

From: jrogers@goetzfitz.com
Sent: Thursday, May 23, 2013 1:50 PM
To: Duffy, Daniel
Cc: Torres Rojas, Genara; Van Duyne, Sheree
Subject: Freedom of Information Online Request Form

Information:

First Name: Jason
Last Name: Rogers
Company: Goetz Fitzpatrick LLP
Mailing Address 1: One Penn Plaza
Mailing Address 2: Suite 4401
City: New York
State: NY
Zip Code: 10119
Email Address: jrogers@goetzfitz.com
Phone: 2126958100
Required copies of the records: Yes

List of specific record(s):

This firm represents Nicholson Construction Co., a subcontractor to Yonkers Contracting Co., Inc. "Yonkers" on the World Trade Center – Vehicle Security Center Tour Bus Parking Facility, WTC-744.235.01 the "Project". Under Freedom of Information Law, we request copies of the following records maintained by the Port Authority of New York and New Jersey the "Port Authority": the Payment Bond furnished by Yonkers for the Project the most recent requisition for payment submitted by Yonkers for the Project any documents evidencing the value of payments made to Yonkers for the Project any documents evidencing the value of payments made to Yonkers for the Project all correspondence by and between Yonkers and the Port Authority relating to payments made by Yonkers on the Project and, and, all certificates of payments executed by Yonkers. Law requires that you respond to a request within 5 days of your receipt of same. If reproduction costs exceed 200, please contact me.

FOI Administrator

June 14, 2013

Mr. Jason Rogers
Goetz Fitzpatrick LLP
One Penn Plaza, Suite 4401
New York, NY 10119

Re: Freedom of Information Reference No. 14014

Dear Mr. Rogers:

This is a response to your May 23, 2013 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code") for copies of the Payment Bond submitted by Yonkers, the most recent requisition for payment submitted by Yonkers, documents evidencing the value of payments made to Yonkers, and all correspondence by and between Yonkers and the Port Authority relating to payments made by Yonkers on the project, and all certificates of payments executed by Yonkers related to Contract No. WTC-744.235.01 - World Trade Center - Vehicle Security Center Tour Bus Parking Facility.

Material responsive to your request and available under the Code can be found on the Port Authority's website at <http://www.panynj.gov/corporate-information/foi/14014-WTC.pdf>. Paper copies of the available records are available upon request.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,



Daniel D. Duffy
FOI Administrator

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G702

Page 1 of 7 Pages

TO (OWNER):
 Port Authority of NY & NJ
 Tishman Construction Corporation of NY
 115 Broadway -14 floor
 New York City NY 10006

PROJECT:
 VSC Excavation & Foundation Work

APPLICATION NO: 18
PERIOD TO: 06/30/12

Distribution to:
 Owner
 Architect
 Contractor - YCC

FROM (CONTRACTOR):
 Yonkers Contracting Co., Inc.
 969 Midland Avenue
 Yonkers, NY 10704

VIA (ARCHITECT):

PA CONTRACT No. 744.235.01

CONTRACT DATE: 10/9/2010

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner			
TOTAL		8,400,935.96	(1,000,000.00)
Approved this Month			
Number	Description		
TOTALS		8,400,935.96	(1,000,000.00)
Net change by Change Orders		7,400,935.96	

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.

MEGHAN BRADY
 Notary Public, State of New York
 No. 01BR0214210
 Qualified in Rockland County
 Commission Expires November 30, 2013

CONTRACTOR:

By: JOHN K. KOLAYA EXEC. VICE PRESIDENT Date: 6/25/2012

Application is made for Payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached.

- 1. ORIGINAL CONTRACT SUM \$ 65,377,000.00
- 2. Net change by Change Orders \$ 7,400,935.96
- 3. CONTRACT SUM TO DATE (Line 1 & 2) \$ 72,777,935.96
- 4. TOTAL COMPLETED & STORED TO DATE \$ 72,344,852.92
 (Column G on G703)
- 5. RETAINAGE
 - a. Adj. % of Completed Work \$ 251,425.42
 (Column D & E on G703)

- b. Adj. % of Stored Material \$
 (Column F on G703)
- Total Retainage (Line 5a + b)
 Total in Column I of G703 \$ 251,425.42
- 6. TOTAL EARNED LESS RETAINAGE \$ 72,093,427.50
 (Line 4 less Line 5 Total)
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 70,976,683.35
- 8. CURRENT PAYMENT DUE \$ 1,116,764.15
- 9. BALANCE TO FINISH, PLUS RETAINAGE \$ 684,508.46
 (Line 3 less Line 6)

State of: New York County of: ROCKLAND
 Subscribed and sworn to before me this 25 day of JUNE, 2012.
 Notary Public: Meghan Brady
 My Commission Expires: 11-30-13

MEGHAN BRADY

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with 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 \$

(Attach explanation if amount certified differs from the amount applied for.)

ARCHITECT:

By: _____ Date: _____

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.

Justin Torres
 6/28/12

WAIVER OF LIENS AND RELEASE
PROJECT NO. P00383/20200012

Project description: (the Project") World Trade Center - Vehicle Security Center & Tour Bus Parking Facility

Total Payments Received through Period Ending: 06/30/2012 is \$72,093,427.50

The undersigned (1) acknowledges receipt of the amount set forth, (2) to the extent of such payments, waives and releases any claim which it may now or hereafter have upon the land and improvements described above in the Project Description, (3) acknowledges that the amount of payments received to the date of this waiver represents the current amount agreed to be due to it in accordance with its agreement and work completed, and (4) warrants that it has not and will not assign any claims for payment or right to perfect a lien against the land and improvements set forth in the Project Description, and (5) represents and warrants that it has the right to execute this Waiver of Liens and Release.

The undersigned further warrants that (1) all workmen employed by it or its subcontractors upon the Project have been fully paid to the date hereof, (2) all vendors and materialmen from whom it or its subcontractors have purchased materials used in the Project have been paid for materials delivered on or prior to the date hereof, (3) none of such workmen, vendors or materialmen have any claim or demand or right of lien against the land and improvements set forth in the Project Description, and (4) stipulate that the signatory of this Waiver of Liens and Release is an authorized officer of the undersigned with the full power and authority to execute this Waiver of Liens and Release.

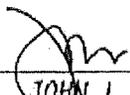
The UNDERSIGNED agrees that the owner of the Project and any lender and any title insurer may rely upon this waiver of Liens and Release.

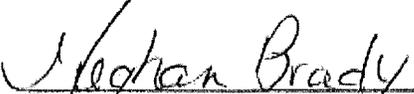
WITNESS the signature and seal of the undersigned as of this 25th day of June 2012.

COMPANY: YONKERS CONTRACTING CO. INC

STATE OF NEW YORK)
COUNTY OF ROCKLAND)

Sworn to before me this 25th day of
June 2012

BY: 
JOHN L. KOLAVA
TITLE: EXECUTIVE VICE PRESIDENT


MEGHAN BRADY - NOTARY PUBLIC

(CORPORATE SEAL)

MEGHAN BRADY
Notary Public, State of New York
No. 01BR6214216
Qualified in Rockland County
Commission Expires November 30, 2013

6. This Affidavit and Waiver is made for the purpose of inducing the Builder to make payment under the terms of the subject contract relying on the truth of the statement contained herein.

Subscribed and sworn to before me

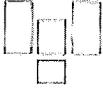
YONKERS CONTRACTING CO., INC.
(Company Name)

this 25TH day of JUNE
2012

By JOHN L. KOLAYA
(Title) EXEC. VICE PRESIDENT

Meghan Brady
Notary Public
MEGHAN BRADY

MEGHAN BRADY
Notary Public, State of New York
No. 01BR6214218
Qualified in Rockland County
Commission Expires November 30, 20 13



Yonkers Contracting Company, Inc.

Building Quality for Over 60 Years

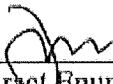
969 Midland Avenue Yonkers, NY 10704 Tel 914.965.1500

June 25, 2012

Yonkers Contracting Company, Inc.
969 Midland Avenue
Yonkers, NY 10704

ATTN: Mrs. Clarelle DeGraffe

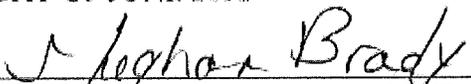
Yonkers Contracting Company, Inc. certifies that it paid or provided (and caused all subcontractors to pay or provide) to his or their workmen, laborers and mechanics (who are employed by us or them to work on an hourly or daily basis at any trade or occupation at or about the construction site) for Contract WTC-744.235.01. AT LEAST THE PREVAILING RATE OF WAGE AND SUPPLEMENTS for others engaged in the same trade or occupation in the locality in which the work is being performed as determined by the Engineer.



Contract Enumerated Official
(Superintendent, Project Managers,
Comptrollers, Secretaries unless a
Contract-designated officer of the
Company, are not acceptable)

STATE OF NEW YORK
COUNTY OF ROCKLAND

SWORN TO BEFORE ME THIS 25TH
DAY OF JUNE 2012



MEGHAN BRADY - NOTARY PUBLIC

MEGHAN BRADY
Notary Public, State of New York
No. 01BR6214216
Qualified in Rockland County
Commission Expires November 30, 20 13