



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

October 28, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: Mark Jarmuz, Distribution Engineer *MJ*

Subject: Asbestos Cement Pipe (ACP) Removal and Disposal
June 1, 2019 through May 31, 2021
ECWA Project No. 201900045

The following documents are attached for processing of the Final Pay Application for the above referenced project.

- Blue Authorization Form - this form provides the project name and project number, the action that is being requested of the Board, and it provides a list of approvals that are required prior to being acted on by the Board.
- ECWA Final Payment Application Checklist and Packet.

The checklist indicates that the contractor, Metro Contracting & Environmental, Inc. has provided all the proper documentation to close out the contract, including Final Certified Payrolls. The required WMBE Utilization Report – Part D is not required since a 100% waiver was 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 \$327.02 and includes all the previous retainage. The project was billed to Unit 2010 Line Maintenance – Item 673015 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
ECWA-799-1903-I-186

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

Contract: 19-09-06 **Project No.:** 201900045
Project Description: Asbestos Cement Pipe (ACP) Removal and Disposal
June 1, 2019 through May 31, 2021

Item Description:

Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other Final Pay Application

Action Requested:

Board Authorization to Execute Legal Approval
 Board Authorization to Award Execution by the Chairman
 Board Authorization to Advertise for Bids Execution by the Secretary to the Authority
 Board Authorization to Solicit Request for Proposals
 Other Board Approval

Approvals Needed:

APPROVED AS TO CONTENT:

| | | |
|--|---|-------------------------|
| <input checked="" type="checkbox"/> Sr. Distribution Engineer | <u></u> | Date: <u>11/1/2021</u> |
| <input checked="" type="checkbox"/> Chief Operating Officer | <u></u> | Date: <u>10/28/2021</u> |
| <input checked="" type="checkbox"/> Executive Engineer | <u></u> | Date: <u>10/29/2021</u> |
| <input checked="" type="checkbox"/> Director of Administration | <u></u> | Date: <u>10/28/2021</u> |
| <input checked="" type="checkbox"/> Risk Manager | <u></u> | Date: <u>10/29/2021</u> |
| <input checked="" type="checkbox"/> Chief Financial Officer | <u></u> | Date: <u>10/28/2021</u> |
| <input checked="" type="checkbox"/> Legal | <u></u> | Date: <u>11/2/2021</u> |

APPROVED FOR BOARD RESOLUTION:

| | | |
|--|---|----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority | <u></u> | Date: <u>11/2/21</u> |
|--|---|----------------------|

Remarks: Amount certified for Final Payment \$327.02

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. (Metro has a current project with ECWA – P202100013)
- 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 (not required due to 100% waiver by L. Lester)
- 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



ERIE COUNTY WATER AUTHORITY

3030 Union Road • Cheektowaga, New York 14227-1097
716-684-1510 • FAX 716-684-3937

June 24, 2021

David P. Marcus
Metro Contracting & Environmental, Inc.
2939 Lockport Road
Niagara Falls, New York 14305

Re: Asbestos Cement Pipe (ACP)
Removal and Disposal
June 1, 2019 through May 31, 2021
ECWA Project No. 201900045

Dear Mr. Marcus:

Please be advised that all work on the above referenced project has been completed in general conformance with the requirements of the Contract Documents. The final contract value is \$6,540.45 of which \$6,213.43 in payments have been previously made to you. The balance due is \$327.02, which is return of retention monies previously withheld.

Enclosed please find three copies of Estimate No. 4 and Final in the amount of \$327.02. Please sign and return two copies to our office for further processing. Please note that we also request the following:

1. Evidence the surety bond remains in effect throughout the warranty period. This shall be on the surety's or surety agent's letterhead. This is in accordance with Article 5.01 of the General Conditions, modified by 5.01A of the Supplementary Conditions, which states the payment bond shall remain in effect for one year and the performance bond shall remain in effect for two years after final payment becomes due. The bond shall be in the amount of \$6,540.45.

The surety or surety agent shall include the following statement in their letter:

Be advised that, in accordance with Article 5.01 of the General Conditions, modified by 5.01A of the Supplementary Conditions, the performance bond for the above captioned project will remain in full force and effect for two (2) years after final acceptance and the payment bond will remain in effect for one (1) year after the date of final acceptance.

2. As required per the Contract Documents, please furnish the following:
 - a. A general release (copy attached for your use, Form 507).
 - b. Evidence that all payrolls, amounts due to sub-contractors, etc. have been paid. Utilize AIA Form G706.

The following statement shall be included on the AIA Form G706:

The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or Owner's property might in any way be held responsible or encumbered.

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

Under Supporting Documents Attached Hereto: Item 1, the box shall be check **YES** to Indicate Attachment (AIA Document G707).

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

The following statement shall be included on the AIA Form G706A:

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

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

- d. Consent of Surety to Final Payment. Utilize AIA Form G707.
- e. Copies of certified payrolls.
- f. Part D of the MWBE.

Upon receipt of all the above documentation, we will process the final payment application. If you have any questions, please do not hesitate to call.

Sincerely yours,
ERIE COUNTY WATER AUTHORITY

William W Wheeler

William W. Wheeler, PE
Distribution Engineer

WWW:jmf
Attachment
cc: M.Quinn
ECWA-036-1901-I-186

JOB
DESCRIPTION

ASBESTOS CEMENT PIPE (ACP) REMOVAL AND DISPOSAL
FOR THE PERIOD 6/1/19 THROUGH 5/31/21

ESTIMATE No: 4 & Final
CONTRACT No.: 19-09-06
PERIOD COVERED 6/01/19 TO 5/31/21

Project # 201900045

CONTRACTOR:

METRO CONTRACTING & ENVIRONMENTAL Vendor # V6996
2939 LOCKPORT RD
NIAGARA FALLS, NY 14305

| BID ITEM # | QUANTITY | UNIT | UNIT COST | CONTRACT BREAKDOWN | COMPLETED TO DATE | | COMPLETED PREV ESTIMATE | | AMOUNT THIS ESTIMATE | |
|------------------|----------|-------|-----------|-----------------------|----------------------|------------|----------------------------|--------------------------|----------------------------|----------|
| | | | | | PERCENT | AMOUNT | PERCENT | AMOUNT | | |
| 1A | 60 | Hr @ | \$248.50 | \$14,910.00 | 29.17% | \$4,348.75 | 29.17% | \$4,348.75 | \$0.00 | |
| 1B | 60 | Hr @ | \$346.20 | \$20,772.00 | 7.86% | \$1,631.70 | 7.86% | \$1,631.70 | \$0.00 | |
| 2A | 3000 | Lbs @ | \$1.00 | \$3,000.00 | 18.67% | \$560.00 | 18.67% | \$560.00 | \$0.00 | |
| Total | | | | \$38,682.00 | 16.91% | \$6,540.45 | | \$6,540.45 | \$0.00 | |
| | | | | | | | | 5% Retention | \$327.02 | |
| | | | | | | | | Returned Retention | \$0.00 | |
| | | | | | | | | Revised Retention Amount | \$327.02 | |
| | | | | | | | | Amount Due This Estimate | | \$327.02 |

I HEREBY CERTIFY THAT ACCORDING TO THE ABOVE MENTIONED CONTRACT, THIS IS A JUST ESTIMATE OF THE WORK DONE AND THE MATERIALS FURNISHED UNDER THE CONTRACT BETWEEN 06/01/19 AND 5/31/2021 BOTH INCLUSIVE AND THE VALUE THEREOF, BEING \$327.02 AS REQUIRED BY AGREEMENT ARTICLE 6.03 OF THE SAID CONTRACT.

PREPARED BY: William W Wheeler 06/24/21
DATE

BY: [Signature] 07/08/2021
DATE

CONTRACTOR
Harold G. Hibbard, President
[Signature] 10/27/2021
SR DISTRIBUTION ENGINEER DATE

[Signature] 10/28/2021
EXECUTIVE ENGINEER DATE

This final payment releases the Owner and every representative and agent thereof, from all claims and liability to the Contractor for anything done or furnished for, or relating to the work, or for any act, failure to act on, or neglect of the Owner or any person relating to or affecting the work.

Witness:
[Signature]

Contractor:
[Signature]
By: Harold G. Hibbard, President

(Seal)



WORLD WIDE BONDING AGENCY

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

July 8, 2021

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

RE: Metro Contracting & Environmental Inc.
 Bond No. 602-123374-8
 Contract No. 201900045
 Asbestos Cement Pipe Removal and Disposal

To Whom It May Concern:

This letter is in reference to the above project completed by our customer, Metro Contracting & Environmental, 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 (2) years after final acceptance and the payment bond will remain in effect for (1) Year after the date of final acceptance.

Please advise if anything further is required.

Sincerely,

A handwritten signature in black ink, appearing to read "M. S. L." or similar.

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

A handwritten signature in black ink, appearing to read "G. A. C." or similar.



Independent Insurance Agent

POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY

01102432421

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

Gary A. Cardinale

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties not exceeding: Seven Million, Five Hundred Thousand Dollars (\$7,500,000).

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney revokes all previous Powers of Attorney issued on behalf of the Attorneys-In-Fact named above and expires on January 31, 2022.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

- (a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;
- (b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 22nd day of August 2019.

UNITED STATES FIRE INSURANCE COMPANY



Anthony R. Slimowicz

Anthony R. Slimowicz, President

State of Pennsylvania }
County of Philadelphia }

On this 22nd day of August 2019, before me, a Notary public of the State of Pennsylvania, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.

Commonwealth of Pennsylvania – Notary Seal
Tamara Watkins, Notary Public
Philadelphia County
My commission expires August 22, 2023
Commission number 1348843

Tamara Watkins

Tamara Watkins (Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 20th day of July 2019

UNITED STATES FIRE INSURANCE COMPANY



Al Wright

Al Wright, Senior Vice President

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

Greeting: Know Ye, That Metro Contracting & Environmental, Inc.
2939 Lockport Road
Niagara Falls, New York 14305

NAME AND ADDRESS OF CORPORATION

For and in consideration of the sum of Six Thousand Five Hundred Forty and 45/100
dollars (\$ 6,540.45 *),*

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:

Metro Contracting & Environmental Inc.

(NAME OF CORPORATION)

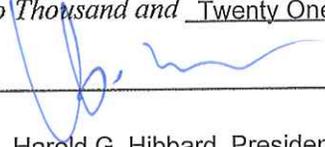
ever had, now has or which it or its successors or assigns, hereafter can, shall or may have for, upon
or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of
the date of these presents.

In Presence of

in witness Whereof, the

Metro Contracting & Environmental, Inc. has caused its
corporate seal to be hereunto affixed, and
these presents to be signed by its duly authorized
officer this 8 day of July

Two Thousand and Twenty One

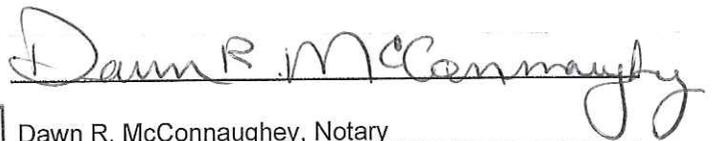

By Harold G. Hibbard, President

State of New York)

County of Erie ss.

 Of)

On this 8 day of July, Two Thousand
and Twenty One, before me personally came Harold G. Hibbard to
me personally known who, being by me duly sworn did depose and say that he/she resides in
Lewiston, New York that he/she is
the President of Metro Contracting & Environmental, 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.



DAWN R. McCONNAUGHEY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MC6161822
Qualified in Niagara County
Commission Expires : 02/26/23

Dawn R. McConnaughey, Notary

 **AIA** Document G706™ – 1994

Contractor's Affidavit of Payment of Debts and Claims

| | | |
|---|----------------------------------|--------------------------------------|
| PROJECT: <i>(Name and address)</i> Asbestos Cement Pipe (ACP) | ARCHITECT'S PROJECT NUMBER: | OWNER: <input type="checkbox"/> |
| Removal & Disposal 6/1/19-5/31/21 | CONTRACT FOR: Asbestos Abatement | ARCHITECT: <input type="checkbox"/> |
| TO OWNER: <i>(Name and address)</i> Erie County Water Authority 295 Main Street Room 350 Buffalo, New York 14203 | CONTRACT DATED: 06/27/2019 | CONTRACTOR: <input type="checkbox"/> |
| | | SURETY: <input type="checkbox"/> |
| | | OTHER: <input type="checkbox"/> |

STATE OF: New York
COUNTY OF: Niagara

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)*
Metro Contracting & Environmental, Inc.
2939 Lockport Road
Niagara Falls, New York 14305

BY:


(Signature of authorized representative)

Harold G. Hibbard, President
(Printed name and title)

Subscribed and sworn to before me on this date: 07/08/2021

Notary Public: 
My Commission Expires: 02/26/23

DAWN R. McCONNAUGHEY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MC6161822
Qualified in Niagara County
Commission Expires : 02/26/23

 **AIA** Document G706A™ – 1994

Contractor's Affidavit of Release of Liens

| | | |
|--|--|--|
| PROJECT: <i>(Name and address)</i> Asbestos Cement Pipe (ACP) Removal & Disposal 6/1/19-5/31/21 | ARCHITECT'S PROJECT NUMBER: | OWNER: <input type="checkbox"/> |
| TO OWNER: <i>(Name and address)</i> Erie County Water Authority 295 Main Street Room 350 Buffalo, New York 14203 | CONTRACT FOR: Asbestos Abatement CONTRACT DATED: 06/27/2019 | ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> SURETY: <input type="checkbox"/> OTHER: <input type="checkbox"/> |

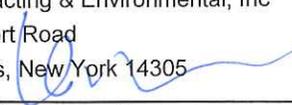
STATE OF: New York
COUNTY OF: Niagara

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)*
Metro Contracting & Environmental, Inc
2939 Lockport Road
Niagara Falls, New York 14305
BY: 
(Signature of authorized representative)
Harold G. Hibbard, President
(Printed name and title)

Subscribed and sworn to before me on this date: 07/08/2021

Notary Public: 
My Commission Expires: 02/26/2023

DAWN R. McCONNAUGHEY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MC6161822
Qualified in Niagara County
Commission Expires : 02/26/23



AIA[®] Document G707[™] – 1994

Consent Of Surety to Final Payment

Bond No.: 602-123374-8
Executed in Duplicate

PROJECT: *(Name and address)*
**Asbestos containing pipe removal
and disposal, Various locations in
Erie County**

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: **6/27/2019**

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

**United States Fire Insurance Company
160 WATER STREET, 15TH FL
New York, NY 10005**

, SURETY,

on bond of
(Insert name and address of Contractor)

**Metro Contracting & Environmental Inc.
2939 Lockport Rd.
Niagara Falls, NY 14305**

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the
Surety of any of its obligations to
(Insert name and address of Owner)

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

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: **July 08, 2021**
(Insert in writing the month followed by the numeric date and year.)

United States Fire Insurance Company

(Surety)

(Signature of authorized representative)

Gary A Cardinale, Attorney-in-Fact

(Printed name and title)

Attest:
(Seal):

Wendy Montante
Wendy Montante

POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY

01102432421

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

Gary A. Cardinale

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties not exceeding: Seven Million, Five Hundred Thousand Dollars (\$7,500,000).

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney revokes all previous Powers of Attorney issued on behalf of the Attorneys-In-Fact named above and expires on January 31, 2022.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

(a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;

(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 22nd day of August 2019.

UNITED STATES FIRE INSURANCE COMPANY



A.R.S.

Anthony R. Slimowicz, President

State of Pennsylvania }
County of Philadelphia }

On this 22nd day of August 2019, before me, a Notary public of the State of Pennsylvania, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.

Commonwealth of Pennsylvania – Notary Seal
Tamara Watkins, Notary Public
Philadelphia County
My commission expires August 22, 2023
Commission number 1348843

Tamara Watkins

Tamara Watkins

(Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 24th day of July 2021

UNITED STATES FIRE INSURANCE COMPANY



Al Wright

Al Wright, Senior Vice President

UNITED STATES FIRE INSURANCE COMPANY
1209 ORANGE STREET, WILMINGTON, DELAWARE 19801

STATEMENT OF ASSETS, LIABILITIES, SURPLUS AND OTHER FUNDS

AT DECEMBER 31, 2020

| <u>ASSETS</u> | |
|---|-------------------------|
| Bonds (Amortized Value)..... | 1,271,745,314 |
| Preferred Stocks (Market Value)..... | 12,500,000 |
| Common Stocks (Market Value)..... | 1,367,179,277 |
| Mortgage Loans (Market Value)..... | 129,482,676 |
| Cash, Cash Equivalents, and Short Term Investments..... | 872,418,743 |
| Derivatives..... | 22,295,392 |
| Other Invested Assets..... | 381,854,569 |
| Investment Income Due and Accrued..... | 10,633,412 |
| Premiums and Considerations..... | 361,050,764 |
| Amounts Recoverable from Reinsurers..... | 37,752,224 |
| Funds Held by or Deposited with Reinsured Companies..... | 9,551,031 |
| Current Income Taxes Recoverable..... | 99,753 |
| Net Deferred Tax Asset..... | 189,212,579 |
| Electronic Data Processing Equipment..... | 2,976,676 |
| Receivables from Parent, Subsidiaries and Affiliates..... | 66,045,263 |
| Other Assets..... | 83,625,922 |
| TOTAL ASSETS..... | \$ 4,818,423,595 |

LIABILITIES, SURPLUS & OTHER FUNDS

| | |
|--|-------------------------|
| Losses (Reported Losses Net of Reinsurance Ceded and Incurred But Not Reported Losses)..... | 1,773,113,441 |
| Reinsurance Payable on Paid Losses and Loss Adjustment Expenses..... | 96,184,770 |
| Loss Adjustment Expenses..... | 379,712,166 |
| Commissions Payable, Contingent Commissions and Other Similar Charges..... | 10,938,946 |
| Other Expenses (Excluding Taxes, Licenses and Fees)..... | 74,050,735 |
| Taxes, Licenses and Fees (Excluding Federal Income Taxes)..... | 19,112,482 |
| Unearned Premiums..... | 711,160,035 |
| Advance Premium..... | 10,524,196 |
| Ceded Reinsurance Premiums Payable..... | 39,739,814 |
| Funds Held by Company under Reinsurance Treaties..... | 27,831,610 |
| Amounts Withheld by Company for Account of Others..... | 111,982,736 |
| Provision for Reinsurance..... | 1,603,526 |
| Payable to Parent, Subsidiaries and Affiliates..... | 11,258,344 |
| Other Liabilities..... | 32,706,068 |
| TOTAL LIABILITIES..... | \$ 3,299,918,869 |
| Common Capital Stock..... | 18,780,000 |
| Gross Paid In and Contributed Surplus..... | 1,657,074,940 |
| Unassigned Funds (Surplus)..... | <u>(157,350,214)</u> |
| Surplus as Regards Policyholders..... | <u>1,518,504,726</u> |
| TOTAL LIABILITIES, SURPLUS & OTHER FUNDS..... | \$ 4,818,423,595 |

I, Carmine Scaglione, Senior Vice President and Controller of UNITED STATES FIRE INSURANCE COMPANY, certify that the foregoing is a fair statement of Assets, Liabilities, Surplus and Other Funds of this Company, at the close of business, December 31, 2020, as reflected by its books and records and as reported in its statement on file with the Insurance Department of the State of Delaware.



IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the Company, this 8th day of March, 2021.
UNITED STATES FIRE INSURANCE COMPANY



WAIVER

COMPANY Metro Contracting & Environmental, Inc.

ADDRESS 2939 Lockport Road, Niagara Falls, NY 14305

TELEPHONE NUMBER 716-285-9280
(AREA CODE) (NUMBER)

1. CONTRACTOR has made a good faith effort to adopt subcontracting on this project to those trades, professions, supplies, etc. for which minority business enterprises bids could be solicited; and
2. The total percentage of the bids which could be Subcontracted in trades, professions, supplies, etc. for which minority business enterprises bids could be solicited is less than 10%.

A waiver, as provided for by the Erie County Water Authority is hereby requested on the grounds that there are no/insufficient (circle the appropriate term) minority business enterprise in the market area of this project which do subcontracting in the following fields (list all trades, professions, supplies, etc. which could be subcontracted on this project):

- | | |
|------------------------------|-----------|
| 1. <u>Asbestos Abatement</u> | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

(use additional sheets if necessary)

If a partial waiver is granted the CONTRACTOR will make a good faith effort to meet the reduced goal.

5/16/19
DATE

CE
SIGNATURE OF AUTHORIZED REPRESENTATIVE OF COMPANY

Granted in whole Yes, Approved for waiver

Granted in part _____

Comments _____

Lavonne Lester *Director*
EQUAL OPPORTUNITY OFFICIAL TITLE

5/22/2019
DATE

LETTING DEPARTMENT REPRESENTATIVE TITLE

DATE

Mark D. Jarmuz

To: Shari Zajdel
Subject: RE: PN201900045 - Asbestos Cement Pipe Removal and Disposal

Shari,

This is just a follow up email to our phone conversation confirming that all certified payrolls have been received.

Thanks.
-Mark

From: Mark D. Jarmuz
Sent: Wednesday, September 22, 2021 10:16 AM
To: Shari Zajdel <szajdel@ecwa.org>
Subject: PN201900045 - Asbestos Cement Pipe Removal and Disposal

Good morning Shari!

I am in the process of completing the Final Pay Application for the above project, I just want to confirm that you have received all of the certified payrolls.

Thanks!
-Mark

Mark Jarmuz
Distribution Engineer

Erie County Water Authority
3030 Union Road
Cheektowaga, NY 14227-1097
T: 716.685.8266
M: 716.310.4379
mjarmuz@ecwa.org

