



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

March 1, 2022

To: Terrence D. McCracken, Secretary to the Authority

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

Subject: Contract W-031
Ball North Storage Tank Replacement
ECWA Project No. 201800139

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, DN Tanks, 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 \$305,901.10 and includes all the previous retainage. The project was billed to Unit 2520 Eng/Const Control - Item 101357 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

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

Contract: W-031 **Project No.:** 201800139
Project Description: Ball North Storage Tank Replacement

Item Description:


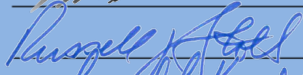





- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT 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>3/1/2022</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>3/1/2022</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>03/02/2022</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>03/01/2022</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>3/1/2022</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>03/01/2022</u>
<input checked="" type="checkbox"/> Legal		Date: <u>3/1/2022</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>3/2/22</u>
--	---	---------------------

Remarks: Amount certified for Final Payment \$305,901.10

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

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

November 17, 2021

Mr. Michael Quinn
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227-1097

**SUBJECT: ECWA BALL NORTH STORAGE TANK REPLACEMENT
CONTRACT W-031; ECWA PROJECT NUMBER 201800139
CONTRACT EXTENSION RECOMMENDATION
WENDEL PROJECT NO. 239840**

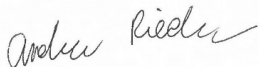
Dear Mr. Quinn:

Wendel WD Architecture, Engineering, Surveying and Landscape Architecture, PC (Wendel) recommends the Contract Extension requested by DN Tanks to be approved. The request is attached to this letter. The original Final Completion was expected to be November 1st, 2020. With weather, COVID-19, and other delays outside of DN Tanks' control, the November 1st, 2020 Final Completion could not be met. DN Tanks has requested to extend the Contract to September 7th, 2021.

A final walkthrough was conducted on September 15th, 2021 with ECWA, Wendel, and DN Tanks personnel. No punch list items were noted, therefore confirming all Contract work was completed according to the Contract Documents.

Please call if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Riederer'.

Andrew Riederer, EIT, Wendel

cc: Brad Moery, EIT, CDT, Wendel

Application and Certificate For Payment

Page 1

To Owner: AMHERST, NY ERIE COUNTY WATER AUTHORITY 295 MAIN STREET, ROOM 350 BUFFALO, NY 14203 From (Contractor): DN TANKS, INC. PO BOX 654125 DALLAS, TX 75265-4125 Phone: 781 246-1133	Project: Ball North Storage Tank Replacement 1193 Sweet Home Road Amherst, NY 14226 Contractor Job Number: 10T30009 Via (Architect): WENDEL Contract For:	Application No: 15 Date: 11/23/2021 Period To: 11/30/21 Architect's Project No: Contract Date:
---	--	--

Contractor's Application For Payment

Change Order Summary	Additions	Deductions
Change orders approved in previous months by owner		
<div> <div>Number</div> <div>Date Approved</div> </div>		
Change orders approved this month		
Totals		
Net change by change orders		

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

Contractor: **Jake Sreca** Digitally signed by Jake Sreca
DN: cn=Sreca, o=DN Tanks, Inc., ou=Project
Engineer, cn=Jake Sreca
Date: 2021.11.23 10:01:24 -0500 **Date:** 11/23/21

State of: MA County of: Middlesex

Subscribed and sworn to before me this 23 day of November 2021 (year). Notary public: [Signature]

My commission expires 4/3/26



Original contract sum	6,223,778.00
Net change by change orders	0.00
Contract sum to date	6,223,778.00
Total completed and stored to date	6,118,021.99
Retainage	
0.0% of completed work	0.00
0.0% of stored material	0.00
Total retainage	0.00
Total earned less retainage	6,118,021.99
Less previous certificates of payment	5,812,120.89
Current sales tax	
0.000% of taxable amount	0.00
Current sales tax	0.00
Current payment due	305,901.10
Balance to finish, including retainage	105,756.01

Architect's Certificate for Payment

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

Amount Certified: \$ 305,901.10

Architect: [Signature] **Date:** 01/18/22

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

Application and Certificate For Payment -- page 2

To Owner: AMHERST, NY
From (Contractor): DN Tanks, Inc.
Project: Ball North Storage Tank Replacement

Application No: 15 Date: 11/23/21 Period To: 11/30/21
Contractor's Job Number: 10T30009
Architect's Project No:

Item Number	Description	Unit Price	Contract Quantity	UM	Scheduled Value	Work Completed Previous Application		Work Completed This Period		Completed and Stored To Date			Retention	Memo
						Quantity	Amount	Quantity	Amount	Quantity	Amount	%		
10 Demolition and Disposal of														
10010	Demolition and Disposal ofExisting Steel Tank	0.00	.000	LS	317,500.00	100.00 %	317,500.00	0.00 %	0.00	100.00 %	317,500.00	100.0	0.00	
Total Demolition and Disposal of					317,500.00		317,500.00		0.00		317,500.00		0.00	
20 Mobilization, General														
20010	Mobilization, GeneralConditions, Insurance	0.00	.000	LS	114,000.00	100.00 %	114,000.00	0.00 %	0.00	100.00 %	114,000.00	100.0	0.00	
20011	Layout & Survey	0.00	.000	LS	37,500.00	100.00 %	37,500.00	0.00 %	0.00	100.00 %	37,500.00	100.0	0.00	
20012	Soil Erosion and Sedimentation Control	0.00	.000	LS	38,750.00	100.00 %	38,750.00	0.00 %	0.00	100.00 %	38,750.00	100.0	0.00	
20013	Removal and Disposal ofExisting Fence	0.00	.000	LS	80,000.00	100.00 %	80,000.00	0.00 %	0.00	100.00 %	80,000.00	100.0	0.00	
20014	Clearing and Grubbing	0.00	.000	LS	20,000.00	100.00 %	20,000.00	0.00 %	0.00	100.00 %	20,000.00	100.0	0.00	
20015	Excavation	0.00	.000	LS	78,750.00	100.00 %	78,750.00	0.00 %	0.00	100.00 %	78,750.00	100.0	0.00	
20016	Leveling Base Material	0.00	.000	LS	23,750.00	100.00 %	23,750.00	0.00 %	0.00	100.00 %	23,750.00	100.0	0.00	
20017	Compacted Structural Fill	0.00	.000	LS	52,500.00	100.00 %	52,500.00	0.00 %	0.00	100.00 %	52,500.00	100.0	0.00	
20018	Stabilized Work Areas	0.00	.000	LS	68,200.00	100.00 %	68,200.00	0.00 %	0.00	100.00 %	68,200.00	100.0	0.00	
20019	Piping, Valves, and Fittings	0.00	.000	LS	1,953,197.00	100.00 %	1,953,197.00	0.00 %	0.00	100.00 %	1,953,197.00	100.0	0.00	
20020	Backfill and Site Restoration	0.00	.000	LS	58,750.00	100.00 %	58,750.00	0.00 %	0.00	100.00 %	58,750.00	100.0	0.00	
20021	Permanent Fencing and Gates	0.00	.000	LS	130,000.00	100.00 %	130,000.00	0.00 %	0.00	100.00 %	130,000.00	100.0	0.00	
20022	Temporary Chain Link Fence	0.00	.000	LS	37,500.00	100.00 %	37,500.00	0.00 %	0.00	100.00 %	37,500.00	100.0	0.00	
20023	Electrical Conduit Installation	0.00	.000	LS	18,750.00	100.00 %	18,750.00	0.00 %	0.00	100.00 %	18,750.00	100.0	0.00	
20024	Engineering Design Drawings, Calculation Submittal	0.00	.000	LS	110,362.00	100.00 %	110,362.00	0.00 %	0.00	100.00 %	110,362.00	100.0	0.00	
20025	Footing and Floor Complete	0.00	.000	LS	362,652.00	100.00 %	362,652.00	0.00 %	0.00	100.00 %	362,652.00	100.0	0.00	
20026	Casting Wall Panels	0.00	.000	LS	332,431.00	100.00 %	332,431.00	0.00 %	0.00	100.00 %	332,431.00	100.0	0.00	
20027	Casting Dome Panels	0.00	.000	LS	317,321.00	100.00 %	317,321.00	0.00 %	0.00	100.00 %	317,321.00	100.0	0.00	
20028	Erect Dome Shoring and Forms	0.00	.000	LS	206,658.00	100.00 %	206,658.00	0.00 %	0.00	100.00 %	206,658.00	100.0	0.00	
20029	Erect Wall Panels	0.00	.000	LS	287,100.00	100.00 %	287,100.00	0.00 %	0.00	100.00 %	287,100.00	100.0	0.00	
20030	Erect Dome Panels	0.00	.000	LS	241,768.00	100.00 %	241,768.00	0.00 %	0.00	100.00 %	241,768.00	100.0	0.00	
20031	Form and Pour Wall Slots	0.00	.000	LS	124,127.00	100.00 %	124,127.00	0.00 %	0.00	100.00 %	124,127.00	100.0	0.00	
20032	Form Reinforce and PourDome Ring and Slots	0.00	.000	LS	120,884.00	100.00 %	120,884.00	0.00 %	0.00	100.00 %	120,884.00	100.0	0.00	
20033	Core Wall Shotcrete	0.00	.000	LS	114,083.00	100.00 %	114,083.00	0.00 %	0.00	100.00 %	114,083.00	100.0	0.00	
20034	Prestressing	0.00	.000	LS	201,547.00	100.00 %	201,547.00	0.00 %	0.00	100.00 %	201,547.00	100.0	0.00	
20035	Covercoat	0.00	.000	LS	135,995.00	100.00 %	135,995.00	0.00 %	0.00	100.00 %	135,995.00	100.0	0.00	
20036	Coating System	0.00	.000	LS	46,843.00	100.00 %	46,843.00	0.00 %	0.00	100.00 %	46,843.00	100.0	0.00	

Application and Certificate For Payment -- page 3

To Owner: AMHERST, NY
From (Contractor): DN Tanks, Inc.
Project: Ball North Storage Tank Replacement

Application No: 15 Date: 11/23/21 Period To: 11/30/21
Contractor's Job Number: 10T30009
Architect's Project No:

Item Number	Description	Unit Price	Contract Quantity	UM	Scheduled Value	Work Completed Previous Application		Work Completed This Period		Completed and Stored To Date			Retention	Memo
						Quantity	Amount	Quantity	Amount	Quantity	Amount	%		
20037	Strip and Remove Dome Shoring and Forms	0.00	.000 LS		103,906.00	100.00 %	103,906.00	0.00 %	0.00	100.00 %	103,906.00	100.0	0.00	
20038	Tank Appurtenances	0.00	.000 LS		83,108.00	100.00 %	83,108.00	0.00 %	0.00	100.00 %	83,108.00	100.0	0.00	
20039	Tank Overflows	0.00	.000 LS		111,818.00	100.00 %	111,818.00	0.00 %	0.00	100.00 %	111,818.00	100.0	0.00	
20040	Record Documents	0.00	.000 LS		7,500.00	100.00 %	7,500.00	0.00 %	0.00	100.00 %	7,500.00	100.0	0.00	
Total Mobilization, General					5,619,750.00		5,619,750.00		0.00		5,619,750.00		0.00	
30 Repair Crew Labor and Equipme														
30010	Repair Crew Labor and Equipment	1,110.00	24.000 HR		26,640.00	.000	0.00	.000	0.00	.000	0.00	0.0	0.00	
Total Repair Crew Labor and Equipme					26,640.00		0.00		0.00		0.00		0.00	
40 Vacuum Truck and Labor														
40010	Vacuum Truck and Labor	618.00	16.000 HR		9,888.00	.000	0.00	.000	0.00	.000	0.00	0.0	0.00	
Total Vacuum Truck and Labor					9,888.00		0.00		0.00		0.00		0.00	
50 Contingency														
50010	Contingency	0.00	.000 LS		250,000.00	72.31 %	180,771.99	0.00 %	0.00	72.31 %	180,771.99	72.3	0.00	
Total Contingency					250,000.00		180,771.99		0.00		180,771.99		0.00	
Application Total					6,223,778.00		6,118,021.99		0.00		6,118,021.99	98.30	0.00	

From: [Molly Jo Musarra](#)
To: [Mark D. Jarmuz](#)
Subject: RE: P201800139 - W-031 Ball North Storage Tank Replacement
Date: Monday, February 14, 2022 12:14:43 PM

Mark

Their insurance is up to date

Molly

From: Mark D. Jarmuz <mjarmuz@ecwa.org>
Sent: Friday, February 11, 2022 3:16 PM
To: Molly Jo Musarra <mmusarra@ecwa.org>
Subject: P201800139 - W-031 Ball North Storage Tank Replacement

Molly.

I am in the process of completing the Final Pay Application for DN Tanks, Inc. 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 DN Tanks prior to processing the final pay application? DN Tanks 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





53 State Street, Boston, MA 02109

November 30, 2021

To Whom it May Concern:

This letter is to confirm that the following Performance Bond and Labor & Material Payment Bond in the amount of one hundred (100) percent of the value of the Contract, is in force for a period of two years following the date of Final Completion.

Bond Number: 30081206

Owner: Eric County Water Authority, Buffalo, NY

Job: Contract No.: W-031 Ball North Tank Replacement

Contractor: DN Tanks, Inc.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Western Surety Company

A handwritten signature in blue ink, appearing to read "Donna M. Robie".

Donna M. Robie, Attorney-in-Fact

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

Frank J Smith, Donna M Robie, Christina D Hickey, Ellen J Young, Mark L Kingston, Ruth Ann Silverman, Ginette R Tentindo, John F Koegel, Tara L Clifford, Individually

of Natick, MA, 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 22nd day of June, 2021.



WESTERN SURETY COMPANY

Paul T. Bruflat
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 22nd day of June, 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

March 2, 2026



M. Bent
M. Bent, 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 30th day of November, 2021.



WESTERN SURETY COMPANY

L. Nelson
L. Nelson, Assistant Secretary

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

Greeting: Know Ye, That DN Tanks, Inc

11 Teal Rd

Wakefield, MA 01880

NAME AND ADDRESS OF CORPORATION

For and in consideration of the sum of Six million, one hundred eighteen thousand, &
twenty-one 99/100 *dollars (\$6,118,021.99),*

*lawful money of the United States of America to its duly authorized officer in hand paid by the
Erie County Water Authority,*

*the receipt whereof is hereby acknowledged, has remised, released, and forever discharged, and by
these presents does for itself, its successors and assigns, remise, release and forever discharge the said
Erie County Water Authority,*

*heirs, executors, administrators, successors and assigns, of and from all, and all manner of action and
actions cause and causes of action, suits, debts, dues, sums of money, accounts, reckoning, bonds, bills,
specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses,
damages, judgments, extents, executions, claims and demands whatsoever, in law or in equity, which
against the said:*

DN Tanks, 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

DN Tanks, Inc has caused its

corporate seal to be hereunto affixed, and

these presents to be signed by its duly authorized

officer this 13th day of January

Two Thousand and Twenty Two

By Jeff Tellier 

State of Massachusetts

County of Middlesex, ss.

On this 13th day of January, Two Thousand
and Twenty two, before me personally came Jeff
Tellier to me personally known who, being by me duly sworn

did depose and say that he/she resides in

Massachusetts that he/she is

the Director of Finance of DN Tanks, Inc, the corporation

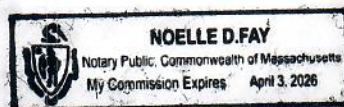
described in and which executed the above Instrument, that he/she knows the seal of said corporation;

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.

Cheryl Fay My commission expires 4/3/26

1/13/2022



AIA® Document G706™ – 1994

Contractor's Affidavit of Payment of Debts and Claims

PROJECT:
Ball North Storage Tank
Replacement

ENGINEER'S PROJECT NUMBER: 201800139

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

TO OWNER:
Erie County Water
295 Main Street, Room 350
Buffalo, NY 14203

CONTRACT FOR: (GC) General Construction
CONTRACT DATED: October 4, 2019

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:

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. 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:

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.
3. Contractor's Affidavit of Release of Liens (AIA Document G706A).

CONTRACTOR: (Name and address)

DN Tanks, Inc.
11 Teal Road
Wakefield, MA 01880

BY: Atticus Mulholland

(Signature of authorized representative)

Atticus Mulholland, Project Manager

(Printed name and title)

Subscribed and sworn to before me on this date: Nov 3, 2021

Notary Public:
My Commission Expires: 4/3/26





AIA[®] Document G706A[™] – 1994

Contractor's Affidavit of Release of Liens

PROJECT:
Ball North Storage Tank
Replacement

ENGINEER'S PROJECT NUMBER: 201800139

OWNER: ☐

ARCHITECT: ☐

CONTRACTOR: ☒

TO OWNER:
Erie County Water
295 Main Street, Room 350
Buffalo, NY 14203

CONTRACT FOR: (GC) General Construction
CONTRACT DATED: October 4, 2019

SURETY: ☐

OTHER: ☐

STATE OF: New York
COUNTY OF: Erie

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

EXCEPTIONS:

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:
DN Tanks, Inc.
11 Teal Road
Wakefield, MA 01880

BY:

Atticus Mulholland

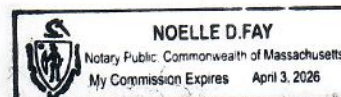
(Signature of authorized representative)

Atticus Mulholland, Project Manager
(Printed name and title)

Digitally signed by Atticus Mulholland
DN: cn=US,
e=atticus.mulholland@dn tanks.com,
ou=DN Tanks
Construction, cn=Atticus Mulholland
Date: 2021.11.03 21:42:19-04'00'

Subscribed and sworn to before me on this date: **Nov 3, 2021**

Notary Public: *[Signature]*
My Commission Expires: **4/3/26**



**CONSENT OF
SURETY COMPANY
TO FINAL PAYMENT
AIA DOCUMENT G707**

Owner
Architect
Contractor
Surety
Other

Bond No 30081206

PROJECT: Contract No: W-031 Ball North Tank Replacement
(name, address)

TO: (Owner)

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

ARCHITECT'S PROJECT NO:

CONTRACT FOR: Ball North Tank
Replacement

CONTRACT DATE: 10/4/2019

CONTRACTOR:

DN Tanks, Inc.
11 Teal Road
Wakefield, MA 01880-1292

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
Western Surety Company
CNA Surety, 53 State Street
Boston, Massachusetts 02109

, SURETY COMPANY

on bond of (here insert name and address of Contractor)
DN Tanks, Inc.
11 Teal Road
Wakefield, Massachusetts 01880-1292

, CONTRACTOR,

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

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

, OWNER,

as set forth in the said Surety Company's bond.

IN WITNESS WHEREOF,

the Surety Company has hereunto set its hand this 3rd day of November 2021

Surety Company
Western Surety Company

Signature of Authorized Representative

Attest:
(Seal):

Christina D. Hickey - Attorney-In-Fact
Title

NOTE: This form is to be used as a companion document to AIA DOCUMENT G706, CONTRACTOR'S AFFIDAVIT OF PAYMENT OF
DEBTS AND CLAIMS, Current Edition

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

Frank J Smith, Donna M Robie, Christina D Hickey, Ellen J Young, Mark L Kingston, Ruth Ann Silverman, Ginette R Tentindo, John F Koegel, Tara L Clifford, Individually

of Natick, MA, 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 22nd day of June, 2021.



WESTERN SURETY COMPANY

Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 22nd day of June, 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

March 2, 2026



M. Bent, 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 3rd day of November, 2021



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

MINORITY BUSINESS ENTERPRISE UTILIZATION REPORT - PART D

FINAL CERTIFICATION OF EXPENDITURES TO MBE's

(to be completed by the prime CONTRACTOR and submitted with
the request for final payment)

CONTRACTOR: DN Tanks, Inc.

CONTRACT: ECWA Ball North Storage Tank Replacement

MBE	TOTAL AMOUNT EXPENDED
NAME: <u>G&J Contracting, Inc.</u> ADDRESS: <u>PO Box 255</u> <u>Hemlock, NY 14466</u> IRS #: <u>16-1222254</u>	\$148,920.78
NAME: <u>3rd Rock LLC</u> ADDRESS: <u>580 Olean Rd</u> <u>East Aurora, NY 14052</u> IRS #: <u>32-0224998</u>	\$19,374.50
Brent Material Company 325 Columbia Tpke. Florham Park, NJ 07932	\$79,613.50

See next page for continuation

TOTAL OF ALL MBE
SUB-CONTRACTS \$ See next page for continuation

AMOUNT OF
CONTRACT See next page for continuation

FINAL MBE
PERCENTAGE See next page for continuation

I, _____, as an official
representative of _____,
do hereby certify that the information listed above is correct and complete.

NAME

TITLE

DATE

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: DN Tanks, Inc.

CONTRACT: ECWA Ball North Storage Tank Replacement

MBE	TOTAL AMOUNT EXPENDED
Gui's Lumber & Home Center, Inc. PO Box 147 8940 Porter Road Niagara Falls, NY 14304	\$21,792.67
LM Sessler Wrecking 1257 NY-96 Waterloo, NY 13165	\$61,000.00
Iroquois Bar Corp. 155 Commerce Drive Lackawanna, NY 14218	\$121,292.21
CME Associates, Inc. 2727 Broadway #2 Buffalo, NY 14227	\$4,901.32

TOTAL OF ALL MBE
SUB-CONTRACTS \$ \$456,894.98

AMOUNT OF
CONTRACT \$6,118,022

FINAL MBE
PERCENTAGE 7.47%

I, Atticus Mulholland, as an official
representative of DN Tanks, Inc.,

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

Atticus Mulholland

NAME

Project Manager

TITLE

01-27-2022

DATE