



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

December 15, 2021

To: Terrence D. McCracken, Secretary to the Authority

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

Subject: Contract DA-010
Water System Improvements Towns of Amherst & Cheektowaga
ECWA Project No. 202000063

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 \$86,549.26 and includes all the previous retainage. The project was billed to Unit 2590 Eng/Const Distribution Mains - Item 101519 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-DA-010-1901-I-186-B

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

Contract: DA-010 **Project No.:** 202000063
Project Description: Water System Improvements Town of Amherst & Cheektowaga

Item Description:






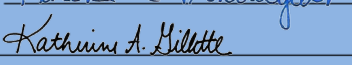

<input type="checkbox"/> Agreement	<input type="checkbox"/> Professional Service Contract	<input type="checkbox"/> Amendment	<input type="checkbox"/> Change Order
<input type="checkbox"/> BCD	<input type="checkbox"/> NYSDOT Agreement	<input type="checkbox"/> Contract Documents	<input type="checkbox"/> 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:

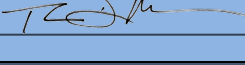
<input type="checkbox"/> Board Authorization to Execute	<input checked="" type="checkbox"/> Legal Approval
<input type="checkbox"/> Board Authorization to Award	<input type="checkbox"/> Execution by the Chairman
<input type="checkbox"/> Board Authorization to Advertise for Bids	<input type="checkbox"/> 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>12/28/2021</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u></u>	Date: <u>12/28/2021</u>
<input checked="" type="checkbox"/> Executive Engineer	<u> for/L. Kowalski</u>	Date: <u>12/28/2021</u>
<input checked="" type="checkbox"/> Director of Administration	<u></u>	Date: <u>12/28/2021</u>
<input checked="" type="checkbox"/> Risk Manager	<u></u>	Date: <u>12/28/2021</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u></u>	Date: <u>12/28/2021</u>
<input checked="" type="checkbox"/> Legal	<u></u>	Date: <u>12/28/2021</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u></u>	Date: <u>12/28/21</u>
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Remarks: Amount certified for Final Payment \$86,549.26

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. (New Frontier has a current project with ECWA - PN 202000070)
- 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 8, 2021

Mark Jarmuz, P.E.
Distribution Engineer
Erie County Water Authority
3030 Union Road
Buffalo, NY 14227-1097

Re: Acceptance of Work
Erie County Water Authority Contract DA-010
Various Locations in the Towns of Cheektowaga and Amherst
Erie County, New York

Dear Mr. Jarmuz,

We have received notice from New Frontier Excavating and Paving, Inc, that work on DA-010 has been completed in full. Pursuant to the Contract Documents, Section 00700, Paragraph 14.07, and Paragraph 14.09, we, DiDonato Associates, are satisfied that the Work has been completed and the contractor's other obligations under the Contract Documents have been fulfilled. May this letter serve as DiDonato's Acceptance of Work for the above-mentioned project.

We will issue an additional letter, under separate cover, recommending the release of final payment/retention.

Sincerely,

DiDonato Associates, Engineering and Architecture, P.C.



Matthew Ziemba, Design Engineer

CC: Michael Quinn, Erie County Water Authority
Rick Zydel, New Frontier Excavating and Paving, Inc.
Michael Halloran, New Frontier Excavating and Paving, Inc.
Sheila Halloran, New Frontier Excavating and Paving, Inc.
John DiDonato, DiDonato Associates
Peter Ringo, DiDonato Associates

APPLICATION AND CERTIFICATION FOR PAYMENT

TO OWNER: Erie County Water Authority 295 Main Street, Rm. 350 Buffalo, NY 14203-2494	PROJECT: 20200063 CONTRACT NO.: DA-010 / 21-11-03	APPLICATION NO: Final (5) PERIOD TO: 10/14/2021	Distribution to: <input type="checkbox"/> OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> <input type="checkbox"/>
FROM CONTRACTOR: New Frontier Excavating and Paving Inc. 7003 Brown Hill Road Boston, NY 14025	VIA ARCHITECT: DiDonato Associates, Engineering & Architecture, PC 689 Main Street Buffalo, NY 14203	PROJECT NO: 202100063 CONTRACT DATE: March 4, 2021	
CONTRACT FOR: - Water System Improvements, Town of Amherst & Cheektowaga			

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Progress Sheet which is attached.

1. ORIGINAL CONTRACT SUM	\$	2,008,652.69
2. NET CHANGE BY CHANGE ORDERS	\$	0.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	2,008,652.69
4. TOTAL COMPLETED & STORED TO DATE (Column L on Est)	\$	1,730,985.24
5. RETAINAGE:		
a. 0 % of Completed Work	\$	0.00
(Column D + E on Progress Estimate)		
b. % of Stored Material	\$	0
Total Retainage (Lines 5a + 5b or Total in Column I of G703)		0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)		
	\$	1,730,985.24
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT		
(Line 6 from prior Certificate)		
	\$	1,644,435.98
8. CURRENT PAYMENT DUE	\$	86,549.26
9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$	277,667.45
(Line 3 less Line 6)		

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	

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:

By: Michael Halloran Date: 10/14/21
 Michael Halloran / President
 State of: New York County of: Erie
 Subscribed and sworn to before me this 14th day of Oct, 2021

Notary Public: Richard T. Zydel Notary Public, State of New York
 My Commission expires: 3/27/22 Qualified in Erie County
 My Commission Expires 03/22/2022
 No. 012Y6217791

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the 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 \$ 86,549.26

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: [Signature] Date: 11/8/21

This Certificate 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.

	A	B	C	D	E	F	G	H	I	J	K	L	M
1		Progress Estimate							Contractor's Application				
2													
3		For (contract):	DA-010 Contract No. 21-11-03						Application Number:		Final (5)		
4		Application Period:	October 4, 2021		thru	October 14, 2021		Application Date:		October 18, 2021			
5													
6		Bid Item / Schedule of Value			Schedule of Value		This Pay Request		Previous Pay Requests		Total Complete To Date		Balance to
7	Item	Description	Quantity	Unit	U/P	Extension	Qty	Extension	Qty	Extension	Qty	Extension	Complete
8	1A2	6 in. DIP Watermain	370	LF	32.83	12,147.10	-	-	192.65	6,324.70	192.65	6,324.70	5,822.40
9	1A3	8 in. DIP Watermain	6450	LF	117.15	755,617.50	-	-	6,289.76	736,845.38	6,289.76	736,845.38	18,772.12
10	1A5	12 in. DIP Watermain	20	LF	56.65	1,133.00	-	-	17.24	976.65	17.24	976.65	156.35
11	1A6	16 in. DIP Watermain	50	LF	125.48	6,274.00	-	-	47.00	5,897.56	47.00	5,897.56	376.44
12	2A2	8 in. Gate Valve	30	EA	1551.04	46,531.20	-	-	29.00	44,980.16	29.00	44,980.16	1,551.04
13	2B1	12 in. Butterfly Valve	2	EA	2112.68	4,225.36	-	-	2.00	4,225.36	2.00	4,225.36	-
14	2B2	16 in. Butterfly Valve	2	EA	3673.28	7,346.56	-	-	2.00	7,346.56	2.00	7,346.56	-
15	3A	New Fire Hydrant	11	EA	5747.01	63,217.11	-	-	11.00	63,217.11	11.00	63,217.11	-
16	3C	Fire Hydrant Abandonment	9	EA	837.27	7,535.43	-	-	9.00	7,535.43	9.00	7,535.43	-
17	4A	Test Pit Excavation and Backfill (Min. \$200/EA)	24	EA	200.00	4,800.00	-	-	21.00	4,200.00	21.00	4,200.00	600.00
18	5A	Rock Excavation (Min. \$150/CY)	140	CY	150.00	21,000.00	-	-	-	-	-	-	21,000.00
19	6A	Select Backfill (Min. \$20/CY)	3580	CY	36.08	129,166.40	-	-	2,864.70	103,358.38	2,864.70	103,358.38	25,808.02
20	7A	Interconnect No.SM1 - Smallwood at SM0+00 PL-1	1	LS	12930.00	12,930.00	-	-	1.00	12,930.00	1.00	12,930.00	-
21	7B	Interconnect No.SM2 - Smallwood at Lakewood PL-2	1	LS	11830.00	11,830.00	-	-	1.00	11,830.00	1.00	11,830.00	-
22	7C	Interconnect No.L1 - Linden at William PL-3	1	LS	12010.00	12,010.00	-	-	1.00	12,010.00	1.00	12,010.00	-
23	7D	Interconnect No.L2 - Linden at Derenda PL-4	1	LS	11610.00	11,610.00	-	-	1.00	11,610.00	1.00	11,610.00	-
24	7E	Interconnect No.V1 - Vern at V18+01 PL-9	1	LS	8850.00	8,850.00	-	-	1.00	8,850.00	1.00	8,850.00	-
25	7F	Interconnect No.V2 - Vern at William PL-6	1	LS	8400.00	8,400.00	-	-	-	-	-	-	8,400.00
26	7G	Interconnect No.V3 - Vern at Constance PL-9	1	LS	8400.00	8,400.00	-	-	1.00	8,400.00	1.00	8,400.00	-
27	7H	Interconnect No.D1 - Dennis at Constance PL-14	1	LS	11920.00	11,920.00	-	-	1.00	11,920.00	1.00	11,920.00	-
28	7I	Interconnect No.D2 - Dennis at N. Joanne PL-14	1	LS	5530.00	5,530.00	-	-	1.00	5,530.00	1.00	5,530.00	-
29	7J	Interconnect No.J1 - Joanne at J3+20 PL-10	1	LS	8400.00	8,400.00	-	-	1.00	8,400.00	1.00	8,400.00	-
30	8A1	3/4 - 1 in. Water Service Installation	150	EA	1626.78	244,017.00	-	-	148.00	240,763.44	148.00	240,763.44	3,253.56
31	8A2	1-1/2 in. and Larger Water Service Installation	2	EA	4686.57	9,373.14	-	-	-	-	-	-	9,373.14
32	8B1	3/4 - 1 in. Additional Copper Tubing	3340	LF	4.77	15,931.80	-	-	3,527.40	16,825.70	3,527.40	16,825.70	(893.90)
33	8B2	1-1/2 in. and Larger Additional Copper Tubing	50	LF	15.66	783.00	-	-	-	-	-	-	783.00
34	9A	18 in. Dia. Casing Pipe	60	LF	0.01	0.60	-	-	10.00	0.10	10.00	0.10	0.50
35	10A	Abandonment No.SM1 - Smallwood at SM0+00	1	LS	6300.00	6,300.00	-	-	1.00	6,300.00	1.00	6,300.00	-
36	10B	Abandonment No.L1 - Linden at William PL-3	1	LS	8490.00	8,490.00	-	-	1.00	8,490.00	1.00	8,490.00	-
37	10C	Abandonment No.V1 - Vern at V18+01 PL-9	1	LS	4930.00	4,930.00	-	-	1.00	4,930.00	1.00	4,930.00	-
38	10D	Abandonment No.D1 - Dennis at Constance PL-14	1	LS	5510.00	5,510.00	-	-	1.00	5,510.00	1.00	5,510.00	-
39	11A1	Concrete Sidewalk Restoration (Min. \$50/SY)	30	SY	166.64	4,999.20	-	-	49.31	8,217.02	49.31	8,217.02	(3,217.82)
40	11A2	Concrete Driveway Restoration (Min. \$75/SY)	20	SY	206.94	4,138.80	-	-	14.06	2,909.58	14.06	2,909.58	1,229.22
41	11A3	Concrete Base Course (Min. \$100/SY)	23	SY	100.00	2,300.00	-	-	-	-	-	-	2,300.00
42	11A4	Concrete Curb/Gutter Restoration (Min. \$75/LF)	320	LF	75.00	24,000.00	-	-	47.58	3,568.50	47.58	3,568.50	20,431.50
43	11B3	Asphalt Pavement Top Course 1.5 in. (Min. \$5/SY)	10270	SY	8.19	84,111.30	-	-	3,239.05	26,527.82	3,239.05	26,527.82	57,583.48
44	11B4	Asphalt Pavement Binder Course 2.5 in. (Min. \$5/SY)	3890	SY	14.02	54,537.80	-	-	4,694.47	65,816.41	4,694.47	65,816.41	(11,278.61)
45	11B5	Asphalt Pavement Base Course 4 in. (Min. \$5/SY)	3890	SY	39.99	155,561.10	-	-	3,280.62	131,191.99	3,280.62	131,191.99	24,369.11
46	11B6	Cold Milling of Asphalt Pavement 1.5 in.	10270	SY	3.14	32,247.80	-	-	3,239.05	10,170.62	3,239.05	10,170.62	22,077.18
47	11C1	Landscape Restoration (Min. \$3/LF)	380	LF	11.78	4,476.40	-	-	264.00	3,109.92	264.00	3,109.92	1,366.48
48	11C2	Tree Planting (Min. \$100/EA)	4	EA	1837.31	7,349.24	-	-	-	-	-	-	7,349.24

6	A	B	C	D	E	F	G	H	I	J	K	L	M	
7	Item	Bid Item / Schedule of Value Description	Quantity	Unit	Schedule of Value U/P	Extension	This Pay Request Qty	Extension	Previous Pay Requests Qty	Extension	Total Complete To Date Qty	Extension	Balance to Complete	
49	11C3	Tree Removal less than 12 in. Dia. (Min. \$100/EA)	2	EA	1020.00	2,040.00	-	-	-	-	-	-	2,040.00	
50	11C4	Tree Removal greater than 12 in. Dia. (Min. \$100/EA)	2	EA	2550.00	5,100.00	-	-	-	-	-	-	5,100.00	
51	12A	Testing and Disinfection (Min. \$3/LF)	6890	LF	4.65	32,038.50	-	-	6,546.65	30,441.92	6,546.65	30,441.92	1,596.58	
52	13A	Extra Excavation (8 - 10 Ft Deep) (Min. \$10/LF)	160	LF	10.00	1,600.00	-	-	166.00	1,660.00	166.00	1,660.00	(60.00)	
53	13B	Extra Excavation (10 - 12 Ft Deep) (Min. \$20/LF)	100	LF	20.00	2,000.00	-	-	-	-	-	-	2,000.00	
54	13C	Extra Concrete (Min. \$100/CY)	5	CY	318.75	1,593.75	-	-	-	-	-	-	1,593.75	
55	14A	Contingency Allowance (\$100,000)	1	LS	100000.00	100,000.00	-	-	0.86	85,763.26	0.86	85,763.26	14,236.74	
56	15A	Repair Crew Labor and Equipment (Min. \$150/HR)	40	HR	600.42	24,016.80	-	-	4.00	2,401.68	4.00	2,401.68	21,615.12	
57	16A	Vacuum Truck & Labor	40	HR	308.32	12,332.80	-	-	-	-	-	-	12,332.80	
58	51					-	-	-	-	-	-	-	-	
59	52					-	-	-	-	-	-	-	-	
60	14A DETAIL													
61	14A	Authorized extra work to perform additional flushing, disinfection and testing of Vern Lane April 7, 2021												
62	14A	T&M Approved by ECWA September 21, 2021: \$79,005.81 included in Pay ap #4												
63	14A	Sidewalk repair on Linden approved by Mark Jarmuz: \$4,900 included in Pay Ap #4												
64	53					-	-	-	-	-	-	-	-	
65	15A DETAIL													
66	15A	March 24, 2021: 2 hrs crew time for repair on leaking existing 6" cip on Smallwood Drive												
67	55	April 29, 2021: 2 Hrs crew time for repair of ECWA existing line break												
68	56					-	-	-	-	-	-	-	-	
69	11B4 DETAIL													
70	58	Installed 4" of Binder vs 2.5". Factor of 1.6 used												
71	59					-	-	-	-	-	-	-	-	
72	60					-	-	-	-	-	-	-	-	
73	61					-	-	-	-	-	-	-	-	
74	62					-	-	-	-	-	-	-	-	
75	63					-	-	-	-	-	-	-	-	
76	64					-	-	-	-	-	-	-	-	
77	65					-	-	-	-	-	-	-	-	
78	66					-	-	-	-	-	-	-	-	
79	67					-	-	-	-	-	-	-	-	
80	68					-	-	-	-	-	-	-	-	
81	69	SUBTOTALS					2,008,652.69	-	-		1,730,985.24		1,730,985.24	277,667.45



WORLD WIDE BONDING AGENCY

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

October 13, 2021

Erie County Water Authority
3030 Union Road
Cheektowaga, NY 14227

RE: New Frontier Excavating and Paving, Inc.
Bond No.: RCB0029936 – Water System Improvements
Contract No.: DA-010, Project No. 202000063
Towns of Amherst and 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 or 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





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 One million seven hundred thirty thousand nine hundred
eighty five dollars and twenty four cents (\$ 1,730,985.24),

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 14th *day of* October

Two Thousand and Twenty One

Michael Halloran, President

By 

State of New York)

County of Erie ss.

Town Of Boston)

On this 14th *day of* October *, 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*

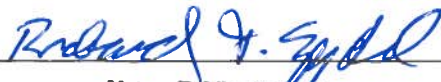
the President *of* New Frontier Excavating & Paving Inc. *, the corporation*

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.



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 Payment of Debts and Claims

TO OWNER:	Erie County Water Authority 3030 Union Road Cheektowaga, NY 14227	PROJECT No.: 202000063 CONTRACT No.: DA-010 / 21-11-03	OWNER: <input type="checkbox"/>
		CONTRACT FOR: General Construction	ARCHITECT: <input type="checkbox"/>
PROJECT:	Water System Improvements Towns of Amherst & Cheektowaga Contract No. DA-010	CONTRACTED DATE: March 4, 2021	CONTRACTOR: <input type="checkbox"/>
			SURETY: <input type="checkbox"/>
			OTHER: <input type="checkbox"/>

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:

10-14-21

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

Contractor's Affidavit of Release of Liens

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

PROJECT No.: 202000063
CONTRACT No.: DA-010 / 21-11-03

OWNER:

ARCHITECT:

CONTRACT FOR:
General Construction

CONTRACTOR:

PROJECT: Water System Improvements
Towns of Amherst & Cheektowaga
Contract No. DA-010

CONTRACTED DATE:
March 4, 2021

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:

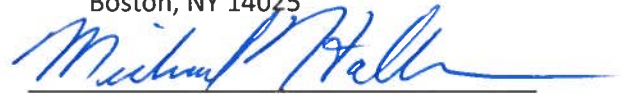
none

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: New Frontier Excavating & Paving Inc
7003 Brown Hill Rd
Boston, NY 14025

BY:



(Signature of authorized representative)

Michael Halloran, President

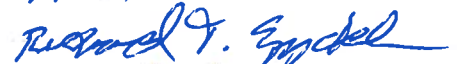
(Printed name and title)

Subscribed and sworn to before me on

Date:

10-14-21

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

Consent of Surety to Final Payment

**Bond No. RCB00299369
Executed in Triplicate**

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

PROJECT No.: 202000063
CONTRACT No.: DA-010 / 21-11-03

OWNER:

ARCHITECT:

CONTRACT FOR:
General Construction

CONTRACTOR:

PROJECT: Water System Improvements
Towns of Amherst & Cheektowaga
Contract No. DA-010

CONTRACTED DATE:
March 4, 2021

SURETY:

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: **October 13, 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

Wendy Montante



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 28th day of July, 2021.



RLI Insurance Company
Contractors Bonding and Insurance Company

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

State of Illinois }
County of Peoria } SS

CERTIFICATE

On this 28th day of July, 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 13th day of October, 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

Investments:	
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
Total Admitted Assets	\$ 2,314,336,744

Liabilities and Surplus

Liabilities:	
Reserve for unpaid losses and loss adjustment expenses	\$ 686,262,614
Unearned premiums	277,750,198
Accrued expenses	72,969,006
Funds held	350,474
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
Total Liabilities	\$ 1,192,744,750
Surplus:	
Common stock	\$ 10,000,375
Additional paid-in capital	242,451,084
Unassigned surplus	869,140,535
Total Surplus	\$ 1,121,591,994
Total Liabilities and Surplus	\$ 2,314,336,744

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
Craig Kliethermes President

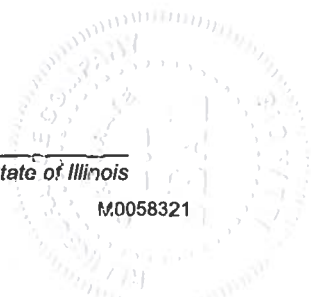
Olga S. Happel
Olga S. Happel Assistant Secretary

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



{ Notarial Seal Affixed }

Catherine D. Glover
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: DA-010 (21-11-03)

MBE	TOTAL AMOUNT EXPENDED
LCA Development	\$147,781.58

TOTAL OF ALL MBE SUB-CONTRACTS \$ 147,781.58

AMOUNT OF CONTRACT 1,730,985.24

FINAL MBE PERCENTAGE 8.5%

I, Sheila 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

October 12, 2021

DATE