



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

June 30, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: William Wheeler, Distribution Engineer

A handwritten signature in blue ink, appearing to be "W. Wheeler", is written over the name "William Wheeler" in the "From:" line.

Subject: Large Service Contract
February 1, 2019 through January 31, 2021
ECWA Project No. 201900005

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, Kandey Company, 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 \$151,892.21 and includes all the previous retainage. The project costs were billed directly to customers for domestic service agreements and private fire protection agreements and emergency work was performed under this contract at Ball Pump Station and billed to Unit 2595 Eng/Const Transmission Main – Item 101536. 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.

WWW:jmf
Attachment
cc: L.Kowalski
M.Quinn
ECWA-799-1903-I-186

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

Contract: _____ **Project No.:** 201900005

Project Description: Large Service Contract
February 1, 2019 through January 31, 2021

Item Description:



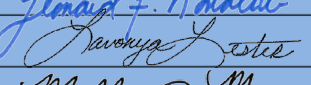


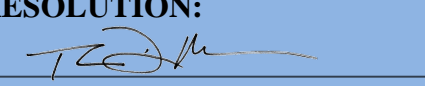
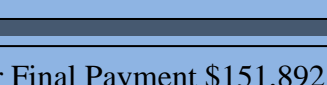
- | | | | |
|---|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT 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 Final Pay Application | | | |

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 Board Approval | |

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Sr. Distribution Engineer		Date: 6/30/2021
<input checked="" type="checkbox"/> Chief Operating Officer		Date: 6/30/2021
<input checked="" type="checkbox"/> Executive Engineer		Date: 06/30/2021
<input checked="" type="checkbox"/> Director of Administration		Date: 06/30/2021
<input checked="" type="checkbox"/> Risk Manager		Date: 06/30/2021
<input checked="" type="checkbox"/> Chief Financial Officer		Date: 06/30/2021
<input checked="" type="checkbox"/> Legal		Date: 6/30/2021

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: 06/30/21
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Remarks: Amount certified for Final Payment \$151,892.21

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. [Kandey has an active two year contract with ECWA, P202100009](#)
- ☒ 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



ERIE COUNTY WATER AUTHORITY

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

May 3, 2021

Mr. Joseph Kandefer, Vice President
Kandey Company, Inc.
19 Ransier Drive
West Seneca, New York 14224

Re: Large Services Contract
February 1, 2019 through January 31, 2021
ECWA Project No. 201900005

Dear Mr. Kandefer:

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 \$3,037,845.28 (original contract: \$1,451,725.42 and change orders 1 & 2 total: \$1,586,119.86) of which \$2,885,953.07 in payments have been previously made to you. The balance due is \$151,892.21, which is return of retention monies previously withheld.

Enclosed please find three copies of Estimate No. 32 and Final in the amount of \$151,892.21. 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 \$3,037,845.28.

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.

- 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-799-1903-I-186

JOB
DESCRIPTION

LARGE SERVICE CONTRACT
FOR THE PERIOD 2/1/19 THROUGH 1/31/21

ESTIMATE No: 32 & Final
CONTRACT NO. 19-02-01
PERIOD COVERED 2/01/21 TO 1/31/21

Project # 201900005

CONTRACTOR:

Kandey Company, Inc.
19 Ransler Drive
West Seneca, NY 14224

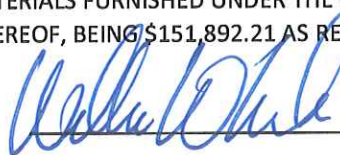
Vendor # V1121

BID ITEM #	QUANTITY	UNIT	UNIT COST	CONTRACT BREAKDOWN	COMPLETED TO DATE		COMPLETED PREV ESTIMATE		AMOUNT THIS ESTIMATE
					PERCENT	AMOUNT	PERCENT	AMOUNT	
1A1	4	Ea @	\$4,700.00	\$18,800.00	75.00%	\$14,100.00	75.00%	\$14,100.00	\$0.00
1A2	25	Ea @	\$4,700.00	\$117,500.00	96.00%	\$112,800.00	96.00%	\$112,800.00	\$0.00
1A3	10	Ea @	\$4,700.00	\$47,000.00	60.00%	\$28,200.00	60.00%	\$28,200.00	\$0.00
1A4	15	Ea @	\$4,700.00	\$70,500.00	133.33%	\$94,000.00	133.33%	\$94,000.00	\$0.00
1A5	8	Ea @	\$4,700.00	\$37,600.00	75.00%	\$28,200.00	75.00%	\$28,200.00	\$0.00
1A6	1	Ea @	\$5,200.00	\$5,200.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1A7	3	Ea @	\$5,200.00	\$15,600.00	33.33%	\$5,200.00	33.33%	\$5,200.00	\$0.00
1B1	2	Ea @	\$5,800.00	\$11,600.00	50.00%	\$5,800.00	50.00%	\$5,800.00	\$0.00
1B2	2	Ea @	\$5,800.00	\$11,600.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1B3	2	Ea @	\$5,800.00	\$11,600.00	100.00%	\$11,600.00	100.00%	\$11,600.00	\$0.00
1B4	1	Ea @	\$5,800.00	\$5,800.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1B5	1	Ea @	\$6,000.00	\$6,000.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1B6	1	Ea @	\$6,500.00	\$6,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1B7	1	Ea @	\$6,500.00	\$6,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1D1	1	Ea @	\$4,400.00	\$4,400.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1D2	10	Ea @	\$4,700.00	\$47,000.00	50.00%	\$23,500.00	50.00%	\$23,500.00	\$0.00
1D3	15	Ea @	\$5,000.00	\$75,000.00	73.33%	\$55,000.00	73.33%	\$55,000.00	\$0.00
1D4	3	Ea @	\$5,000.00	\$15,000.00	100.00%	\$15,000.00	100.00%	\$15,000.00	\$0.00
1D5	10	Ea @	\$5,000.00	\$50,000.00	60.00%	\$30,000.00	60.00%	\$30,000.00	\$0.00
1D6	2	Ea @	\$5,250.00	\$10,500.00	100.00%	\$10,500.00	100.00%	\$10,500.00	\$0.00
1D7	1	Ea @	\$5,800.00	\$5,800.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1D8	1	Ea @	\$6,500.00	\$6,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1E1	50	LF @	\$50.00	\$2,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1E2	300	LF @	\$55.00	\$16,500.00	80.60%	\$13,299.00	80.60%	\$13,299.00	\$0.00
1E3	800	LF @	\$65.00	\$52,000.00	125.91%	\$65,474.50	125.91%	\$65,474.50	\$0.00
1E4	1500	LF @	\$65.00	\$97,500.00	62.72%	\$61,148.75	62.72%	\$61,148.75	\$0.00
1E5	150	LF @	\$65.00	\$9,750.00	4.00%	\$390.00	4.00%	\$390.00	\$0.00
1E6	200	LF @	\$65.00	\$13,000.00	151.00%	\$19,630.00	151.00%	\$19,630.00	\$0.00
1E7	100	LF @	\$70.00	\$7,000.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1E8	50	LF @	\$80.00	\$4,000.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
1E9	50	LF @	\$90.00	\$4,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
2A	30	Ea @	\$780.00	\$23,400.00	3.33%	\$780.00	3.33%	\$780.00	\$0.00
2B	20	Ea @	\$890.00	\$17,800.00	120.00%	\$21,360.00	120.00%	\$21,360.00	\$0.00
2C	700	LF @	\$32.00	\$22,400.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
2D	100	LF @	\$53.00	\$5,300.00	34.00%	\$1,802.00	34.00%	\$1,802.00	\$0.00
3A	1500	LF @	\$53.00	\$79,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
3B	500	LF @	\$58.00	\$29,000.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
3C	1500	LF @	\$60.00	\$90,000.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
4A	15	EA @	\$1,350.00	\$20,250.00	33.33%	\$6,750.00	33.33%	\$6,750.00	\$0.00
5A	100	CY @	\$300.00	\$30,000.00	56.05%	\$16,815.00	56.05%	\$16,815.00	\$0.00
5B	20	EA @	\$650.00	\$13,000.00	100.00%	\$13,000.00	100.00%	\$13,000.00	\$0.00
5C	100	LF @	\$50.00	\$5,000.00	82.00%	\$4,100.00	82.00%	\$4,100.00	\$0.00
5D	100	LF @	\$50.00	\$5,000.00	10.00%	\$500.00	10.00%	\$500.00	\$0.00
5E	10	EA @	\$1,500.00	\$15,000.00	150.00%	\$22,500.00	150.00%	\$22,500.00	\$0.00
5F	10	EA @	\$1,500.00	\$15,000.00	50.00%	\$7,500.00	50.00%	\$7,500.00	\$0.00
6A1	250	LF @	\$40.00	\$10,000.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6B1	400	SY @	\$125.00	\$50,000.00	49.22%	\$24,607.50	49.22%	\$24,607.50	\$0.00
6B2	100	SY @	\$165.00	\$16,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6B3	50	SY @	\$170.00	\$8,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6B4	20	SY @	\$90.00	\$1,800.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6B5	5	SY @	\$1,100.00	\$5,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6B6	75	LF @	\$85.00	\$6,375.00	10.67%	\$680.00	10.67%	\$680.00	\$0.00
6B7	250	SY @	\$155.00	\$38,750.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6B8	500	SY @	\$105.00	\$52,500.00	54.00%	\$28,350.00	54.00%	\$28,350.00	\$0.00
6C1	20	SY @	\$95.00	\$1,900.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6C2	200	SY @	\$145.00	\$29,000.00	39.73%	\$11,521.70	39.73%	\$11,521.70	\$0.00
6D1	100	SY @	\$95.00	\$9,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6D2	100	SY @	\$160.00	\$16,000.00	18.94%	\$3,030.40	18.94%	\$3,030.40	\$0.00
6E1	1000	LF @	\$35.00	\$35,000.00	146.50%	\$51,275.00	146.50%	\$51,275.00	\$0.00
6E2	1500	LF @	\$20.00	\$30,000.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6F1	1	EA @	\$450.00	\$450.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00

6F2	1	EA @	\$300.00	\$300.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6F3	1	EA @	\$300.00	\$300.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
6F4	1	EA @	\$250.00	\$250.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
7A1	1800	CY @	\$55.00	\$99,000.00	45.56%	\$45,104.95	45.56%	\$45,104.95	\$0.00
7A2	2000	CY @	\$49.00	\$98,000.00	8.10%	\$7,938.00	8.10%	\$7,938.00	\$0.00
7B1	50	LF @	\$180.00	\$9,000.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
8A1	200	LF @	\$335.00	\$67,000.00	34.00%	\$22,780.00	34.00%	\$22,780.00	\$0.00
8A2	500	LF @	\$355.00	\$177,500.00	111.06%	\$197,131.50	111.06%	\$197,131.50	\$0.00
8A3	300	LF @	\$385.00	\$115,500.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
8A4	200	LF @	\$385.00	\$77,000.00	108.00%	\$83,160.00	108.00%	\$83,160.00	\$0.00
8A5	100	LF @	\$440.00	\$44,000.00	113.00%	\$49,720.00	113.00%	\$49,720.00	\$0.00
8B1	50	LF @	\$100.00	\$5,000.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
8B2	50	LF @	\$100.00	\$5,000.00	160.00%	\$8,000.00	160.00%	\$8,000.00	\$0.00
8B3	50	LF @	\$105.00	\$5,250.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
8B4	50	LF @	\$115.00	\$5,750.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
8B5	50	LF @	\$125.00	\$6,250.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
8C1	50	LF @	\$315.00	\$15,750.00	182.00%	\$28,665.00	182.00%	\$28,665.00	\$0.00
8C2	450	LF @	\$342.00	\$153,900.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
9A1	400	HR @	\$460.00	\$184,000.00	101.16%	\$186,129.80	101.16%	\$186,129.80	\$0.00
10	1	LS @	\$20,000.00	\$20,000.00	73.41%	\$14,682.32	73.41%	\$14,682.32	\$0.00
CO#1	1	LS @	\$1,500,000.00	\$1,500,000.00	100.00%	\$1,500,000.00	100.00%	\$1,500,000.00	\$0.00
CO#2	1	LS @	\$90,000.00	\$90,000.00	95.69%	\$86,119.86	95.69%	\$86,119.86	\$0.00
Total				\$4,063,925.00	74.75%	\$3,037,845.28		\$3,037,845.28	\$0.00
								5% Retention	\$151,892.21
								Returned Retention	\$0.00
								Revised Retention Amount	\$151,892.21
								Amount Due This Estimate	\$151,892.21

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 02/01/19 AND 1/31/2021 BOTH INCLUSIVE AND THE VALUE THEREOF, BEING \$151,892.21 AS REQUIRED BY AGREEMENT ARTICLE 6.03 OF THE SAID CONTRACT.

PREPARED BY:

 05/03/21
DATE

BY:

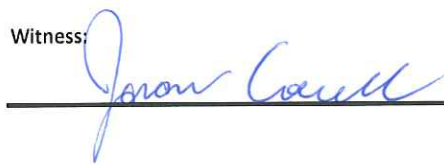
 CONTRACTOR DATE

 6/18/2021
SR DISTRIBUTION ENGINEER DATE

 06/17/2021
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:



Contractor:



By:


(Seal)

M&T Insurance Agency, Inc.

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

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

April 22, 2021

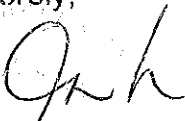
CERTIFICATION OF SURETY

RE: Erie County Water Authority
Large Services Contract - 2/1/19 to 1/31/21
Final Contract Amount: \$3,037,845.28
Project No. 201900005
Bond No. 30056370

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

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

Sincerely,



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

cc: Kandey Company, Inc.

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

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

(Inq2239)

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

Greeting: Know Ye, That

Kandey Company, Inc.

19 Ransier Drive

West Seneca, NY 14224

NAME AND ADDRESS OF CORPORATION

For and in consideration of the sum of Three Million Thirty Seven Thousand

Eight Hundred Forty Five and 28/100 *dollars (\$* 3,037,845.28 *)*,

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:

Kandey Company, 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

Kandey Company, Inc. *has caused its*
corporate seal to be hereunto affixed, and

these presents to be signed by its duly authorized

officer this 21 *day of* April

Two Thousand and Twenty One

By Joseph Kandefor, Vice President

State of New York)

County of Erie ss.

Town *Of* West Seneca)

On this 21 *day of* April, *Two Thousand*
and Twenty One, *before me personally came* Joseph Kandefor *to*

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

West Seneca *that he/she is*

the Vice President *of* Kandey Company, Inc., *the corporation*

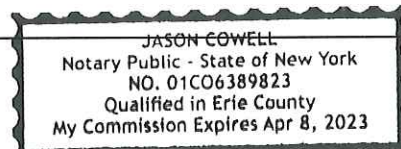
described in and which executed the above Instrument, that he/she knows the seal of said

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.

Jason Cowell





AIA® Document G706™ – 1994

Contractor's Affidavit of Payment of Debts and Claims

PROJECT: *ECWA Large Services*
Contract 2/1/19 - 1/31/21

ARCHITECT'S PROJECT NUMBER: *ECWA Project No. 201900005*

OWNER: ☐

ARCHITECT: ☐

CONTRACTOR: ☐

SURETY: ☐

OTHER: ☐

TO OWNER:

Erie County Water Authority
3030 Union Road
Buffalo, NY 14227

CONTRACT FOR: *Large Services Contract*

CONTRACT DATED: *February 1, 2019 through*
January 31, 2021

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. 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: *Kandey Company, Inc.*
19 Ransier Drive
West Seneca, NY 14224

BY:

(Signature of authorized representative)

Joseph Kandeyer, Vice President
(Printed name and title)

Subscribed and sworn to before me on this date: *6/23/21*

Notary Public:

My Commission Expires: *4/8/2023*





AIA® Document G706A™ – 1994

Contractor's Affidavit of Release of Liens

PROJECT: *ECWA Large Services*
Contract 2/1/19 - 1/31/21

ARCHITECT'S PROJECT NUMBER: *ECWA Project No. 201900005*

OWNER: ☐

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

CONTRACT FOR: *Large Services Contract*
CONTRACT DATED: *February 1, 2019 through*
January 31, 2021

ARCHITECT: ☐

CONTRACTOR: ☐

SURETY: ☐

OTHER: ☐

STATE OF: *New York*
COUNTY OF: *Erie*

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

EXCEPTIONS: *None*

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR: *Kandey Company, Inc.*
19 Ransier Drive
West Seneca, NY 14224

BY:

(Signature of authorized representative)

Joseph Kandey Vice President
(Printed name and title)

Subscribed and sworn to before me on this date: *5/10/21*

Notary Public: *Jason Cowell*

My Commission Expires: *4/8/23*





AIA[®] Document G707[™] – 1994

Consent Of Surety to Final Payment

PROJECT: <i>(Name and address)</i> Large Services Contract 2/1/19 to 1/31/21 Project No. 201900005 TO OWNER: <i>(Name and address)</i> Erie County Water Authority 295 Franklin Street, Rm. 350 Buffalo, New York 14203	ARCHITECT'S PROJECT NUMBER: CONTRACT FOR: General Construction CONTRACT DATED: January 24, 2019 Bond No: 30056370	OWNER: <input type="checkbox"/> ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> SURETY: <input type="checkbox"/> OTHER: <input type="checkbox"/>
--	--	---

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

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

, SURETY,

on bond of
(Insert name and address of Contractor)

Kandey Company, Inc.
19 Ransier Drive
West Seneca, New York 14224

, CONTRACTOR,

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

(Insert name and address of Owner)

Erie County Water Authority
295 Franklin Street, Rm. 350
Buffalo, New York 14203

, OWNER,

as set forth in said Surety's bond.

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

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

April 22, 2021

Western Surety Company

(Surety)

(Signature of authorized representative)

Jason N. Reid, Attorney-in-Fact

(Printed name and title)

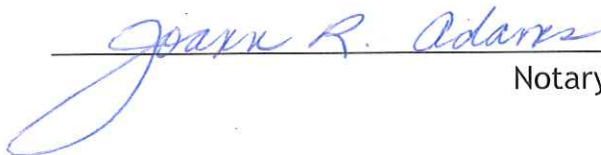
Attest:
(Seal):

SURETY ACKNOWLEDGEMENT

STATE OF New York)
COUNTY OF Erie)

On this 22nd day of April, 2021 before me personally
appeared Jason N. Reid,
to me known, who being by me duly sworn, did depose and say: that he resides in
the City of Buffalo, New York that he is the Attorney-in-Fact of the
above signed Surety, the corporation described in and which executed the within
instrument; that he knows the corporate seal of said corporation; that the seal
affixed to said instrument is such corporate seal; that it was so affixed by order of
the Board of Directors of said corporation; and that he signed his name thereto by
like order.

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



Notary Public

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

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

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

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

- In Unlimited Amounts -

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

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

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



WESTERN SURETY COMPANY

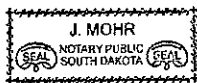
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

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

My commission expires

June 23, 2021



J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 22nd day of April, 2021.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Form F4280-7-2012

Go to www.cnasurety.com > Owner / Oblige Services > Validate Bond Coverage, if you want to verify bond authenticity.

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

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

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

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

ASSETS

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

LIABILITIES AND SURPLUS

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

Surplus Account:

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

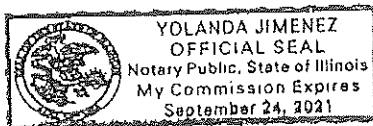
I, Amy Smith, Senior Vice President of Western Surety Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2019, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western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

Western Surety Company

By Amy Smith
Senior Vice President

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

My commission expires:



By Yolanda Jimenez
Notary Public

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: Kandey Company, Inc.

CONTRACT: 201900005

MBE	TOTAL AMOUNT EXPENDED
B. Pariso Transport, Inc.	\$38,172.57
Tracey Trucking, Inc.	\$39,395.05
Sienna Environmental Technologies	\$1,892.00
US Traffic Control, Inc.	\$5,574.25

TOTAL OF ALL MBE
SUB-CONTRACTS \$ 85,033.87

AMOUNT OF
CONTRACT 3,037,845.28

FINAL MBE
PERCENTAGE 2.8%

I, Jason Cowell, as an official
representative of Kandey Company, Inc.,
do hereby certify that the information listed above is correct and complete.


NAME

Controller
TITLE

5/25/2021
DATE

From: [Lavonya Lester](#)
To: [William W. Wheeler](#)
Subject: RE: PN201900005 - Large Service Contract - Final Pay App - Certified Payroll and Final MBE's
Date: Wednesday, June 16, 2021 1:14:07 PM
Attachments: [MWBE Letter.pdf](#)
[Part D Signed.pdf](#)

Yes, We are all set with the final pay app.

Thanks

Lavonya Lester

From: William W. Wheeler <wwheeler@ecwa.org>
Sent: Wednesday, June 16, 2021 9:53 AM
To: Lavonya Lester <llester@ecwa.org>
Subject: RE: PN201900005 - Large Service Contract - Final Pay App - Certified Payroll and Final MBE's

Good morning Lavonya,

Attached is the letter from Kandey requesting the addition of Sienna to the list of MWBE's. Should you find this request acceptable, I believe we have all the information needed to issue final payment for this project. Please let me know if you agree.

Regards,

-Bill

William W. Wheeler, PE

Distribution Engineer



Erie County Water Authority

3030 Union Road | Cheektowaga, New York 14227-1097

Direct: (716) 685.8251 | Cell: (716) 225.2948 | wwheeler@ecwa.org

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From: [Shari Zajdel](#)
To: [William W. Wheeler](#)
Subject: RE: Final Pay App for Kandey on the Large Service Contract - PN201900005
Date: Tuesday, May 25, 2021 1:18:27 PM
Attachments: [Kandey CP.PNG](#)

Hi Bill,

The last certified payrolls that were sent to me were for the time period from 12/5/20 – 2/13/21.

I hope this is helpful. I do not see the pay apps that match the payrolls. I only see the payrolls.

Shari

From: William W. Wheeler <wwheeler@ecwa.org>
Sent: Tuesday, May 25, 2021 1:12 PM
To: Shari Zajdel <szajdel@ecwa.org>
Subject: RE: Final Pay App for Kandey on the Large Service Contract - PN201900005

Maybe Kandey had the date wrong on their submission. Is the certified payroll you have on record for work completed through 01/31/21? Thanks again!

-Bill

William W. Wheeler, PE

Distribution Engineer



Erie County Water Authority

3030 Union Road | Cheektowaga, New York 14227-1097

Direct: (716) 685.8251 | Cell: (716) 225.2948 | wwheeler@ecwa.org

From: Shari Zajdel <szajdel@ecwa.org>
Sent: Tuesday, May 25, 2021 1:05 PM
To: William W. Wheeler <wwheeler@ecwa.org>
Subject: RE: Final Pay App for Kandey on the Large Service Contract - PN201900005

My last payroll ended on February 13, 2021.

From: William W. Wheeler <wwheeler@ecwa.org>

Sent: Tuesday, May 25, 2021 12:59 PM

To: Shari Zajdel <szajdel@ecwa.org>

Subject: Final Pay App for Kandey on the Large Service Contract - PN201900005

Good afternoon Shari,

I wanted to confirm that you have received Kandey final certified payroll submitted on 02/24/21.

Thanks,

-Bill

William W. Wheeler, PE

Distribution Engineer



Erie County Water Authority

3030 Union Road | Cheektowaga, New York 14227-1097

Direct: (716) 685.8251 | Cell: (716) 225.2948 | wwheeler@ecwa.org

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