



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

January 10, 2022

To: Terrence D. McCracken, Secretary to the Authority

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

Subject: Contract CPL-007  
Water System Improvements Towns Cheektowaga  
ECWA Project No. 202000070

---

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, New Frontier Excavating and Paving, 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 \$153,198.34 and includes all the previous retainage. The project was billed to Unit 2590 Eng/Const Distribution Mains - Item 101520 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-CPL-007-1901-I-186-B

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

**Contract:** CPL-007 **Project No.:** 202000070  
**Project Description:** Water System Improvements Town of Cheektowaga

**Item Description:**








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

**Action Requested:**

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

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

<input checked="" type="checkbox"/> Sr. Distribution Engineer	<u></u>	Date: <u>1/11/2022</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u></u>	Date: <u>1/11/2022</u>
<input checked="" type="checkbox"/> Executive Engineer	<u></u>	Date: <u>01/11/2022</u>
<input checked="" type="checkbox"/> Director of Administration	<u></u>	Date: <u>01/11/2022</u>
<input checked="" type="checkbox"/> Risk Manager	<u></u>	Date: <u>01/11/2022</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u></u>	Date: <u>1/11/2022</u>
<input checked="" type="checkbox"/> Legal	<u></u>	Date: <u>1/11/2022</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority	<u></u>	Date: <u>1/12/22</u>
--	--	----------------------

**Remarks:** Amount certified for Final Payment \$153,198.34

**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.
- ☒ 5. Certification that Performance Bond is in effect for two years and Payment Bond is in effect for one year.

### **Release & AIA Forms**

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

### **EEO Requirements**

- ☒ 10. M/WBE Utilization Report – Part D
- ☒ 11. Final Certified Payrolls

### **DISTRIBUTION:**

#### To Accounts Payable

- After the Final Payment Application has been approved by the ECWA Board of Commissioners, a PDF copy can be emailed to [accountspayable@ECWA.org](mailto:accountspayable@ECWA.org)

#### To ECWA Engineering

- A hard copy of the entire Final Payment Application should be placed in the files.
- A PDF copy of the Final Payment Application should be saved to the appropriate project folder on the network.

#### EEO:

- M/WBE Part D
- Certified Payrolls



January 10, 2022

Mark Jarmuz  
Erie County Water Authority  
3030 Union Road  
Buffalo, NY 14227

**RE: PROFESSIONAL SERVICES CONTRACT NO. CPL-007  
FRENCH ROAD WATER IMPROVEMENTS, TOWN OF CHEEKTOWAGA  
ECWA PROJECT NO. 20200070  
PROJECT CLOSEOUT**

Dear Mr. Jarmuz,

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 closeout documents sent to you via email on 12/21/2021 and 12/24/2021 for ECWA Project No. 20200070:

1. Application for Payment No. 8 Final Pay App
2. Surety Letter
3. General Release
4. Affidavit of Payment
5. Affidavit of Release of Liens
6. Consent of Surety to Final Payment
7. Certificate of Substantial Completion
8. MWBE Utilization Report – Part D
9. Remaining Certified Payrolls

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 Excavating and Paving, Inc. in the amount of \$153,198.34.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read 'S. R. Tanner', is written over a horizontal line.

CPL  
Steven R. Tanner, P.E.  
Principal Associate

**ARCHITECTURE  
ENGINEERING  
PLANNING**

## Contractor's Application for Payment No.

8

Application Period: 10/25 to 11/19/2021		Application Date: 11/19/2021	
To (Owner): Erie County Water Authority	From (Contractor): New Frontier Excavating & Paving, Inc.	Via (Engineer): CPL	
Project: Water System Improvements Town of Cheektowaga	Contract: No. CPL-007		
Owner's Contract No.: 21-14-03	Contractor's Project No.: NF-2101	Engineer's Project No.: 15546.00	

### Application For Payment Change Order Summary

Approved Change Orders		
Number	Additions	Deductions
TOTALS		
NET CHANGE BY CHANGE ORDERS		


1. ORIGINAL CONTRACT PRICE	\$	\$3,163,360.00
2. Net change by Change Orders	\$	
3. Current Contract Price (Line 1 + 2)	\$	\$3,163,360.00
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate)	\$	\$2,979,371.16
5. RETAINAGE:		
a. 5% X	\$2,979,371.16	Work Completed
b. 5% X		Stored Material
c. Total Retainage (Line 5a + Line 5b)		
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)	\$	\$2,979,371.16
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)	\$	\$2,826,172.82
8. AMOUNT DUE THIS APPLICATION	\$	\$153,198.34
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above)	\$	\$183,988.84

### 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 P. Heller Date: 12/23/21  
New Frontier Excavating & Paving, Inc.

Payment of: \$153,198.34  
(Line 8 or other - attach explanation of the other amount)

is recommended by:  12/24/21  
CPL (Engineer) (Date)

Payment of: \$153,198.34  
(Line 8 or other - attach explanation of the other amount)

is approved by: \_\_\_\_\_  
(Owner) (Date)

Approved by: \_\_\_\_\_  
Funding Agency (if applicable) (Date)



# Progress Estimate - Unit Price Work

# Contractor's Application

No. CPL-007							Application Number: 8							
Application Period: 10/25 to 11/19/2021							Application Date: 11/19/2021							
CONTRACT					B	C	D	THIS PERIOD		E	F	TOTAL TO DATE		
Bid Item No.	Item Description	Units	Bid Item Quantity	Unit Price	Bid Item Value (\$)	Estimated Quantity Installed	Value of Work Installed	Materials Presently Stored (in C)	(not)	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	8-inch DIP Water Main	LF	300	\$30.47	\$9,141.00						340.30	\$10,368.94	113.4%	-\$1,227.94
1A3	8-inch DIP Water Main	LF	500	\$35.92	\$17,960.00						70.50	\$2,532.36	14.1%	\$15,427.64
1A5	12-inch DIP Water Main	LF	8,440	\$152.69	\$1,288,703.60						8,777.75	\$1,340,274.65	104.0%	-\$51,571.05
1A6	16-inch DIP Water Main	LF	40	\$101.38	\$4,055.20						14.00	\$1,419.32	35.0%	\$2,635.88
2B1	12-inch Butterfly Valves	EA	55	\$2,071.25	\$113,918.75						57.00	\$118,061.25	103.6%	-\$4,142.50
2B2	16-inch Butterfly Valves	EA	2	\$3,613.75	\$7,227.50						2.00	\$7,227.50	100.0%	
3A	New Fire Hydrant Assembly	EA	18	\$6,010.85	\$108,195.30						16.00	\$96,173.60	88.9%	\$12,021.70
3C	Fire Hydrant Abandonment	EA	14	\$821.39	\$11,499.46						12.00	\$9,856.68	85.7%	\$1,642.78
4A	Test Pit Excavation & Backfill	EA	30	\$200.00	\$6,000.00						9.00	\$1,800.00	30.0%	\$4,200.00
5A	Rock Excavation	CY	100	\$150.00	\$15,000.00						174.14	\$26,121.00	174.1%	-\$11,121.00
6A	Select Backfill	CY	4,300	\$33.88	\$145,684.00						4,802.77	\$162,717.85	111.7%	-\$17,033.85
7A1	Interconnection No. 1 @ French Road	LS	1	\$8,760.00	\$8,760.00						1.00	\$8,760.00	100.0%	
7A2	Interconnection No. 2 @ French Rd & Kelly Dr	LS	1	\$8,760.00	\$8,760.00						1.00	\$8,760.00	100.0%	
7A3	Interconnection No. 3 @ French Rd & W. Cavalier Dr	LS	1	\$8,760.00	\$8,760.00						1.00	\$8,760.00	100.0%	
7A4	Interconnection No. 4 @ French Rd & Strasbourg Dr	LS	1	\$8,760.00	\$8,760.00						1.00	\$8,760.00	100.0%	
7A5	Interconnection No. 5 @ French Rd & E. Cavalier Dr	LS	1	\$8,760.00	\$8,760.00						1.00	\$8,760.00	100.0%	
7A6	Interconnection No. 6 @ French Rd & Louise Dr	LS	1	\$10,390.00	\$10,390.00						1.00	\$10,390.00	100.0%	
7A7	Interconnection No. 7 @ French Rd & Rachele Dr	LS	1	\$11,820.00	\$11,820.00						1.00	\$11,820.00	100.0%	
7A8	Interconnection No. 8 @ French Rd & Nancy Pl	LS	1	\$9,980.00	\$9,980.00						1.00	\$9,980.00	100.0%	
7A9	Interconnection No. 9 @ French Rd & Towers Blvd	LS	1	\$8,730.00	\$8,730.00						1.00	\$8,730.00	100.0%	
7A10	Interconnection No. 10 @ French Rd & Maria Ln	LS	1	\$10,390.00	\$10,390.00						1.00	\$10,390.00	100.0%	
7A11	Interconnection No. 11 @ French Rd & Grand Prix Dr	LS	1	\$9,980.00	\$9,980.00						1.00	\$9,980.00	100.0%	
7A12	Interconnection No. 12 @ French Rd & Randy Way	LS	1	\$10,390.00	\$10,390.00						1.00	\$10,390.00	100.0%	
7A13	Interconnection No. 13 @ French Rd & Brentwood Dr	LS	1	\$8,800.00	\$8,800.00						1.00	\$8,800.00	100.0%	
7A14	Interconnection No. 14 @ French Rd & Pheasant Ln	LS	1	\$8,960.00	\$8,960.00						1.00	\$8,960.00	100.0%	
7A15	Interconnection No. 15 @ French Rd & Suzette Dr	LS	1	\$8,950.00	\$8,950.00						1.00	\$8,950.00	100.0%	
7A16	Interconnection No. 16 @ French Rd & Borden Rd	LS	1	\$8,790.00	\$8,790.00						1.00	\$8,790.00	100.0%	
7A17	Interconnection No. 17 @ French Rd & Borden Rd	LS	1	\$16,620.00	\$16,620.00						1.00	\$16,620.00	100.0%	
7A18	Interconnection No. 18 @ South Line Fire District No. 10	LS	1	\$11,310.00	\$11,310.00						1.00	\$11,310.00	100.0%	
7A19	Interconnection No. 19 @ Waltrust Properties	LS	1	\$11,260.00	\$11,260.00						1.00	\$11,260.00	100.0%	
7A20	Interconnection No. 20 @ Ahepa Buffalo Housing Devel	LS	1	\$11,290.00	\$11,290.00						1.00	\$11,290.00	100.0%	
7A21	Interconnection No. 21 @ KQ Bell Towers of Erie LLC	LS	1	\$11,310.00	\$11,310.00						1.00	\$11,310.00	100.0%	
8A1	3/4"-1" Water Service Replacement/Installation	EA	104	\$2,267.83	\$235,854.32						93.00	\$210,908.19	89.4%	\$24,946.13
8A2	1 1/2" and Larger Water Service Replacement/Installation	EA	10	\$4,877.30	\$48,773.00						12.00	\$58,527.60	120.0%	-\$9,754.60
8C1	Furnish & Install 3/4-inch to 1-inch Additional Copper Tubing	LF	3,750	\$4.68	\$17,550.00						2,783.00	\$13,024.44	74.2%	\$4,525.56
8C2	Furnish & Install 1 1/2-inch & Larger Additional Copper Tubing	LF	350	\$15.35	\$5,372.50						390.00	\$5,986.50	111.4%	-\$614.00
9C	Furnish & Install 24-inch Diameter Casing Pipe	LF	120	\$244.30	\$29,316.00						140.00	\$34,202.00	116.7%	-\$4,886.00
10A1	Abandonment No. 1 @ French Road	LS	1	\$12,700.00	\$12,700.00						1.00	\$12,700.00	100.0%	
10A2	Abandonment No. 2 @ Borden Road	LS	1	\$14,148.42	\$14,148.42						1.00	\$14,148.42	100.0%	
11A1	Concrete Sidewalk	SY	300	\$88.76	\$26,628.00						154.76	\$13,736.50	51.6%	\$12,891.50
11A2	Concrete Driveway	SY	1,000	\$75.00	\$75,000.00						50.05	\$3,753.75	5.0%	\$71,246.25
11A4	Concrete Curb/Gutter	LF	600	\$75.00	\$45,000.00						284.00	\$21,300.00	47.3%	\$23,700.00
11B2	Asphalt Driveway Restoration	SY	1,000	\$75.00	\$75,000.00						202.42	\$15,181.50	20.2%	\$59,818.50
11B3	Asphalt Pavement Top Course - 1 1/2" - 9.5 mm	SY	22,900	\$8.29	\$189,841.00						21,354.85	\$177,031.71	93.3%	\$12,809.29
11B4	Asphalt Pavement Binder Course - 2" 19 F9	SY	4,700	\$10.79	\$50,713.00						4,803.75	\$51,832.46	102.2%	-\$1,119.46
11B5	Asphalt Pavement Base Course - 3" 37.5 F9	SY	4,700	\$27.58	\$129,626.00						6,389.14	\$176,212.41	135.9%	-\$46,586.41
11B6	Cold Milling 1 1/2" Asphalt Pavement	SY	22,900	\$2.93	\$67,097.00						21,221.54	\$62,179.11	92.7%	\$4,917.89
11C1	Landscaping	LF	300	\$25.97	\$7,791.00						503.00	\$13,062.91	167.7%	-\$5,271.91
12A	Testing & Disinfection	LF	8,440	\$3.75	\$31,650.00						8,646.00	\$32,422.50	102.4%	-\$772.50
13A	Extra Excavation (8 to 10 feet depth)	LF	400	\$10.00	\$4,000.00						208.30	\$2,083.00	52.1%	\$1,917.00
13B	Extra Excavation (10 to 12 feet depth)	LF	30	\$20.00	\$600.00						30.00	\$600.00	100.0%	
14A	Repair Crew Labor & Equipment	HR	40	\$588.64	\$23,545.60						5.50	\$3,237.52	13.8%	\$20,308.08
15A	Vacuum Truck & Labor	HR	40	\$302.28	\$12,091.20									\$12,091.20
16A	Flowable Fill	CY	115	\$181.81	\$20,908.15						18.00	\$3,272.58	15.7%	\$17,635.57
17A	Contingency	LS	1	\$100,000.00	\$100,000.00	0.04	\$4,452.40			\$4,452.40	0.65	\$64,644.91	64.6%	\$35,355.09
Totals						\$3,163,368.00		\$4,452.40		\$4,452.40		\$2,979,371.16	94.2%	\$183,986.84

**From:** [Molly Jo Musarra](#)  
**To:** [Mark D. Jarmuz](#)  
**Subject:** RE: P202000070 - CPL-007 Water System Improvements Town of Cheektowaga  
**Date:** Tuesday, January 11, 2022 10:10:51 AM

---

Hi Mark

Yes. All their insurance is up to date

Molly

---

**From:** Mark D. Jarmuz <mjarmuz@ecwa.org>  
**Sent:** Tuesday, January 11, 2022 9:53 AM  
**To:** Molly Jo Musarra <mmusarra@ecwa.org>  
**Subject:** P202000070 - CPL-007 Water System Improvements Town of Cheektowaga

Good morning Molly.

I am in the process of completing the Final Pay Application for New Frontier Paving and Excavating for the above referenced project.

Can you please tell me if we have evidence that their insurance is in effect for two years? Or if we need to obtain additional information from New Frontier prior to processing the final pay application? New Frontier does not have an active/current construction project with ECWA.

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](mailto:mjarmuz@ecwa.org)





**WORLD WIDE BONDING AGENCY**

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

December 2, 2021

Erie County Water Authority  
3030 Union Road  
Cheektowaga, NY 14227

RE: New Frontier Excavating and Paving, Inc.  
Bond No.: RCB0029937 – Water System Improvements  
Contract No. CPL-007, Project No. 202000070  
Town of Cheektowaga

To Whom It May Concern:

This letter is reference to the above project, competed by our Customer, New Frontier Excavating and Paving, Inc. Be advised that, in accordance with Article 5.01 of the General Conditions, modified by 5.01A of the Supplementary Conditions, the performance bond for the above captioned project will remain in full force and effect for two (2) years after final acceptance and the payment bond will remain in effect for one (1) year after the date of final acceptance.

Should you require anything additional, please let me know.

Sincerely,

Gary A. Cardinale,  
Attorney-In-Fact

*The content above has been reviewed by:*



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



Independent Insurance Agent



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

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

7003 Brown Hill Road

Boston, NY 14025

NAME AND ADDRESS OF CORPORATION

*for and in consideration of the sum of* Two million nine hundred seventy nine thousand three hundred seventy one dollars and sixteen cents (\$ 2,979,371.16),

*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 10th day of December

Two Thousand and Twenty One

Michael Halloran, President

By Michael Halloran

***State of New York*** )

***County of Erie*** ss.

Town Of Boston )

On this 10<sup>th</sup> day of December, Two Thousand  
and Twenty One, before me personally came Michael Halloran to

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

Angola, NY that he/~~she~~ is

the President of New Frontier Excavating & Paving Inc., the corporation  
described in and which executed the above Instrument, that he/~~she~~ knows the seal of said  
corporation; that it was so affixed to said Instrument is such corporate seal; that it was so affixed by  
order of the Board of Directors of said corporation, and he/~~she~~ signed his/~~her~~ name thereto by like  
order.

Richard T. Zydel

Notary Public, State of New York  
Richard T. Zydel  
Qualified in Erie County  
My Commission Expires 03 / 22 / 20 21  
No. 01ZY6217791

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

TO OWNER: Erie County Water Authority  
3030 Union Road  
Cheektowaga, NY 14227

PROJECT No.: 202000070  
CONTRACT No.: CPL-007 / 21-14-03

OWNER: ☐

ARCHITECT: ☐

CONTRACT FOR:  
General Construction

CONTRACTOR: ☐

PROJECT: Water System Improvements  
Town of Cheektowaga  
Contract No. CPL-007

SURETY: ☐

CONTRACTED DATE:  
March 25, 2021

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: 12-10-2021

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  
3030 Union Road  
Cheektowaga, NY 14227

PROJECT No.: 202000070  
CONTRACT No.: CPL-007 / 21-14-03

OWNER: ☐

ARCHITECT: ☐

CONTRACT FOR:  
General Construction

CONTRACTOR: ☐

PROJECT: Water System Improvements  
Town of Cheektowaga  
Contract No. CPL-007

SURETY: ☐

CONTRACTED DATE:  
March 25, 2021

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: 12-10-2021

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. RCB0029937  
Executed in Triplicate

TO OWNER: Erie County Water Authority  
3030 Union Road  
Cheektowaga, NY 14227

PROJECT No.: 202000070  
CONTRACT No.: CPL-007 / 21-14-03

OWNER: ☐

ARCHITECT: ☐

PROJECT: Water System Improvements  
Town of Cheektowaga  
Contract No. CPL-007

CONTRACT FOR:  
General Construction

CONTRACTOR: ☐

SURETY: ☐

CONTRACTED DATE:  
March 25, 2021

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  
3030 Union Road  
Cheektowaga, NY 14227

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: December 2nd, 2021

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

RLI Insurance Company

*(Surety)*

*(Signature of authorized representative)*

Gary A. Cardinale, Attorney-In-Fact

*(Printed name and title)*

Attest

(seal):

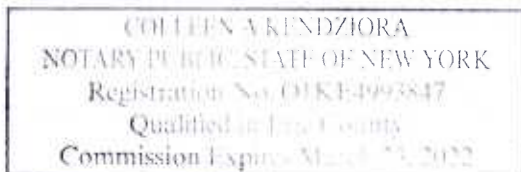
  
Wendy Montante



ACKNOWLEDGEMENT OF SURETY

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

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



Colleen A. Rendziora  
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, Colleen A Kendziora, jointly or severally

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

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

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

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

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 3rd day of November, 2021.



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

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

State of Illinois }  
County of Peoria } SS

### CERTIFICATE

On this 3rd day of November, 2021, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

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

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

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

By: Jeffrey D. Fick  
Jeffrey D. Fick Corporate Secretary



**Admitted Assets**

<b>Investments:</b>	
Fixed maturities, . . . . .	\$ 941,654,491
Equity securities . . . . .	1,122,236,300
Short-term investments, . . . . .	0
Real estate . . . . .	30,947,050
Properties held to produce income . . . . .	0
Cash on hand and on deposit . . . . .	47,740,062
Other invested assets . . . . .	51,152,519
Receivables for securities, . . . . .	27,482
Agents' balances, . . . . .	86,151,757
Investment income due and accrued . . . . .	7,413,030
Funds held . . . . .	0
Reinsurance recoverable on paid losses . . . . .	20,970,446
Federal income taxes receivable . . . . .	399,789
Net deferred tax asset, . . . . .	0
Guarantee funds receivable or on deposit . . . . .	39,285
Electronic data processing equipment, . . . . .	
net of depreciation . . . . .	608,401
Receivable from affiliates . . . . .	2,556,493
Other admitted assets, . . . . .	2,439,639
<b>Total Admitted Assets</b>	<b>\$ 2,314,336,744</b>

**Liabilities and Surplus**

<b>Liabilities:</b>	
Reserve for unpaid losses and loss adjustment expenses . . . . .	\$ 686,262,614
Unearned premiums . . . . .	277,750,198
Accrued expenses . . . . .	72,969,006
<b>Funds held</b> . . . . .	<b>350,474</b>
Advance premiums . . . . .	12,334,552
Amounts withheld . . . . .	78,066,493
Remittances and items not allocated . . . . .	2,245,962
Dividends declared and unpaid . . . . .	28,659
Ceded reinsurance premium payable . . . . .	23,810,949
Payable for securities . . . . .	2,315,086
Statutory penalties . . . . .	289,600
Current federal & foreign income taxes . . . . .	0
Federal income tax payable . . . . .	10,763,540
Borrowed money and accrued interest, . . . . .	0
Drafts outstanding . . . . .	0
Payable to affiliate, . . . . .	15,714,222
Other liabilities . . . . .	9,843,395
<b>Total Liabilities</b> . . . . .	<b>\$ 1,192,744,750</b>
<b>Surplus:</b>	
Common stock . . . . .	\$ 10,000,375
Additional paid-in capital . . . . .	242,451,084
Unassigned surplus . . . . .	869,140,535
<b>Total Surplus</b> . . . . .	<b>\$ 1,121,591,994</b>
<b>Total Liabilities and Surplus</b>	<b>\$ 2,314,336,744</b>

State of Illinois

County of Peoria

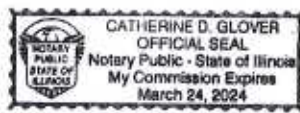
The undersigned, being duly sworn, says: That he is the President of **RLI Insurance Company**; that said Company is a corporation duly organized, in the State of Illinois, and licensed and engaged in business in the State of New York and has duly complied with all the requirements of the laws of said 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 2020.

**Attest:**


{ Corporate Seal Affixed }

Craig Kliethermes President  
Olga S. Happel Assistant Secretary

Sworn to before me this 11th day of March, 2021.



{ Notarial Seal Affixed }

Catherine D. Glover Notary Public, State of Illinois



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-007 (21-14-03)

MBE	TOTAL AMOUNT EXPENDED
LCA	\$190,300.67
Iroquois Bar Corp	2,202.50
Eastwood Industries	17,580.00

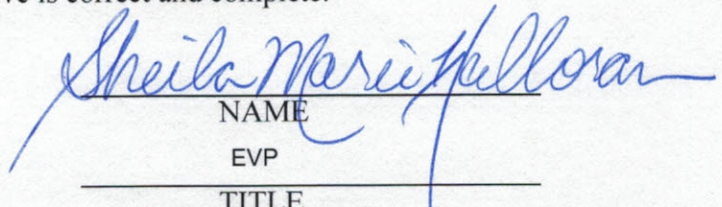
TOTAL OF ALL MBE  
SUB-CONTRACTS \$ 210,083.17

AMOUNT OF  
CONTRACT 2,979,371.16

FINAL MBE  
PERCENTAGE 7.1%

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 7, 2021  
DATE