Appendix E-1

Certificate of Substantial Completion

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E 625 Broadway, 12th Floor, Albany, NY 12233-7017 P: (518) 402-9813 | F: (518) 402-9819 www.dec.ny.gov

December 22, 2021

Mr. Aaron Tubbs Vice President DA Collins Environmental Services, LLC. 269 Ballard Road Wilton, New York 12831 atubbs@dacollins.com

RE:

Saranac Lake Gas Co. OU-1

Village of Saranac Lake, Essex County Site No. 516008, Contract No. D011909 Certificate of Substantial Completion

Dear Mr. Tubbs:

Representatives from the New York State Department of Environmental Conservation (Department) were onsite with MACTEC Engineering and Geology, P.C. (MACTEC) on Thursday, December 16, 2021 to identify items to be completed for Substantial Completion of the above-referenced project.

Based on the walk-throughs and additional work completed thereafter, the field effort was determined to be Substantially Complete on Friday, December 17, 2021; however, a number of outstanding project tasks and submittal items still need to be provided before obtaining final project completion. These outstanding items are critical to closure of the project and include final submittals as well as final restoration. The outstanding tasks and submittal items are included on the "Punch List' provided as Attachment "A" to the Substantial Completion certificate.

Per the Contract, outstanding incomplete work items are listed with an assigned value relevant to completion of the project. These costs are summarized and doubled and thereafter made part of the certificate of approval for final project completion. These costs are held by the New York State Comptroller against any future payment requests by the Contractor. A schedule for completion of each outstanding item is required to be submitted by DA Collins Environmental Services, LLC (DACE) and is made part of the final Certificate of Substantial Completion. The MACTEC Site Representative receives these completed items and reviews them with the Department as a means to obtain final project completion within the Contract time. At this time, based on a DACE's Project Substantial Completion Certificate Request, dated December 21, 2021, the Department assumes that DACE intends to complete all field related items by June 3, 2022.



As of Friday, December 17, 2021, DACE has achieved substantial completion of the project. A copy of the Certificate of Substantial Completion is enclosed for signature approval by DACE. The punch list will be used as the guide for release of funds held against the Contract value as noted on line five of the Contractors Application for Payment (CAP).

Please sign and return the Certificate of Substantial Completion, with Schedule, for final execution of the Project's Substantial Completion Certificate by the Department. Your copy will be returned by mail after execution by all parties. If you have any questions, I may be reached at (518) 402-5987 or brianna.scharf@dec.ny.gov.

Sincerely,

Brianna Scharf Project Manager

Bulanna I Scharg

Remedial Section C, Remedial Bureau E Division of Environmental Remediation

Enclosures

ec: M. Cruden, DER

S. Saucier, DER

J. Welch, MACTEC

New York State Department of Environmental Conservation Division of Environmental Remediation

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner:

New York State Department of Environmental Conservation (Department)

625 Broadway Albany, NY 12233

Engineer:

MACTEC Engineering and Geology, P.C.

511 Congress Street, Suite 200

Portland, ME 04101

Contractor:

DA Collins Environmental Services, LLC.

269 Ballard Road

Wilton, New York 12831

Contract No.: D011909

Site Name:

Saranac Lake Gas Company

Site No.:

516008

Specified Part shall include: Substantial Completion of Contract No. D011909.

Definition of Substantial Completion: The Work, or specified part thereof, has progressed to the point where, in the opinion of the Department as evidenced by the Department's definitive Certificate of Substantial Completion, it is sufficiently complete, in accordance with the Contract Documents (with the exception of the minor items identified during inspection described in Paragraph 13.6 of the General Conditions), so that it can be utilized continuously for the purposes for which it is intended.

Date of Substantial Completion: December 17, 2021.

Written mutual agreements upon which the date of Substantial Completion has been mutually agreed upon are as follows:

- 1. Agreement to Substantial Completion by the Department will in no way affect the obligations of the Contractor under the terms and provisions of the Contract with respect to uncompleted work.
- 2. The Contractor shall subsequently satisfactorily complete or correct all unfinished items

in the work accepted by the Department as substantially satisfactorily complete.

- 3. The Department and Engineer made an inspection of the work on December 16, 2021 and, following this inspection, the Department advised the Contractor of remaining items to be completed or corrected to achieve Substantial Completion, which was achieved on December 17, 2021. Work Remaining beyond Substantial Completion is included in the following Estimate of Work Remaining. The Contractor shall endorse said Estimate of Work Remaining as evidence of agreement and provide the Department with a mutually acceptable schedule for completion of remaining work.
- 4. The Contractor shall provide a guarantee for all punch-list items for a period of one year from the date of Final Inspection.

ESTIMATE OF WORK REMAINING (ATTACHED)

COMPLETION OF SUBSTANTIAL COMPLETION

DAC	offins Environmental Services, LLC.
By:	AcTIL
Title:	Aaron Tubbs, Vice President
Date:	01/05/22
MAC	TEC Engineering and Geology, P.C.
By:	Jamis Welch
Title:	Project Manager
Date:	12/22/2021
New Y	ork State Department of Environmental Conservation
By:	Bulanna I Scharf
Title:	Project Manager
Date:	12/22/2021

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Appendix E-2

Final Completion Letter

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E 625 Broadway, 12th Floor, Albany, NY 12233-7017 P: (518) 402-9813 I F: (518) 402-9819 www.dec.ny.gov

December 13, 2022

Sent VIA email
Mr. Aaron Tubbs
Vice President
DA Collins Environmental Services, LLC.
269 Ballard Road
Wilton, New York 12831
atubbs@dacollins.com

RE: Contract Final Completion
Saranac Lake Gas Co. OU-1
Village of Saranac Lake, Essex County
Site No. 516008, Contract No. D011909

Dear Mr. Tubbs:

In accordance with Section 8, Article 13.10 of the subject contract, final inspection and/or required documentation received have revealed that all of the work for the above-referenced contract has been satisfactorily completed under the terms and conditions of Contract No. D011909. The date of final completion has been determined to be June 3, 2022 (date of final completion walk through).

D.A. Collins may now submit a Payment Request (PR) for release of remaining retainage associate with the contract amount. The following forms enclosed with this letter will need to be completed and returned with your retainage release PR before the contract can be closed out:

- 1. Retainage Release Form (Attachment 1);
- 2. OSC Form (Prime Contractor's Certification" (Attachment 2); and
- 3. OSC Form (Subcontractor's Certification (Attachment 3).

The New York State Department of Environmental Conservation (Department) will also need written certification from DA Collins Environmental Services, LLC, that the Performance Bond will remain in effect for one (1) year beyond final payment in accordance with Section VIII, Article 4, of the subject contract.

Release of the final amount of retainage will constitute final closeout for this contract and no further costs can be claimed against this contract in the future.



If you have questions, please contact I may be reached at (518) 402-5987 or brianna.scharf@dec.ny.gov.

Sincerely,

Brianna Scharf Project Manager

Remedial Section C, Remedial Bureau E Division of Environmental Remediation

Bulanna I Schaff

Enclosures

ec: M. Cruden, DER

S. Saucier, DER

J. Welch, MACTEC

S. Wright, MACTEC

R. Belden, DA Collins

ARTICLE 4(b)

Final Payment Release

For and in consideration of the receipt of final payment on the contract hereinafter identified, and in order to induce the New York State Department of Environmental Conservation (Department) to make such payment, the Contractor hereby releases the Department for any and all claims, of any nature whatsoever, arising under or in connection with the contract, except for the following claims:				
For and in consideration of the receipt of final payment on the contract hereinafter identified, and in order to induce the Department to make such payment, the Contractor hereby states that it has paid all moneys due subcontractors, sub-consultants, suppliers, material, men or others due payment for work or services performed in furtherance of this contract, except as follows:				
(List all subcontractors, sub-consultants, suppliers, etc. who have outstanding claims for payment or who have not been paid in full. A complete explanation of the facts and circumstances should be set forth on a separate sheet and attached hereto)				
The Contractor hereby indemnifies and holds the Department and the State of New York harmless from any losses from claims, demands, payments, suits, actions, liens, recoveries and judgments of every nature and description brought or recovered against it by reason of failure to make such payments.				
Contract Number				
Firm				
Title				
Print Name				
Signature				
Date				

Contractor Acknowledgement

State of)			
) ss.:			
County of)			
On the	day of	in the year	, before me, the un	dersigned, a Notary Pub	olic in
and for said S	State, personally a	ppeared	, pers	sonally known to me or p	roved
within instruction instruction within instruction w	ument and acknow, and that by his/h	owledged to me that	at he/she/they execute in the instrument, the inc	me(s) is (are) subscribed ed the same in his/her dividual(s), or the person	r/their
		Notary	y Public		

Office of the State Comptroller Division of Pre-Audit and Accounting Records BUREAU OF STATE EXPENDITURES

New York State Labor Law, Section 220-a

Pri	rime Contractor's Certification	
1.	That I am an officer of	ntractor on public Contract No, and am duly authorized
2.	That I fully comprehend the terms and provision	ns of Section 220-a of the Labor Law.
3. the	That, except as stated herein, there are no amore project by the contractor. (Set forth any unpaid of	ounts due and owing to or on behalf of laborers employed on wages and supplements; if none, so state.)
	Name	Amount
4.	That the contractor hereby files every verified subcontractors.	statement required to be obtained by the contractor from the
5. em thro	That, upon information and belief, except as standard project have been paid rough, the last day wo	ated herein, all laborers (exclusive of executive or supervisory of the prevailing wages and supplements for their services brked on the project by their subcontractor. (If more than) [Set forth any unpaid wages and supplements; if none,
	Name	Amount
6. subco he co	In the event, it is determined by the Commission ontractors have not been paid or provided pursuan	nts owing to or on behalf of any laborers of its subcontractors. ner of Labor that the wages or supplements or both of any suclet to the appropriate schedule of wages and supplements, their wages and supplements pursuant to the provision of Section
Co	ontract Number	_
Fire	rm	
Titl	tle	
Pri	rint Name	
Sig	gnature	
Dat	ate	

Contractor Acknowledgement

State of)	
County of) ss.:)	
State, persona of satisfactory acknowledged	evidence to be to to me that he/sh the instrument, the	he individual(s) who e/they executed the	, before me, the undersigned, a Notary Public in and for said, personally known to me or proved to me on the basis se name(s) is (are) subscribed to the within instrument and same in his/her/their capacity(ies), and that by his/her/their e person upon behalf of which the individual(s) acted, executed
		Notary	Public

If this affidavit is verified by an oath administered by a notary public in a foreign country other than Canada, it must be accompanied by a certificate authenticating the authority of the notary who administers the oath. (See CPLR § 2309(c); Real Property Law § 311, 312.)

Contract No. D011909

Office of the State Comptroller Division of Pre-Audit and Accounting Records BUREAU OF STATE EXPENDITURES

New York State Labor Law, Section 220-a **Subcontractor's Certification**

1.	That I am an officer of, a subcontractor on public contract No, and I am duly authorized to make this affidavit on behalf of the firm.
2.	That I make this affidavit to comply with the provisions of Section 220-a of the Labor Law.
3.	That on we received from (the prime contractor) a copy of the initial/revised schedule of wages and supplements Prevailing Rate Schedule Case Number (PRC) specified in the public improvement contract.
4.	That I have reviewed such schedule(s) and agree to pay the applicable prevailing wages and to pay or provide the supplements specified therein.
Со	ntract Number
Fir	m
Titl	e
Pri	nt Name
Sig	nature
Da	te
Su	b-Contractor Acknowledgement
Sta	ate of)
Со) ss.: unty of)
Sta of acl sig	theday of in the year, before me, the undersigned, a Notary Public in and for said ate, personally appeared, personally known to me or proved to me on the basis satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and knowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their nature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed instrument.
	Notary Public

If this affidavit is verified by an oath administered by a notary public in a foreign country other than Canada, it must be accompanied by a certificate authenticating the authority of the notary who administers the oath. (See CPLR § 2309(c); Real Property Law § 311, 312.)