



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

August 6, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: Mark D. Jarmuz, Distribution Engineer *MJ*

Subject: Contract WSA-014
Water System Improvements
Cities of Lackawanna and Tonawanda, Village of Blasdell, Towns of Cheektowaga and West Seneca
ECWA Project No. 201900075

The following documents are attached for processing of the Final Pay Application for the above referenced Capital 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, E&R General Construction, Inc., has provided all the proper documentation to close out the contract, including the required WMBE Utilization Report – Part D and Final Certified Payrolls, which were already reviewed and approved by Director of EEO (ECWA). The entire Final Pay Application package has to be reviewed by Risk Manager and Legal Department prior to Board action.

The amount certified for Final Payment is \$90,224.87 and includes all the previous retainage. The project was billed to Unit 2590 Eng/Const Distribution Mains - Item 101412 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.

Attachment
cc: L.Kowalski
M.Quinn
L.Lester
CONT-WSA-014-1901-I-186-B

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

Contract: WSA-014

Project No.: 201900075

Project Description: Water System Improvements, Cities of Lackawanna and Tonawanda,
Village of Blasdell, Towns of Cheektowaga and West Seneca

Item Description:



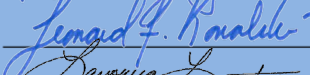



- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT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

Action Requested:


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

Approvals Needed:

APPROVED AS TO CONTENT:

- | | | |
|--|--|-------------------------|
| <input checked="" type="checkbox"/> Sr. Distribution Engineer |  | Date: <u>8/10/2021</u> |
| <input checked="" type="checkbox"/> Chief Operating Officer |  | Date: <u>8/9/2021</u> |
| <input checked="" type="checkbox"/> Executive Engineer |  | Date: <u>08/10/2021</u> |
| <input checked="" type="checkbox"/> Director of Administration |  | Date: <u>08/09/2021</u> |
| <input checked="" type="checkbox"/> Risk Manager | | Date: _____ |
| <input checked="" type="checkbox"/> Chief Financial Officer |  | Date: <u>08/09/2021</u> |
| <input checked="" type="checkbox"/> Legal |  | Date: <u>8/9/2021</u> |

APPROVED FOR BOARD RESOLUTION:

- | | | |
|--|---|-----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: <u>08/11/21</u> |
|--|---|-----------------------|

Remarks: Amount certified for Final Payment \$90,224.87

Resolution Date: _____

Item No: _____

Erie County Water Authority

Final Payment Application

CHECK LIST: Items to Accompany Final Payment Application

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

Insurance & Bond Requirements

- ☒ 4. Evidence that Insurance is in effect for two years. This is usually evident on the Certificates of Insurance that are issued. (E&R 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

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

Civil Engineering
Environmental Engineering
Municipal Engineering
Land Surveying



Project Management
Construction Support Services
Landscape Architecture
SWPPP Services

June 3, 2021

Mark Jarmuz
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

Re: Erie County Water Authority Contract WSA-14
Water System Improvements
ECWA Project No. 201900075
Pay Application No 3 and Final

Gentlemen:

E&R General Construction Inc has completed all work on the referenced project and has requested final payment. We are enclosing the following documents (originals):

- Pay Application 3 & Final in the total amount due of \$90,224.87
- Certification of Surety stating that the Performance Bond shall remain in effect for two years and the Payment Bond shall remain in effect for one year from the date of final acceptance
- General Release Form 507
- Affidavit of Payment of Debts and Claims - AIA Form G706
- Affidavit of Release of Liens - AIA Form G706A
- Consent of Surety to Final Payment – AIA Form G707

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 E&R General Construction Inc in the amount of \$90,224.87.

Please note that documentation of the remaining Certified Payroll Records and Part D of the MWBE Utilization Plan has been submitted to Lavonya Lester under separate cover.

Very truly yours,

A handwritten signature in blue ink that reads "James K. Ehrin".

James K. Ehrin

cc: Ron Schultz, ECWA
Mike Quinn, P.E., ECWA
Buddy Thoman, WSA
19031

Contractor's Application

| | | | | | | | | | | | | | | |
|---------------------|---|----------------------|-------|-------------|--------------------------|-------------------------------------|---------------------------------|-----------------------|---------------------|---------------------------------------|----------------------------------|--|-----------|---------------------------|
| For (Contract): | CONTRACT WSA-014 | | | | | | | | Application Number: | | 3 and Final | | | |
| Application Period: | Ending 4/15/2021 | | | | | | | | Application Date: | | 4/16/2021 | | | |
| A | | B | | | C | D | | | E | F | | | | |
| Item | | Contract Information | | | | Estimated Qty Installed This Period | Value of Work Installed to Date | Previous Pay Requests | | Materials Presently Stored (not in C) | Total Quantities To Date (C + L) | Total Completed and Stored to Date (D + E) | % (F / B) | Balance to Finish (B - F) |
| Bid Item No. | Description | Item Quantity | Units | Unit Price | Total Value of Item (\$) | | | Qty | Value | | | | | |
| 1A2 | 6-inch DIP Watermain | 200 | LF | \$78.00 | \$15,600.00 | | | 146.80 | \$11,450.40 | | 146.80 | \$11,450.40 | 73.4% | \$4,149.60 |
| 1A3 | 8-inch DIP Watermain | 1,500 | LF | \$104.00 | \$156,000.00 | | | 998.00 | \$103,792.00 | | 998.00 | \$103,792.00 | 66.5% | \$52,208.00 |
| 1A4 | 10-inch DIP Watermain | 650 | LF | \$117.00 | \$76,050.00 | | | 380.00 | \$44,460.00 | | 380.00 | \$44,460.00 | 58.5% | \$31,590.00 |
| 1A5 | 12-inch DIP Watermain | 850 | LF | \$140.00 | \$119,000.00 | | | 813.20 | \$113,848.00 | | 813.20 | \$113,848.00 | 95.7% | \$5,152.00 |
| 1A6 | 16-inch DIP Watermain | 40 | LF | \$160.00 | \$6,400.00 | | | 12.00 | \$1,920.00 | | 12.00 | \$1,920.00 | 30.0% | \$4,480.00 |
| 1A8 | 24-inch DIP Watermain | 30 | LF | \$220.00 | \$6,600.00 | | | | | | | | | \$6,600.00 |
| 2A2 | 8-inch Gate Valve | 15 | Ea | \$2,900.00 | \$43,500.00 | | | 8.00 | \$23,200.00 | | 8.00 | \$23,200.00 | 53.3% | \$20,300.00 |
| 2A3 | 10-inch Gate Valve | 3 | Ea | \$4,200.00 | \$12,600.00 | | | 2.00 | \$8,400.00 | | 2.00 | \$8,400.00 | 66.7% | \$4,200.00 |
| 2B1 | 12-inch Butterfly Valve | 8 | Ea | \$5,400.00 | \$43,200.00 | | | 5.00 | \$27,000.00 | | 5.00 | \$27,000.00 | 62.5% | \$16,200.00 |
| 2B4 | 24-inch Butterfly Valve | 1 | Ea | \$12,800.00 | \$12,800.00 | | | 1.00 | \$12,800.00 | | 1.00 | \$12,800.00 | 100.0% | |
| 2C8 | 12" x 8" Tapping Sleeve and Valve | 3 | Ea | \$7,500.00 | \$22,500.00 | | | 4.00 | \$30,000.00 | | 4.00 | \$30,000.00 | 133.3% | -\$7,500.00 |
| 2E1 | Permanent Blow Off | 3 | Ea | \$4,200.00 | \$12,600.00 | | | 2.00 | \$8,400.00 | | 2.00 | \$8,400.00 | 66.7% | \$4,200.00 |
| 3A | New Fire Hydrant | 6 | Ea | \$8,800.00 | \$52,800.00 | | | 7.00 | \$61,600.00 | | 7.00 | \$61,600.00 | 116.7% | -\$8,800.00 |
| 3C | Fire Hydrant Abandonment | 4 | Ea | \$3,600.00 | \$14,400.00 | | | 5.00 | \$18,000.00 | | 5.00 | \$18,000.00 | 125.0% | -\$3,600.00 |
| 4A | Test Pit | 60 | Ea | \$300.00 | \$18,000.00 | | | 8.00 | \$2,400.00 | | 8.00 | \$2,400.00 | 13.3% | \$15,600.00 |
| 5A | Rock Excavation | 50 | CY | \$150.00 | \$7,500.00 | | | 4.00 | \$600.00 | | 4.00 | \$600.00 | 8.0% | \$6,900.00 |
| 6A | Select Backfill | 1,750 | CY | \$30.00 | \$52,500.00 | | | 1,071.72 | \$32,151.60 | | 1,071.72 | \$32,151.60 | 61.2% | \$20,348.40 |
| 7A | Interconnection No. 1 - Young Street | 1 | LS | \$12,000.00 | \$12,000.00 | | | 1.00 | \$12,000.00 | | 1.00 | \$12,000.00 | 100.0% | |
| 7B | Interconnection No. 2 - Young Street | 1 | LS | \$15,000.00 | \$15,000.00 | | | 1.00 | \$15,000.00 | | 1.00 | \$15,000.00 | 100.0% | |
| 7C | Interconnection No. 3 - Ellicott Creek Road | 1 | LS | \$12,000.00 | \$12,000.00 | | | 1.00 | \$12,000.00 | | 1.00 | \$12,000.00 | 100.0% | |
| 7D | Interconnection No. 4 - South Park Avenue | 1 | LS | \$19,000.00 | \$19,000.00 | | | 1.00 | \$19,000.00 | | 1.00 | \$19,000.00 | 100.0% | |
| 7E | Interconnection No. 5 - South Park Avenue | 1 | LS | \$12,000.00 | \$12,000.00 | | | 1.00 | \$12,000.00 | | 1.00 | \$12,000.00 | 100.0% | |
| 7F | Interconnection No. 6 - South Park Avenue | 1 | LS | \$12,000.00 | \$12,000.00 | | | 1.00 | \$12,000.00 | | 1.00 | \$12,000.00 | 100.0% | |
| 7G | Interconnection No. 7 - South Park Avenue | 1 | LS | \$15.00 | \$15.00 | | | 1.00 | \$15.00 | | 1.00 | \$15.00 | 100.0% | |
| 7H | Interconnection No. 8 - Hamburg Turnpike | 1 | LS | \$27,000.00 | \$27,000.00 | | | 1.00 | \$27,000.00 | | 1.00 | \$27,000.00 | 100.0% | |
| 7I | Interconnection No. 9 - Parkedge Drive | 1 | LS | \$68,000.00 | \$68,000.00 | | | 1.00 | \$68,000.00 | | 1.00 | \$68,000.00 | 100.0% | |
| 7J | Interconnection No. 10 - Ridge Road | 1 | LS | \$15,000.00 | \$15,000.00 | | | | | | | | | \$15,000.00 |
| 7K | Interconnection No. 11 - Ridge Road | 1 | LS | \$26,000.00 | \$26,000.00 | | | 1.00 | \$26,000.00 | | 1.00 | \$26,000.00 | 100.0% | |
| 7L | Interconnection No. 12 - Ridge Road | 1 | LS | \$28,000.00 | \$28,000.00 | | | 1.00 | \$28,000.00 | | 1.00 | \$28,000.00 | 100.0% | |
| 8A1 | 3/4" - 1" Service Replacement - Near Side | 32 | Ea | \$2,900.00 | \$92,800.00 | | | 33.00 | \$95,700.00 | | 33.00 | \$95,700.00 | 103.1% | -\$2,900.00 |
| 8A2 | 1 1/2" - 2" Service Replacement - Near Side | 2 | Ea | \$3,700.00 | \$7,400.00 | | | 1.00 | \$3,700.00 | | 1.00 | \$3,700.00 | 50.0% | \$3,700.00 |
| 8B1 | 3/4" - 1" Service Replacement - Far Side | 29 | Ea | \$4,100.00 | \$118,900.00 | | | 23.00 | \$94,300.00 | | 23.00 | \$94,300.00 | 79.3% | \$24,600.00 |
| 8B2 | 1 1/2" - 2" Service Replacement - Far Side | 2 | Ea | \$4,500.00 | \$9,000.00 | | | | | | | | | \$9,000.00 |
| 8C1 | 3/4" - 1" Additional Copper Tubing | 1,500 | LF | \$2.00 | \$3,000.00 | | | 1,067.00 | \$2,134.00 | | 1,067.00 | \$2,134.00 | 71.1% | \$866.00 |
| 8C2 | 1 1/2" - 2" Additional Copper Tubing | 50 | LF | \$3.00 | \$150.00 | | | 10.00 | \$30.00 | | 10.00 | \$30.00 | 20.0% | \$120.00 |
| 9A | 18-inch Casing Pipe | 35 | LF | \$600.00 | \$21,000.00 | | | 70.00 | \$42,000.00 | | 70.00 | \$42,000.00 | 200.0% | -\$21,000.00 |
| 10A | Abandonment No. 1 - Hamburg Turnpike | 1 | LS | \$9,500.00 | \$9,500.00 | | | 1.00 | \$9,500.00 | | 1.00 | \$9,500.00 | 100.0% | |
| 10B | Abandonment No. 2 - Hamburg Turnpike | 1 | LS | \$32,000.00 | \$32,000.00 | | | 1.00 | \$32,000.00 | | 1.00 | \$32,000.00 | 100.0% | |

Contractor's Application

| | | | | | | | | | | | | | | | |
|---------------------|--|----------------------|-------|--------------|--------------------------|-------------------------------------|---------------------------------|-----------------------|----------------|---------------------------------------|----------------------------------|--|-----------|---------------------------|--|
| For (Contract): | CONTRACT WSA-014 | | | | | | | | | Application Number: | 3 and Final | | | | |
| Application Period: | Ending 4/15/2021 | | | | | | | | | Application Date: | 4/16/2021 | | | | |
| A | | | | | | B | | C | D | | E | | F | | |
| Item | | Contract Information | | | | Estimated Qty Installed This Period | Value of Work Installed to Date | Previous Pay Requests | | Materials Presently Stored (not in C) | Total Quantities To Date (C + L) | Total Completed and Stored to Date (D + E) | % (F / B) | Balance to Finish (B - F) | |
| Bid Item No. | Description | Item Quantity | Units | Unit Price | Total Value of Item (\$) | | | Qty | Value | | | | | | |
| 11A1 | Concrete Sidewalk | 220 | SY | \$60.00 | \$13,200.00 | | | 61.10 | \$3,666.00 | | 61.10 | \$3,666.00 | 27.8% | \$9,534.00 | |
| 11A2 | Concrete Driveway | 75 | SY | \$80.00 | \$6,000.00 | | | | | | | | | \$6,000.00 | |
| 11A3 | Concrete Base Course | 20 | SY | \$100.00 | \$2,000.00 | | | | | | | | | \$2,000.00 | |
| 11A4 | Concrete Curb/Gutter | 30 | LF | \$80.00 | \$2,400.00 | | | | | | | | | \$2,400.00 | |
| 11B1 | Asphalt Sidewalk | 20 | SY | \$52.00 | \$1,040.00 | | | | | | | | | \$1,040.00 | |
| 11B2 | Asphalt Driveway | 75 | SY | \$80.00 | \$6,000.00 | | | 121.60 | \$9,728.00 | | 121.60 | \$9,728.00 | 162.1% | \$3,728.00 | |
| 11B3 | Pavement - Top Course | 2800 | SY | \$12.00 | \$33,600.00 | | | 4,071.25 | \$48,855.00 | | 4,071.25 | \$48,855.00 | 145.4% | \$15,255.00 | |
| 11B4 | Pavement - Binder Course | 1000 | SY | \$15.00 | \$15,000.00 | | | 2,004.43 | \$30,066.45 | | 2,004.43 | \$30,066.45 | 200.4% | \$15,066.45 | |
| 11B5a | Pavement - Base Course - State/County Roads | 300 | SY | \$20.00 | \$6,000.00 | | | 875.00 | \$17,500.00 | | 875.00 | \$17,500.00 | 291.7% | \$11,500.00 | |
| 11B5b | Pavement - Base Course - Local Roads | 800 | SY | \$19.00 | \$15,200.00 | | | 512.92 | \$9,745.48 | | 512.92 | \$9,745.48 | 64.1% | \$5,454.52 | |
| 11B6 | Cold Milling of Asphalt Pavement | 2600 | SY | \$13.00 | \$33,800.00 | | | 3,467.31 | \$45,075.03 | | 3,467.31 | \$45,075.03 | 133.4% | \$11,275.03 | |
| 11C1 | Landscape Restoration | 500 | LF | \$3.00 | \$1,500.00 | | | 500.00 | \$1,500.00 | | 500.00 | \$1,500.00 | 100.0% | | |
| 12A | Testing & Disinfection | 5000 | LF | \$33.00 | \$165,000.00 | | | 2,349.80 | \$77,543.40 | | 2,349.80 | \$77,543.40 | 47.0% | \$87,456.60 | |
| 13A | Extra Excavation (8 to 10 Feet Deep) | 300 | LF | \$10.00 | \$3,000.00 | | | | | | | | | \$3,000.00 | |
| 13B | Extra Excavation (10 to 12 Feet Deep) | 200 | LF | \$20.00 | \$4,000.00 | | | | | | | | | \$4,000.00 | |
| 13C | Extra Concrete | 50 | CY | \$100.00 | \$5,000.00 | | | 2.00 | \$200.00 | | 2.00 | \$200.00 | 4.0% | \$4,800.00 | |
| 14A | Horizontal Directional Drilling - Ridge Road | 1 | LS | \$485,000.00 | \$485,000.00 | | | 1.00 | \$485,000.00 | | 1.00 | \$485,000.00 | 100.0% | | |
| 15A | Repair Crew Labor and Equipment | 40 | HR | \$300.00 | \$12,000.00 | | | | | | | | | \$12,000.00 | |
| 16A | Vacuum Truck and Labor | 40 | HR | \$300.00 | \$12,000.00 | | | | | | | | | \$12,000.00 | |
| 17A | Contingency Allowance | 1 | LS | \$100,000.00 | \$100,000.00 | | | 65.21711% | \$65,217.11 | | 65.21711% | \$65,217.11 | 65.2% | \$34,782.89 | |
| Totals | | | | | \$2,133,555.00 | | | | \$1,804,497.47 | | | \$1,804,497.47 | 84.6% | \$329,057.53 | |

M&T Insurance Agency, Inc.

285 Delaware Ave., Suite 400, Buffalo, NY 14202

Toll Free (800) 716-8314 / (716) 853-7960 / Fax (716) 651-4290

April 19, 2021

CERTIFICATION OF SURETY

RE: Erie County Water Authority
Final Contract Amount: \$1,804,497.47
Water System Improvements
ECWA Contract WSA-014
Project No. 201900075
Bond No. 30095490

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, in accordance with all of the terms and conditions of the bond, for two (2) years after final acceptance and the payment bond will remain in effect, in accordance with all of the terms and conditions of the bond, for one (1) year after the date of final acceptance.

Should you have any additional questions or need any additional information, please do not hesitate to contact us at (716) 651-4231.

Sincerely,



Jason M. Reid, Attorney-in-Fact
Western Surety Company

cc: E&R General Construction, Inc.

Insurance Products offered are: NOT FDIC insured; NOT a deposit in, obligation of, nor insured by any federal government agency; NOT guaranteed or underwritten by the bank; NOT a condition to the provisions or terms of any banking service or activity.

Insurance products are offered by M&T Insurance Agency, Inc., not by M&T Bank. M&T Insurance Agency, Inc. is licensed as an insurance agent and acts as agent for insurers. In case of excess and surplus lines, M&T Insurance Agency, Inc. is an insurance broker and places insurance on behalf of our clients. Insurance policies are obligations of the insurers that issue the policies. Insurance products may not be available in all states.

(Inq2239)

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

John P Rumschik, Martin Petrik, Brian Donald Falk, Jason N Reid, Bartholomew John Kresse, Individually

of Buffalo, NY, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 7th day of January, 2021.



WESTERN SURETY COMPANY

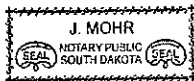
Paul T. Brullat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 7th day of January, 2021, before me personally came Paul T. Brullat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 19th day of April, 2021.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. 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, and 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.

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

Greeting: Know Ye, That E&R General Construction Inc

38 St. David Drive

West Seneca, New York 14224

NAME AND ADDRESS OF CORPORATION

For and in consideration of the sum of One Million, Eight Hundred and Four Thousand, Four
Hundred and Ninety Seven Dollars and Forty Seven cents dollars (\$ 1,804,497.47),

*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:*

E&R General Construction 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

E&R General Construction Inc has caused its

corporate seal to be hereunto affixed, and

these presents to be signed by its duly authorized

officer this 19th day of April

Two Thousand and Twenty ONE

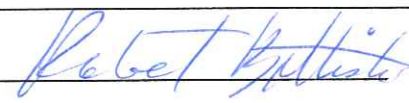
By 
Angiolina Passucci - VICE PRESIDENT

State of New York)

County of Erie ss.

Town Of W. Seneca

On this 19th day of April, Two Thousand
and Twenty ONE, before me personally came Angiolina Passucci to
me personally known who, being by me duly sworn did depose and say that he/she resides in
Town of West Seneca that he/she is
the VICE PRESIDENT of E&R General Construction 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.


ROBERT BATTISTA
Notary Public, State of New York
Qualified in Erie County
Reg. No. 02BA4829677
My Commission Expires Jan. 31, 2022



AIA®

Document G706™ – 1994

Contractor's Affidavit of Payment of Debts and Claims

PROJECT: WATER SYSTEM IMPROVEMENTS ARCHITECT'S PROJECT NUMBER: W5A-014 OWNER: ☐
 CONTRACT FOR: W5A-014 CONTRACT FOR: WATER SYSTEM IMPROVEMENTS ARCHITECT: ☐
 TO OWNER: PER # 201900075 CONTRACT DATED: APRIL 9 2020 CONTRACTOR: ☐
ERIE COUNTY WATER AUTHORITY 255 MAIN STREET SURETY: ☐
BUFFALO, NY 14203 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:

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

Indicate Attachment ☒ Yes ☐ No

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

- Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
- 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's Affidavit of Release of Liens (AIA Document G706A).

CONTRACTOR: (Name and address)

EAR GENERAL CONSTRUCTION INC.
38 SAINT DAVID'S DRIVE
WEST SENECGA, NY 14224

BY:

[Signature]
 (Signature of authorized representative)

ANGELINA PASQUCCI
 (Printed name and title) VICE PRESIDENT

Subscribed and sworn to before me on this date:

Notary Public:
 My Commission Expires:

ROBERT BATTISTA
 Notary Public, State of New York
 Qualified in Erie County
 Reg. No. 02844523677
 My Commission Expires Jan. 31, 2022

AIA[®] Document G706A[™] – 1994

Contractor's Affidavit of Release of Liens

PROJECT: WATER SYSTEM IMPROVEMENTS ARCHITECT'S PROJECT NUMBER: WSA-014 OWNER: ☐
CONTRACT - WSA-014 CONTRACT FOR: WATER SYSTEM IMPROVEMENTS ARCHITECT: ☐
PROJECT # 201900075 CONTRACT DATED: April 9, 2020 CONTRACTOR: ☐
TO OWNER: ERIE COUNTY WATER AUTHORITY SURETY: ☐
285 MAIN STREET OTHER: ☐
BUFFALO, NY 14203

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: (Name and address)

E+R GENERAL CONST. INC.
38 SAINT DAVID'S DRIVE
WEST SENECA, NY 14224

BY:

[Signature]
(Signature of authorized representative)

ANGELINA PASSOLUNGI
(Printed name and title) VICE PRESIDENT

Subscribed and sworn to before me on this date: 4/9/21

Notary Public:

My Commission Expires:

ROBERT BATTISTA
Notary Public, State of New York
Qualified in Erie County
Reg. No. 02BA4539677
My Commission Expires Jan. 31, 2022



Document G707™ – 1994

Consent Of Surety to Final Payment

| | | |
|--|---|---|
| PROJECT: <i>(Name and address)</i> Water System Improvements Contract WSA-014 Project 201900075 TO OWNER: <i>(Name and address)</i> Erie County Water Authority 295 Main Street Buffalo, New York 14203 | ARCHITECT'S PROJECT NUMBER: CONTRACT FOR: General Construction CONTRACT DATED: April 9, 2020 Bond No: 30095490 | OWNER: <input type="checkbox"/> ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> SURETY: <input type="checkbox"/> OTHER: <input type="checkbox"/> |
|--|---|---|

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

Western Surety Company c/o CNA Surety
151 N. Franklin Street, 17th Fl.
Chicago, Illinois 60606

, SURETY,

on bond of

(Insert name and address of Contractor)

E&R General Construction, Inc.
38 St. David's Drive
West Seneca, New York 14224

, CONTRACTOR,

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

(Insert name and address of Owner)

Erie County Water Authority
295 Main Street
Buffalo, New York 14203

, OWNER,

as set forth in said Surety's bond.

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

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

April 19, 2021

Western Surety Company

(Surety)

(Signature of authorized representative)

Jason N. Reid, Attorney-in-Fact

(Printed name and title)

Attest:
(Seal)

SURETY ACKNOWLEDGEMENT

STATE OF New York)

COUNTY OF Erie)

On this 19th day of April, 2021 before me personally appeared Jason N. Reid,

to me known, who being by me duly sworn, did depose and say: that he resides in the City of Buffalo, New York that he is the Attorney-in-Fact of the above signed Surety, the corporation described in and which executed the within instrument; that he knows the corporate seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

Joann R. Adams
Notary Public, State of New York
No. 01AD6135479
Qualified in Erie County
My Commission Exp.
Oct. 17, 2021

Joann R. Adams

Notary Public

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

John P Rumschik, Martin Petrik, Brian Donald Falk, Jason N Reid, Bartholomew John Kresse, Individually

of Buffalo, NY, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 7th day of January, 2021.



WESTERN SURETY COMPANY

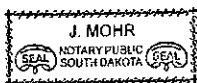
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 7th day of January, 2021, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 19th day of April, 2021.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. 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, and 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.

WESTERN SURETY COMPANY
Sioux Falls, South Dakota
Statement of Net Admitted Assets and Liabilities
December 31, 2019

ASSETS

| | |
|--|-------------------------|
| Bonds | \$ 1,943,152,245 |
| Stocks | 27,166,227 |
| Cash, cash equivalents, and short-term investments | 27,903,793 |
| Receivables for securities | - |
| Investment income due and accrued | 17,854,019 |
| Premiums and considerations | 56,706,652 |
| Amounts recoverable from reinsurers | 1,307,522 |
| Current federal and foreign income tax recoverable and interest hereon | 2,678,469 |
| Net deferred tax asset | 11,798,536 |
| Receivable from parent, subsidiaries, and affiliates | 12,821,583 |
| Other assets | 601 |
| Total Assets | <u>\$ 2,101,389,646</u> |

LIABILITIES AND SURPLUS

| | |
|---|-----------------------|
| Losses | \$ 206,051,147 |
| Loss adjustment expense | 52,124,445 |
| Commissions payable, contingent commissions and other similar charges | 9,862,381 |
| Other expenses (excluding taxes, license and fees) | 3,624 |
| Taxes, License and fees (excluding federal and foreign income taxes) | 3,875,999 |
| Federal and foreign income taxes payable | - |
| Unearned premiums | 248,521,840 |
| Advance premiums | 6,112,006 |
| Ceded reinsurance premiums payable (net of ceding commissions) | 1,673,524 |
| Amounts withheld or retained by company for account of others | 5,332,206 |
| Provision for reinsurance | 290,516 |
| Payable to parent, subsidiaries and affiliates | 2905 |
| Payable on security transactions | - |
| Other liabilities | 97,836 |
| Total Liabilities | <u>\$ 533,948,430</u> |

Surplus Account:

| | |
|---------------------------------------|-------------------------|
| Common stock | \$ 4,000,000 |
| Gross paid in and contributed surplus | 280,071,837 |
| Unassigned funds | 1,283,369,380 |
| Surplus as regards policyholders | <u>\$ 1,567,441,217</u> |
| Total Liabilities and Capital | <u>\$ 2,101,389,646</u> |

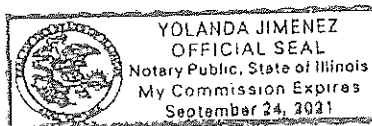
I, Amy Smith, Senior Vice President of Western Surety Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2019, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western Surety Company as of that date.

Western Surety Company

By Amy Smith
Senior Vice President

Subscribed and sworn to me this 11th day of March, 2020.

My commission expires:



By Yolanda Jimenez
Notary Public

Mark D. Jarmuz

From: Lavonya Lester
Sent: Thursday, August 5, 2021 12:18 PM
To: Mark D. Jarmuz
Subject: RE: [EXTERNAL] ECWA-WSA-14-Proof of Payment to WMBE/MBE
Attachments: (11) Final Certified Payrolls.pdf; (10) MWBE Part D.pdf

Good afternoon Mark –

All certified payrolls are received and approved and the MWBE Part D is approved.

Thanks
Lavonya

From: Mark D. Jarmuz
Sent: Thursday, August 5, 2021 9:00 AM
To: Lavonya Lester
Subject: FW: [EXTERNAL] ECWA-WSA-14-Proof of Payment to WMBE/MBE

Good morning Lavonya!

Does the attached satisfy your requirement as proof of payment to the WMBE subs on this project?

Please let me know so I can finalize the final payment for E&R.

Thanks!
-Mark

From: epassucci@verizon.net <epassucci@verizon.net>
Sent: Tuesday, August 3, 2021 2:50 PM
To: Lavonya Lester <llester@ecwa.org>
Cc: Michael J. Quinn <mquinn@ecwa.org>; Mark D. Jarmuz <mjarmuz@ecwa.org>; 'James Ehrin' <jehrin@wmschutt.com>
Subject: [EXTERNAL] ECWA-WSA-14-Proof of Payment to WMBE/MBE

Good afternoon to all,
As requested attached is evidence of payment made to all WBE/MBE.
Please let me know if you need anything else .
Thank you,

Angie Passucci
E&R General Construction Inc. / E&R Horizons LLC
38 St. Davids Dr., West Seneca, NY 14224
Phone (716) 675-5277 Fax (716) 675-5277
Cell (716) 863-7972
Email: epassucci@verizon.net

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: E & R GENERAL CONSTRUCTION INC CONTRACT: WSA-014

| MBE | TOTAL AMOUNT EXPENDED |
|------------------------------------|-----------------------|
| <u>U S TRAFFIC CONTROL INC</u> | <u>24,885.00</u> |
| <u>ONEIDA SALES & SERVICES</u> | <u>236,316.00</u> |
| <u>IROQUOIS BAR CONST. SERV</u> | <u>1,130.00</u> |

TOTAL OF ALL MBE SUB-CONTRACTS \$ 262,331.00

AMOUNT OF CONTRACT 1,804,497.00

FINAL MBE PERCENTAGE 15.70

I, Angiolina Passucci, as an official representative of E & R GENERAL CONSTRUCTION INC, do hereby certify that the information listed above is correct and complete.

Angiolina Passucci
NAME

Vice President
TITLE

4-19-21
DATE

ACCOUNTABILITY

The CONTRACTOR shall be fully accountable for its performance under this contract and agrees to answer under oath all questions relevant to the performance thereof and to any transaction, act, or omission had, done or omitted in connection therewith if called before the Erie County Water Authority, any Judicial, County or State Officer or agency empowered to investigate the Contract or its performance.