilities:	
Reserve for unpaid losses and loss adjustment expenses	\$ 596,730,971
Unearned premiums	263,712,726
Accrued expenses	49,282,615
Funds held	401,143
Advance premiums	7,214,508
Amounts withheld	74,762,115
Dividends declared and unpaid	40,638
Ceded reinsurance premium payable	10,940,257
Payable for securities	1,216,188
Statutory penalties	310,000
Current federal & foreign income taxes	3,524,047
Federal income tax payable	0
Borrowed money and accrued interest	0
Drafts outstanding	0
Payable to affiliate	4,475,118
Other liabilities	3,015,592
Total Liabilities	\$ 1,015,625,918
Surplus:	
Common stock	\$ 10,000,375
Additional paid-in capital	242,451,084
Unassigned surplus	577,323,661
Total Surplus	\$ 829,775,120
Total Liabilities and Surplus	\$ 1,845,401,038

State of Illinois }
 County of Peoria }

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 2018.

Attest:



{ Corporate Seal Affixed }

Craig Kliethermes President

Cherie L. Montgomery Assistant Secretary

Sworn to before me this 23rd day of February, 2019.

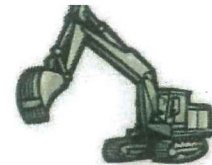


{ Notarial Seal Affixed }

Gretchen L. Johnnigk Notary Public, State of Illinois

NEW FRONTIER EXCAVATING & PAVING, INC.

SITE WORK • EXCAVATING & PAVING



December 11, 2019

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

RE: WMBE Utilization Summary, Contract CPL-004, Project 201800079, Town of Clarence, Ledge Lane

Dear Ms. Lester,

In completing the Minority Business Enterprise Utilization Report -Part D, our 10.9% goal was not realized. The primary reason for this is that the final contract amount came in at \$1,483,290.14 out of the original contract amount of \$1,617,400.00. The items identified below are items that fell short of the original bid quantities. They are also items that had heavy utilization of stone and trucking via Tripi Transportation, Inc.

- Item 1A3 – 8” Ductile Iron Pipe (\$18,851.88 under contract value)
 - Bid quantity was 2,500 LF. The actual quantity installed was 2,246 LF or 89.8%. This impacted the quantities of bedding stone and the select fill, both of which were purchased from and delivered by Tripi Transportation. Additionally, trucking of excavated spoils away from the job was reduced.
- Item 1A4 – 10” Ductile Iron Pipe (\$50,014.77 under contract value)
 - Bid quantity was 5,200 LF. The actual quantity installed was 4,701 LF or 90.4%. This impacted the quantities of bedding stone and the select fill, both of which were purchased from and delivered by Tripi Transportation. Additionally, trucking of excavated spoils away from the job was reduced.
- Item 5A – Rock Excavation (\$52,291.50 under contract value)
 - Bid quantity was 1000 CY. Actual quantity was 651.39 CY, or 65.1%. This reduced the actual hourly trucking for rock excavation. Eight hundred and fifty hours were planned for hourly trucking with Tripi Transportation, Inc to excavate 1000 CY. Total hourly trucking came in at 561.25 hours, or 66.0%

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. Best wishes for a very Happy Holiday Season.

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

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: CPL-004

MBE	TOTAL AMOUNT EXPENDED
Tripi Transportation, Inc.	\$106,784.85
Iroquois Bar Corp.	\$ 1,525.17

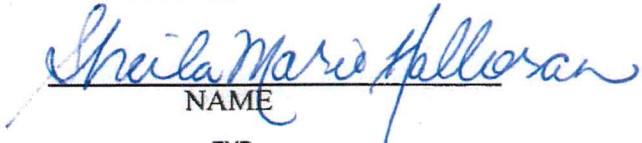
TOTAL OF ALL MBE
SUB-CONTRACTS \$ 108,310.02

AMOUNT OF
CONTRACT 1,483,290.14

FINAL MBE
PERCENTAGE 7.3%

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

December 11, 2019

DATE

New Frontier Excavating and Paving, Inc.
CPL-004 Town of Clarence
Utilization Part B Invoices

Tripi Transportation

	Invoice #	Date	Amount
	4727	5/3/2019	10,492.33
	4737	5/4/2019	18,026.99
	4757	5/11/2019	31,099.69
	4779	5/11/2019	30,093.37
TOTAL			<u>89,712.38</u>

Iroquois Bar

	32884	4/22/2019	436.60
TOTAL			<u>436.60</u>

TOTAL - PART B **90,148.98**

New Frontier Excavating and Paving, Inc.
CPL-004 Town of Clarence
Utilization Part C Invoices

Tripi Transportation

	Invoice #	Date	Amount
	4810	5/18/2019	12,274.55
	4866	5/29/2019	385.56
	4861	5/29/2019	(209.12)
	4862	5/29/2019	1,670.35
	4893	6/1/2019	1,392.95
	4896	6/5/2019	212.59
	4898	6/7/2019	738.36
TOTAL			<u>16,465.24</u>

Iroquois Bar

	33428	6/6/2019	1,088.57
TOTAL			<u>1,088.57</u>

TOTAL - PART C **17,553.81**

New Frontier Excavating and Paving, Inc.
CPL-004 Town of Clarence
Utilization Part D Invoices

Tripi Transportation

	Invoice #	Date	Amount
	5006	6/29/2019	607.23
TOTAL - PART D			<u><u>607.23</u></u>

GRAND TOTAL - PARTS B, C & D **108,310.02**

TRIFI TRANSPORTATION INC.

77 WEST DRULLARD AVENUE : LANCASTER, NEW YORK 14086

INVOICE

NEW FRONTIER EXCAVATING & PAVING
INC
7003 BROWN HILL RD
BOSTON, NY 14025

INVOICE NO. 5006
DATE 6/29/2019
P.O. NO.
PROJECT
TERMS NET 30

DESCRIPTION	QUANTITY	RATE	AMOUNT
CLARENCE WATERLINE			
SUPPLIED & DEL'D #1 STONE BCS WEHRLE	22.08	18.00	397.44
SUPPLIED & DEL'D 2"CR BCS WEHRLE	21.74	9.65	209.79

TOTAL

\$607.23

WEEKLY PAYROLL
For Contractor's Optional Use.

The use of this form meets payroll notification requirements; as stated on the Payroll Records Notification.

NAME OF CONTRACTOR <input checked="" type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS																
New Frontier Excavating and Paving, Inc.		7003 Brown Hill Road, Boston, NY 14025																
PAYROLL NO.		PROJECT AND LOCATION																
20-3121603		ECWA Water System Improvements, Clarence																
FOR WEEK ENDING		PROJECT OR CONTRACTOR NUMBER																
November 16, 2019		PN 201800079 CPL-004, NF 1901																
(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g. LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER OF WORKER)	(2) NO OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY		(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS				(9) NET WAGES PAID FOR WEEK
			S 11/10	M 11/11	T 11/12	W 11/13	TH 11/14	F 11/15	S 11/16		WAGE	BENEFIT		FICA	FEDERAL W/H	STATE/LOCAL TAXES	OTHER	
No Work Performed	0								0.00	0.00	0.00	0.00	0.00					0.00
XXX-XX-	0								0.00	0.00	0.00	0.00	0.00					0.00
									0.00	0.00	0.00	0.00	0.00					0.00
									0.00	0.00	0.00	0.00	0.00					0.00
									0.00	0.00	0.00	0.00	0.00					0.00
									0.00	0.00	0.00	0.00	0.00					0.00
									0.00	0.00	0.00	0.00	0.00					0.00
									0.00	0.00	0.00	0.00	0.00					0.00
									0.00	0.00	0.00	0.00	0.00					0.00
									0.00	0.00	0.00	0.00	0.00					0.00
									0.00	0.00	0.00	0.00	0.00					0.00
									0.00	0.00	0.00	0.00	0.00					0.00

THIS CERTIFICATION MUST BE COMPLETED ON EACH WEEKLY PAYROLL FORM USED BY THE CONTRACTOR OR SUBCONTRACTOR

Date 11/16/2019
 I Michael Halloran President
 (Name of signatory party) (Title)

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

Each laborer, worker, or mechanic listed in the above-referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(C) below.

(1) That I pay or supervise the payment of the persons employed by

New Frontier Excavating and Paving, Inc.
 (Contractor or Subcontractor)

, that during the payroll period commencing on the 10th
 day of November, 2019 and ending the 16th day of November, 2019

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

New Frontier Excavating and Paving, Inc. from the full
 (Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Articles 8 and 9 and described below:

(2) That any payrolls submitted for the above period are correct and complete; that the wage rates for laborers, workers, or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer, worker or mechanic conform with the work he/she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c).

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

SIGNATURE

Michael Halloran

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9

WEEKLY PAYROLL

For Contractor's Optional Use.

The use of this form meets payroll notification requirements, as stated on the Payroll Records Notification.

NAME OF CONTRACTOR <input checked="" type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>	ADDRESS		7003 Brown Hill Road, Boston, NY 14025													PROJECT OR CONTRACTOR NUMBER				
FEIN	FOR WEEK ENDING		ECWA Water System Improvements, Clarence													PN 201800079 CPL-004, NF 1901				
20-3121603	November 23, 2019		PROJECT AND LOCATION																	
(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g. LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER OF WORKER)	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY		(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS			(9) NET WAGES PAID FOR WEEK			
No Work Performed 0 XXX-XX-	0 0		S	M	T	W	TH	F	S	0.00	0.00	0.00		FEDERAL W/H	STATE/LOCAL TAXES	OTHER	FRINGE BENEFIT	TOTAL DEDUCTION	0.00	
			O	T	S	O	S													

THIS CERTIFICATION MUST BE COMPLETED ON EACH WEEKLY PAYROLL FORM USED BY THE CONTRACTOR OR SUBCONTRACTOR

Date 11/23/2019

I Michael Halloran President
 (Name of signatory party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

New Frontier Excavating and Paving, Inc.
 (Contractor or Subcontractor)

, that during the payroll period commencing on the 17th
 day of November, 2019 and ending the 23rd day of November, 2019

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

New Frontier Excavating and Paving, Inc. from the full
 (Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Articles 8 and 9 and described below:

(2) That any payrolls submitted for the above period are correct and complete; that the wage rates for laborers, workers, or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer, worker or mechanic conform with the work he/she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c).

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

Each laborer, worker, or mechanic listed in the above-referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(C) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

SIGNATURE

Michael Halloran

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9

WEEKLY PAYROLL

For Contractor's Optional Use.

The use of this form meets payroll notification requirements; as stated on the Payroll Records Notification.

NAME OF CONTRACTOR <input checked="" type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/> New Frontier Excavating and Paving, Inc.		ADDRESS 7003 Brown Hill Road, Boston, NY 14025		PROJECT OR CONTRACTOR NUMBER PN 201800079 CPL-004, NF 1901		
FEIN 20-3121603	PAYROLL NO.	FOR WEEK ENDING November 30, 2019	PROJECT AND LOCATION ECWA Water System Improvements, Clarence			
(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g. LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER OF WORKER) No Work Performed 0 XXX-XX-	(2) NO OF WITHHOLDING EXEMPTIONS 0 0	(3) WORK CLASSIFICATION O S O S O S O S O S O S O S O S O S O S O S	(4) DAY AND DATE S M T W TH F S 11/24 11/25 11/26 11/27 11/28 11/29 11/30 HOURS WORKED EACH DAY			
			(5) TOTAL HOURS 0.00 0.00 0.0	(6) RATE OF PAY WAGE BENEFIT 0.00	(7) GROSS AMOUNT EARNED 0.00	(8) DEDUCTIONS FEDERAL WH STATE/LOCAL TAXES OTHER FRINGE BENEFIT TOTAL DEDUCTION 0.00

Jeff Sylvester

From: Lavonya Lester
Sent: Wednesday, May 20, 2020 5:21 PM
To: Sheila Halloran; Jeff Sylvester; Michael J. Quinn
Subject: RE: CPL-004 MBE Utilization Part D

Thank you Sheila.

Jeff. Please proceed with the final pay app. Thanks
Lavonya

----- Original message -----

From: Sheila Halloran <sheilahalloran66@gmail.com>
Date: 5/20/20 5:08 PM (GMT-05:00)
To: Jeff Sylvester <jsylvester@ecwa.org>, Lavonya Lester <llester@ecwa.org>, "Michael J. Quinn" <mquinn@ecwa.org>
Subject: Fwd: CPL-004 MBE Utilization Part D

Jeff,

I am forwarding what I had sent to CPL on December 11, 2019. There is a letter for Ms. Lester explaining the variance. I honestly can't recall why I did not send it to Ms. Lester, directly, but I have to assume it was because I included it with the WMBE part D document in that pay application which went from New Frontier to CPL and CPL forwarded the documents to ECWA.

Kind Regards,

Sheila Marie Halloran, CIA, CCSA
New Frontier Excavating and Paving, Inc.
(o) 716.226.4298
(c) 716.536.4065
sheilahalloran66@gmail.com

----- Forwarded message -----

From: <sheilahalloran66@gmail.com>
Date: Wed, Dec 11, 2019 at 1:06 PM
Subject: CPL-004 MBE Utilization Part D
To: James Hunt <JHunt@cplteam.com>
Cc: Rick Zydel <rick.newfrontier@roadrunner.com>

James,

Attached are documents for CPL-004 MBE Utilization. Documents attached to this e-mail include:

- CPL-004 MBE Part B C and D breakdown – a breakdown of invoice number, date and amount submitted with each part
- CPL-004 Part D Utilization Signed – the contract form
- CPL – 004 MBE Utilization Letter 12-11-19 – A letter to Ms. Lester highlighting the main drivers of not attaining 10.9% utilization
- Part D Tripi Invoices – a copy of invoice from Tripi

Please let me know if you need any additional information. If we do not correspond before the end of the year, may you have a very Merry Holiday and Happy New Year.

Kind Regards,

Sheila Marie Halloran, CIA, CCSA

New Frontier Excavating and Paving, Inc.

(o) 716.226.4298

(c) 716.536.4065

sheilahalloran66@gmail.com

Sent from [Mail](#) for Windows 10

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.

Erie County Water Authority

Final Payment Application

CHECK LIST: Items to Accompany Final Payment Application

- JRS 1. Blue Authorization Form
- JRS 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.
- JRS 3. Final Payment Application. The Amount Certified for Final Payment must be written on the Blue Authorization Form.

Insurance & Bond Requirements

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

Release & AIA Forms

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

EEO Requirements

- JRS 10. M/WBE Utilization Report – Part D
- JRS 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