

**Olivencia, Mildred**

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**From:** ptriolo@bittlaw.com  
**Sent:** Sunday, June 07, 2015 12:46 PM  
**To:** Olivencia, Mildred  
**Cc:** Torres-Rojas, Genara; Van Duyne, Sheree; Ng, Danny  
**Subject:** Freedom of Information Online Request Form

Information:

First Name: Priscilla J.  
Last Name: Triolo, Esq.  
Company: Attorney  
Mailing Address 1: 12 Route 17 North  
Mailing Address 2: Suite 320  
City: Paramus  
State: NJ  
Zip Code: 07652  
Email Address: [ptriolo@bittlaw.com](mailto:ptriolo@bittlaw.com)  
Phone: 201-438-7770  
Required copies of the records: Yes

List of specific record(s):

RE: Contract WTC-324.359.05 With regard to above referenced Contract, please provide: 1 copies of Applications for Payment by T.B.Penick Sons, Inc. AND 2 record of all payments made to T.B. Penick Sons, Inc.

**THE PORT AUTHORITY OF NY & NJ**

FOI Administrator

June 18, 2015

Ms. Priscilla J. Triolo, Esq.  
12 Route 17 North, Suite 320  
Paramus, NJ 07652

Re: Freedom of Information Reference No. 16078

Dear Ms. Triolo, Esq.:

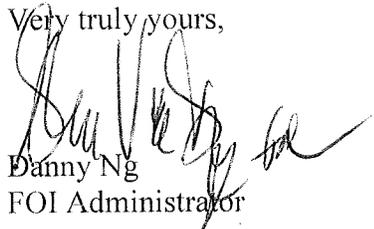
This is in response to your June 7, 2015 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code", copy enclosed) for copies of the following records related to Contract No. WTC-324.359.05: 1. copies of Applications for Payment by T.B.Penick Sons, Inc. 2. record of all payments made to T.B. Penick Sons, Inc.

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/16078-C.pdf>. Paper copies of the available records are available upon request.

Pursuant to the Code, certain portions of the material responsive to your request are exempt from disclosure as, among other classifications, personal privacy.

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

Very truly yours,

  
Danny Ng  
FOI Administrator

Enclosure

*4 World Trade Center, 18th Floor  
150 Greenwich Street  
New York, NY 10006  
T: 212 435 3642 F: 212 435 7555*

P00383 / 60242557 WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA. Check Date: 01/15/2015 100677

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
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Total Check Amount: \$422,455.28

TB Penick & Sons, Inc.

77-01	11/30/2014		CONTRACT #002, REQ#0077, REV#01	\$469,394.76	\$422,455.28
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FUNDED	<input checked="" type="checkbox"/>	CONT./INS	<input checked="" type="checkbox"/>
APPROVED	<input checked="" type="checkbox"/>	WAIVER	<input checked="" type="checkbox"/>
ORG. DOC		INITIALS	<i>g</i>

TISHMAN CONSTR CORP OF NY CM  
FOR THE  
THE PORT AUTH OF NY/NJ VCS et al  
PROJECT

100677

JPMORGANCHASE BANK, N.A.  
51 WEST 51ST STREET  
NEW YORK, NY 10019

PAY TO THE ORDER OF

DATE	AMOUNT
01/15/2015	\$422,455.28

TB Penick & Sons, Inc.  
15435 INNOVATION DRIVE, SUITE 100  
ATT: CARLA FRENCH  
SAN DIEGO, CA 92128

*[Signature]* MP  
*[Signature]* MP

P00383 / 60242557 WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA. Check Date: 01/15/2015 100677

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Total Check Amount: \$422,455.28

# APPLICATION AND CERTIFICATION FOR PAYMENT

4 DOCUMENT G702

PAGE ONE OF

6 PAGES

TO OWNER: PROJECT:

Fishman Construction  
100 Park Avenue  
New York, NY 10017

FROM CONTRACTOR: VIA ARCHITECT:

T.B. Penick & Sons, Inc.  
15435 Innovation Drive  
San Diego, CA 92128

CONTRACT FOR: WTC Streets Package 5 (Phase II) Final Street & Sidewalk Finishes, Streetscape Elements & Open Spaces

CONTRACT DATE: 8/29/2014

PROJECT NOS: WTC 324.359.05

PERIOD TO: 11/30/2014

APPLICATION NO: 1 Distribution to:

OWNER

ARCHITECT

CONTRACTOR

## CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM	\$	11,759,220.45
2. Net change by Change Orders	\$	0.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	11,759,220.45
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	469,394.76
5. RETAINAGE:		
a. 10 % of Completed Work (Column D + E on G703)	\$	46,939.48
b. % of Stored Material (Column F on G703)	\$	422,455.29
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	469,394.76

6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	11,289,825.69
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	0
8. CURRENT PAYMENT DUE	\$	422,455.29
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	11,336,765.16

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
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:  Date: 11/25/14

State of New York County of New York  
Subscribed and sworn to before me this 23 day of November  
Notary Public: ANNETTE FONTE  
My Commission Expires: Sept 30 2015  
NO. 01F06290958

### ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and 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. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)  
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.

AIA DOCUMENT G702 - APPLICATION AND CERTIFICATION FOR PAYMENT - 1992 EDITION - AIA - ©1992  
THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20006-3692  
Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.

Note: Items in RED FONT are automatically calculated from the G703 form or from items within this G702 Form. Do NOT hand enter these items on this sheet.

12/14/14

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 1 OF 5 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.  
 In tabulations below, amounts are stated to the nearest dollar.  
 Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 1  
 APPLICATION DATE: 11/25/2014  
 PERIOD TO: 11/30/2014  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H % (G+C)	I BALANCE TO FINISH (C-G)	J RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	Mobilization	\$ 117,592.20		\$117,592.20		\$117,592.20	100.00%	\$319,020.19	\$11,759.22
	General Conditions	\$ 425,360.25		\$106,340.06		\$106,340.06	25.00%	\$49,500.00	\$10,634.01
	Site Survey	\$ 55,000.00		\$5,500.00		\$5,500.00	10.00%	\$50,000.00	\$50.00
	Punchlist	\$ 50,000.00						\$25,000.00	
	Demobilization	\$ 25,000.00						\$25,000.00	
	<b>Greenwich St T3</b>								
	Submittals/Shop Drawings	\$ 30,480.00		\$30,480.00		\$30,480.00	10.00%	\$27,432.00	\$304.80
	Earthwork/Excavation	\$ 51,200.00						\$51,200.00	
	Earthwork/Fill	\$ 109,167.00						\$109,167.00	
	Reinforcement	\$ 175,202.00						\$175,202.00	
	Formwork	\$ 182,819.00						\$182,819.00	
	Bollard Foundation concrete	\$ 167,584.00						\$167,584.00	
	Bollards	\$ 335,169.00						\$335,169.00	
	Bollard covers installed	\$ 68,557.00						\$68,557.00	
	Finished concrete sidewalk	\$ 91,409.00						\$91,409.00	
	Steel faced curb	\$ 31,469.00						\$31,469.00	
	Asphalt	\$ 152,349.00		\$137,114.10		\$137,114.10	90.00%	\$15,234.90	\$13,711.41
	subsurface conduit	\$ 53,322.00						\$53,322.00	
	Light poles	\$ 19,200.00						\$19,200.00	
	Light fixtures	\$ 30,704.00						\$30,704.00	
	<b>Greenwich St Hub</b>								
	Submittals/Shop Drawings	\$ 32,150.00		\$32,150.00		\$32,150.00	10.00%	\$28,935.00	\$321.50
	Earthwork/Excavation	\$ 52,092.00						\$52,092.00	
	Earthwork/Fill	\$ 76,500.00						\$76,500.00	
	Reinforcement	\$ 159,740.00						\$159,740.00	
	Formwork	\$ 136,629.00						\$136,629.00	
	Bollard Foundation concrete	\$ 88,407.00						\$88,407.00	
	Bollards	\$ 337,555.00						\$337,555.00	
	Bollard covers installed	\$ 96,444.00						\$96,444.00	
	Concrete paver subbase	\$ 60,277.00						\$60,277.00	
	curb foundation	\$ 31,148.00						\$31,148.00	

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 5 PAGES

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			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	Paver Installation	\$ 40,185.00							
	Curb Installation	\$ 56,259.00							
	Asphalt	\$ 112,518.00							
	Water Main	\$ 161,740.00		\$90,014.40		\$90,014.40	80.00%	\$22,503.60	\$9,001.44
	Gas Main	\$ 80,370.00						\$161,740.00	
	subsurface conduit	\$ 24,111.00						\$80,370.00	
	Traffic Poles	\$ 10,269.00						\$24,111.00	
	Traffic/pedestrian Fixture	\$ 15,000.00						\$10,269.00	
	Light poles	\$ 28,129.00						\$15,000.00	
	Light fixtures	\$ 43,148.00						\$28,129.00	
								\$43,148.00	
	<b>Church St T3</b>								
	Submittals/Shop Drawings	\$ 28,850.00		\$1,442.50		\$1,442.50	5.00%	\$27,407.50	\$144.25
	Earthwork/Excavation	\$ 41,010.00						\$41,010.00	
	Earthwork/Fill	\$ 67,081.00						\$67,081.00	
	Reinforcement	\$ 172,945.00						\$172,945.00	
	Formwork	\$ 187,357.00						\$187,357.00	
	Bollard Foundation concrete	\$ 129,709.00						\$129,709.00	
	Bollards	\$ 432,364.00						\$432,364.00	
	Bollard covers installed	\$ 100,885.00						\$100,885.00	
	Finished concrete sidewalk	\$ 79,266.00						\$79,266.00	
	Steel faced curb	\$ 36,030.00						\$36,030.00	
	Mill ext'g street surface	\$ 21,618.00						\$21,618.00	
	Asphalt	\$ 43,230.00						\$43,230.00	
	subsurface conduit	\$ 14,412.00						\$14,412.00	
	Traffic/pedestrian sig poles	\$ 18,722.00						\$18,722.00	
	Traffic fixtures	\$ 12,200.00						\$12,200.00	
	Light poles	\$ 28,824.00						\$28,824.00	
	Light fixtures	\$ 47,648.00						\$47,648.00	
	<b>Church St Hub</b>								
	Submittals/Shop Drawings	\$ 29,940.00		\$1,497.00		\$1,497.00	5.00%	\$28,443.00	\$149.70
	Earthwork/excavation	\$ 50,031.00						\$50,031.00	

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PAGE 3 OF 5 PAGES

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			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD				
	Earthwork/Fill	\$ 69,300.00					\$69,300.00	
	Reinforcement	\$ 149,664.00					\$149,664.00	
	Formwork	\$ 164,631.00					\$164,631.00	
	Bollard Foundation concrete	\$ 134,698.00					\$134,698.00	
	Bollards	\$ 299,329.00					\$299,329.00	
	Bollard covers installed	\$ 74,832.00					\$74,832.00	
	Concrete paver subbase	\$ 97,282.00					\$97,282.00	
	curb foundation	\$ 30,932.00					\$30,932.00	
	Paver Installation	\$ 37,416.00					\$37,416.00	
	Curb Installation	\$ 28,932.00					\$28,932.00	
	Mill ex 3 surface	\$ 44,899.00					\$44,899.00	
	Asphalt	\$ 29,934.00					\$29,934.00	
	subsurface conduit	\$ 54,430.00					\$54,430.00	
	Traffic sig. Ped poles	\$ 10,200.00					\$10,200.00	
	Traffic fixtures	\$ 14,500.00					\$14,500.00	
	Light System Wiring	\$ 52,200.00					\$52,200.00	
	Light poles	\$ 58,500.00					\$58,500.00	
	Light fixtures	\$ 33,674.00					\$33,674.00	
	Church St Median							
	Submittals/Shop Drawings	\$ 41,030.00				\$2,051.50	\$38,978.50	\$205.15
	Saw Cut/Demo	\$ 164,076.00					\$164,076.00	
	Reinforcement	\$ 225,605.00					\$225,605.00	
	Formwork	\$ 113,802.00					\$113,802.00	
	Bollard Foundation concrete	\$ 175,331.00					\$175,331.00	
	Bollards	\$ 550,759.00					\$550,759.00	
	Bollard covers	\$ 205,095.00					\$205,095.00	
	Bollard cover installation	\$ 102,547.00					\$102,547.00	
	curb foundation	\$ 61,528.00					\$61,528.00	
	Paver Installation	\$ 123,057.00					\$123,057.00	
	Curb Installation	\$ 174,331.00					\$174,331.00	
	Install Asphalt Patching	\$ 112,802.00					\$112,802.00	

# CONTINUATION SHEET

ALA DOCUMENT G703

PAGE 4 OF 5 PAGES

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 PERIOD TO: 11/30/2014  
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			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	Fulton St			\$1,580.00		\$1,580.00	5.00%	\$30,020.00	\$158.00
	Submittals/Shop Drawings	\$ 31,600.00						\$86,888.00	
	Earthwork/removals	\$ 86,888.00						\$55,292.00	
	Earthwork/Fill	\$ 55,292.00						\$94,787.00	
	Reinforcement	\$ 94,787.00						\$63,191.00	
	Formwork	\$ 63,191.00						\$48,393.00	
	Bollard Foundation concrete	\$ 48,393.00						\$379,150.00	
	Bollards	\$ 379,150.00						\$45,393.00	
	Concrete paver subbase	\$ 45,393.00						\$126,383.00	
	Concrete Road Base	\$ 126,383.00						\$27,646.00	
	curb foundation	\$ 27,646.00						\$35,545.00	
	Paver Installation	\$ 35,545.00						\$15,797.00	
	Curb Installation	\$ 15,797.00						\$110,585.00	
	Water Main	\$ 157,979.00						\$142,181.00	
	Plumbing fixtures	\$ 110,585.00						\$78,989.00	
	Asphalt Pavement	\$ 142,181.00						\$49,393.00	
	subsurface conduit	\$ 78,989.00						\$31,595.00	
	Light poles	\$ 49,393.00							
	Light fixtures	\$ 31,595.00							
	Alternate I: Vesey St								
	Sawcut Pavement	\$ 25,719.00						\$38,579.00	
	Concrete removals	\$ 38,579.00						\$96,448.00	
	Asphalt milling/removal	\$ 96,448.00						\$64,299.00	
	Reset Curb	\$ 64,299.00						\$83,589.00	
	subsurface conduit	\$ 83,589.00						\$51,439.00	
	Light poles	\$ 51,439.00						\$54,654.00	
	Traffic Poles	\$ 54,654.00						\$57,869.00	
	Light fixtures	\$ 57,869.00						\$93,233.00	
	Concrete repair strip	\$ 93,233.00						\$70,729.00	
	Asphalt installation	\$ 70,729.00						\$6,429.00	
	Asphalt Marking	\$ 6,429.00							

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PERIOD TO: 11/30/2014

ARCHITECT'S PROJECT NO: 324.359.05

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			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	Alternate 2: Stone finishes at T3	\$ 609,879.00						\$609,879.00	
	Granite paver & curb installation at T3	\$ 123,875.00						\$123,875.00	
	Landscaping at T3	\$ 10,000.00						\$10,000.00	
	Irrigation Trenching								
	<b>GRAND TOTALS</b>	\$ 11,759,220.45	\$0.00	\$469,394.76	\$0.00	\$469,394.76		\$11,289,825.69	\$46,939.48

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

AFFIDAVIT OF PAYMENT  
AND WAIVER OF CLAIMS

Re: VEHICULAR SECURITY CENTER & TOUR BUS PARKING FACILITY  
(Project)

STATE OF            )  
                          ) ss:  
COUNTY OF        )

PATRICK SULLIVAN being duly sworn, deposes and says:

1. That s/he is the PROJECT MANAGER of T.B. PENICK'S SONS (hereafter called the "Contractor") which has a contract with TISHMAN CONSTRUCTION CORPORATION on Behalf of the Port Authority of New York & New Jersey (hereafter called the "Builder") covering WTC STREETS - PACKAGE 5 the work for the building at the WTC Vehicular Security Center & Tour Bus Parking Facility, New York, NY.

2. That the said Contractor has paid in full (at the prevailing recognized rate and without any improper or illegal deductions or rebates), in accordance with the specifications and contract obligations, for all work, labor, materials and services supplied or performed in connection with said work to the date of the requisition on the reverse side hereof, including all Social Security, Unemployment Insurance and Sales and other Taxes applicable thereto, and there are no unpaid claims for any said labor or materials in connection with the performance of said Work or any of the said Taxes except as stated in paragraph 3 below, and any claim for such amounts is hereby forfeited and waived.

3. That as of the date hereof no amounts are due and no claims have been made against the said Contractor for any unpaid material or labor with the exception of the following: all of which are for labor and/or materials provided since the date of the requisition preceding this requisition, and as to such unpaid claims the Builder is hereby authorized, at its option, in behalf of the Contractor, to make direct payment to such claimants and charge same to the Contractor, i.e.:

NAME & ADDRESS	ITEM	AMOUNT
----------------	------	--------

None

4. That no payment made to the Contractor shall be deemed an acceptance by the Builder of defective work or materials or shall operate as an admission on the part of the Builder or Architect that the said contract, or any portion thereof, has been complied with the Contractor in case the fact shall be otherwise.

5. All sums received by the Contractor shall be held in trust to pay for any labor or materials in connection with the work, before being used for any other purpose.

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

this 3<sup>rd</sup> day of December  
2014  
Olga Elkina  
Notary Public

T.B. PENICK & SONS  
(Company Name)  
By [Signature] - PROJECT MANAGER  
(Title)

OLGA ELKINA  
Notary Public, State of New York  
Qualified in Kings County  
No. 01EL6303972  
My Commission Expires 05/19/2018



Help | Log Out Chris Vamava[CVamava1233]

[Search]

### Accounting

Reference No. : P00383  
 Project No. / Activity Code : 20200012 / 20200012  
 Project Name : WTC-VSC & Tour Bus, Streets, Utilities & Infra.  
 Client : Port Authority of New York and New Jersey  
 Super Project : N/A

Owner Req. Number : 077 - 001  
 Contract Number : 002 (000)  
 Contractor Name : TB Penick & Sons, Inc.  
 Vendor Req. Number : 077 - 001  
 Vendor Rev. Date : 12/10/2014  
 Period Ending Date : 11/30/2014

REPORTS MAINTENANCE PENDING ITEMS ACCTS PAYABLE SUB-REQS CASH FLOW ADMIN

## Vendor Invoice

SHOW TENANT:

VOUCHER REQ NO DISPLAY:

ITEM	LABOR(\$)	OTHER(\$)	TOTAL COST(\$)	COMPLETED TO DATE(\$)	COMPLETED THIS PERIOD(\$)
1. Amount of Contract ... [EDIT SOV]	0.00	11,759,220.45	11,759,220.45	469,394.76	469,394.76
2. Change Orders Issued to Date ....	---	---	0.00	0.00	0.00
3. Pending Change Orders ....	---	---	0.00	0.00	0.00
4. Value No Cost ....	---	---	---	0.00	0.00
5. Total of Above	---	---	11,759,220.45	469,394.76	469,394.76
6. Less Retainage ..... [EDIT]	---	---	---	46,939.48	46,939.48
7. Net of Items 5. and 6. ....	---	---	---	422,455.28	422,455.28
8. Total Prior Requisitioned Net Amount....	---	---	---	0.00	---
9. Net Amount of this requisition (net of 7. Less 8.) .....	---	---	---	422,455.28	---
10. Total Requisitioned Net Amount to Date	---	---	---	422,455.28	---
11. Total Client Funding To Date	---	---	---	0.00	---
12. Total Amount Currently Due	---	---	---	422,455.28	---

P00383 / 60242557      WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA.      Check Date: 02/10/2015      100692

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
80-01	12/31/2014	RQ0080-01	CONTRACT #002, REQ#0080, REV#01	\$168,265.50	\$151,438.95

Total Check Amount: \$151,438.95

TB Penick & Sons, Inc.

FUNDED	✓	CONT./INS	✓
APPROVED	✓	WAIVER	✓
ORG. DOC		INITIALS	CP

TISHMAN CONSTR CORP OF NY CM  
FOR THE  
THE PORT AUTH OF NY/NJ VCS et al  
PROJECT

100692

JPMORGANCHASE BANK, N.A.  
51 WEST 51ST STREET  
NEW YORK, NY 10019

PAY TO THE ORDER OF

DATE	AMOUNT
02/10/2015	\$151,438.95

TB Penick & Sons, Inc.  
15435 INNOVATION DRIVE, SUITE 100  
ATT: CARLA FRENCH  
SAN DIEGO, CA 92128

*[Signature]* \_\_\_\_\_ MP  
*[Signature]* \_\_\_\_\_ MP

Security features. Details on back.

P00383 / 60242557      WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA.      Check Date: 02/10/2015      100692

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
80-01	12/31/2014	RQ0080-01	CONTRACT #002, REQ#0080, REV#01	\$168,265.50	\$151,438.95

TB Penick & Sons, Inc.

Total Check Amount: \$151,438.95

**APPLICATION AND CERTIFICATION FOR PAYMENT**

AI DOCUMENT G702

PAGE ONE OF

6 PAGES

TO OWNER:

Tishman Construction  
100 Park Avenue  
New York, NY 10017

PROJECT: WTC 324.359.05

APPLICATION NO: 2

Distribution to:

OWNER

ARCHITECT

CONTRACTOR

VIA ARCHITECT:

T.B. Penick & Sons, Inc.

15435 Innovation Drive

San Diego, CA 92128

CONTRACT FOR:

WTC Streets Package 5 (Phase II) Final Street & Sidewalk Finishes, Streetscape Elements & Open Spaces

CONTRACT DATE 8/29/2014

PROJECT NOS: WTC 324.359.05

CONT # 2-STR-2

**CONTRACTOR'S APPLICATION FOR PAYMENT**

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

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:

Date:

*[Signature]*  
State of *[Signature]* County of *[Signature]*  
Subscribed and sworn to before me this *30* day of *December*  
Notary Public: *[Signature]*  
My Commission expires *12/31/14*

*[Signature]*  
DANIEL S. PROBERT  
Notary Public - State of New York  
NO. 01261622993  
Qualified in Kings County  
My Commission expires *12/31/14*

**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 ..... \$

(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 figures certified.)

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.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20006-5222  
Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Documents' Authenticity from the Licensee.

Note: Items in RED FONT are automatically calculated from the G703 form or from items within this G702 Form. Do NOT hand enter these items on this sheet.

1. ORIGINAL CONTRACT SUM \$ 11,759,220.45
2. Net change by Change Orders \$ 0.00
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 11,759,220.45
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 637,660.26
5. RETAINAGE:
  - a. 10 % of Completed Work \$ 63,766.03  
(Column D + E on G703)
  - b. % of Stored Material \$  
(Column F on G703)
 Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 63,766.03
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total) \$ 573,894.24
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 422,455.29
8. CURRENT PAYMENT DUE \$ 151,438.95
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 1,1185,326.21

**CHANGE ORDER SUMMARY**

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

*Dr 1/16/14*

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

APPLICATION NO: 2  
 APPLICATION DATE: 12/30/2014  
 PERIOD TO: 12/31/2014  
 ARCHITECTS PROJECT NO: 324.359.05

In tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)				COMPLETED AND STORED TO DATE (D+E+G)	% (G ÷ C)		
1	Mobilization	\$ 117,592.20	\$117,592.20		\$34,030.00		\$117,592.20	100.00%	\$284,990.19	\$11,759.22
2	General Conditions	\$ 425,360.25	\$106,340.06		\$5,500.00		\$140,370.06	33.00%	\$44,000.00	\$14,037.01
3	Site Survey	\$ 55,000.00	\$5,500.00				\$11,000.00	20.00%	\$50,000.00	\$1,100.00
4	Punchlist	\$ 50,000.00							\$25,000.00	
5	Demobilization	\$ 25,000.00								
6										
7	Greenwich St T3									
8	Submittals/Shop Drawings	\$ 30,480.00	\$3,048.00		\$3,048.00		\$6,096.00	20.00%	\$24,384.00	\$609.60
9	Earthwork/Excavation	\$ 51,200.00							\$51,200.00	
10	Earthwork/Fill	\$ 109,167.00							\$109,167.00	
11	Reinforcement	\$ 175,202.00							\$175,202.00	
12	Formwork	\$ 182,819.00							\$182,819.00	
13	Bollard Foundation concrete	\$ 167,584.00							\$167,584.00	
14	Bollards	\$ 335,169.00							\$335,169.00	
15	Bollard covers installed	\$ 68,557.00							\$68,557.00	
16	Finished concrete sidewalk	\$ 91,409.00							\$91,409.00	
17	Steel faced curb	\$ 31,469.00							\$31,469.00	
18	Asphalt	\$ 152,349.00	\$137,114.10				\$137,114.10	90.00%	\$15,234.90	\$13,711.41
19	subsurface conduit	\$ 53,322.00							\$53,322.00	
20	Light poles	\$ 19,200.00							\$19,200.00	
21	Light fixtures	\$ 30,704.00							\$30,704.00	
22										
23	Greenwich St Hub									
24	Submittals/Shop Drawings	\$ 32,150.00	\$3,215.00		\$3,215.00		\$6,430.00	20.00%	\$25,720.00	\$643.00
25	Earthwork/Excavation	\$ 52,092.00							\$52,092.00	
26	Earthwork/Fill	\$ 76,500.00							\$76,500.00	
27	Reinforcement	\$ 159,740.00							\$159,740.00	
28	Formwork	\$ 136,629.00							\$136,629.00	
29	Bollard Foundation concrete	\$ 88,407.00							\$88,407.00	
30	Bollards	\$ 337,555.00							\$337,555.00	
31	Bollard covers installed	\$ 96,444.00							\$96,444.00	
32	Concrete paver subbase	\$ 60,277.00							\$60,277.00	
33	curb foundation	\$ 31,148.00							\$31,148.00	

# CONTINUATION SHEET

ALA DOCUMENT G703

PAGE 3 OF 6 PAGES

ALA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.  
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APPLICATION NO: 2  
 APPLICATION DATE: 12/30/2014  
 PERIOD TO: 12/31/2014  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD				
34	Paver Installation	\$ 40,185.00					\$40,185.00	
35	Curb Installation	\$ 56,259.00					\$56,259.00	
36	Asphalt	\$ 112,518.00	\$90,014.40			\$90,014.40	\$22,503.60	\$9,001.44
37	Water Main	\$ 161,740.00					\$161,740.00	
38	Gas Main	\$ 80,370.00					\$80,370.00	
39	subsurface conduit	\$ 24,111.00					\$24,111.00	
40	Traffic Poles	\$ 10,269.00					\$10,269.00	
41	Traffic/pedestrian Fixture	\$ 15,000.00					\$15,000.00	
42	Light poles	\$ 28,129.00					\$28,129.00	
43	Light fixtures	\$ 43,148.00					\$43,148.00	
44								
45	Church St T3							
46	Submittals/Shop Drawings	\$ 28,850.00	\$1,442.50	\$1,442.50		\$2,885.00	\$25,965.00	\$288.50
47	Earthwork/Excavation	\$ 41,010.00					\$41,010.00	
48	Earthwork/Fill	\$ 67,081.00					\$67,081.00	
49	Reinforcement	\$ 172,945.00					\$172,945.00	
50	Formwork	\$ 187,357.00					\$187,357.00	
51	Bollard Foundation concrete	\$ 129,709.00					\$129,709.00	
52	Bollards	\$ 432,364.00					\$432,364.00	
53	Bollard covers installed	\$ 100,885.00					\$100,885.00	
54	Finished concrete sidewalk	\$ 79,266.00					\$79,266.00	
55	Steel faced curb	\$ 36,030.00					\$36,030.00	
56	Mill ext'g street surface	\$ 21,618.00					\$21,618.00	
57	Asphalt	\$ 43,230.00					\$43,230.00	
58	subsurface conduit	\$ 14,412.00					\$14,412.00	
59	Traffic/pedestrian sig poles	\$ 18,722.00					\$18,722.00	
60	Traffic fixtures	\$ 12,200.00					\$12,200.00	
61	Light poles	\$ 28,824.00					\$28,824.00	
62	Light fixtures	\$ 47,648.00					\$47,648.00	
63								
64	Church St Hub							
65	Submittals/Shop Drawings	\$ 29,940.00	\$1,497.00	\$1,497.00		\$2,994.00	\$26,946.00	\$299.40
66	Earthwork/excavation	\$ 50,031.00					\$50,031.00	

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 4 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.  
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 Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 2  
 APPLICATION DATE: 12/30/2014  
 PERIOD TO: 12/31/2014  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN DOR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+D)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD				
67	Earthwork/Fill	\$ 69,300.00					\$69,300.00	
68	Reinforcement	\$ 149,664.00					\$149,664.00	
69	Formwork	\$ 164,631.00					\$164,631.00	
70	Bollard Foundation concrete	\$ 134,698.00					\$134,698.00	
71	Bollards	\$ 299,329.00					\$299,329.00	
72	Bollard covers installed	\$ 74,832.00					\$74,832.00	
73	Concrete paver subbase	\$ 97,282.00					\$97,282.00	
74	curb foundation	\$ 30,932.00					\$30,932.00	
75	Paver Installation	\$ 37,416.00					\$37,416.00	
76	Curb Installation	\$ 28,932.00					\$28,932.00	
77	Mill ex'g surface	\$ 44,899.00					\$44,899.00	
78	Asphalt	\$ 29,934.00					\$29,934.00	
79	subsurface conduit	\$ 54,430.00					\$54,430.00	
80	Traffic sig Ped poles	\$ 10,200.00					\$10,200.00	
81	Traffic fixtures	\$ 14,500.00					\$14,500.00	
82	Light System Wiring	\$ 52,200.00					\$52,200.00	
83	Light poles	\$ 58,500.00					\$58,500.00	
84	Light fixtures	\$ 33,674.00					\$33,674.00	
85								
86	Church St Median							
87	Submittals/Shop Drawings	\$ 41,030.00	\$2,051.50	\$8,206.00		\$10,257.50	\$30,772.50	\$1,025.75
88	Saw Cut/Demo	\$ 164,076.00					\$164,076.00	
89	Reinforcement	\$ 225,605.00					\$225,605.00	
90	Formwork	\$ 113,802.00					\$113,802.00	
91	Bollard Foundation concrete	\$ 175,331.00					\$175,331.00	
92	Bollards	\$ 550,759.00			\$109,747.00	\$109,747.00	\$441,012.00	\$10,974.70
93	Bollard covers	\$ 205,095.00					\$205,095.00	
94	Bollard cover installation	\$ 102,547.00					\$102,547.00	
95	curb foundation	\$ 61,528.00					\$61,528.00	
96	Paver Installation	\$ 123,057.00					\$123,057.00	
97	Curb Installation	\$ 174,331.00					\$174,331.00	
98	Install Asphalt Patching	\$ 112,802.00					\$112,802.00	
99								

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 5 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.  
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APPLICATION NO: 2  
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 PERIOD TO: 12/31/2014  
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A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)		H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G ÷ C)			
100	Fulton St	\$							
101	Submittals/Shop Drawings	\$							
102	Earthwork/removals	\$	\$1,580.00	\$1,580.00		\$3,160.00	10.00%	\$28,440.00	\$316.00
103	Earthwork/Fill	\$						\$86,888.00	
104	Reinforcement	\$						\$55,292.00	
105	Formwork	\$						\$94,787.00	
106	Bollard Foundation concrete	\$						\$63,191.00	
107	Bollards	\$						\$48,393.00	
108	Concrete paver subbase	\$						\$379,150.00	
109	Concrete Road Base	\$						\$45,393.00	
110	curb foundation	\$						\$126,383.00	
111	Paver Installation	\$						\$27,646.00	
112	Curb Installation	\$						\$35,545.00	
113	Water Main	\$						\$15,797.00	
114	Plumbing fixtures	\$						\$157,979.00	
115	Asphalt Pavement	\$						\$110,585.00	
116	subsurface conduit	\$						\$142,181.00	
117	Light poles	\$						\$78,989.00	
118	Light fixtures	\$						\$49,393.00	
119		\$						\$31,595.00	
120	Alternate 1: Vesey St	\$							
121	Sawcut Pavement	\$						\$25,719.00	
122	Concrete removals	\$						\$38,579.00	
123	Asphalt milling/removal	\$						\$96,448.00	
124	Rosa Curb	\$						\$64,299.00	\$0.00
125	subsurface conduit	\$						\$83,589.00	
126	Light poles	\$						\$51,439.00	
127	Traffic Poles	\$						\$54,654.00	
128	Light fixtures	\$						\$7,869.00	
129	Concrete repair strip	\$						\$93,233.00	
130	Asphalt installation	\$						\$70,729.00	
131	Asphalt Marking	\$						\$6,429.00	
132		\$							

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 6 OF 6 PAGES

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APPLICATION NO: 2  
 APPLICATION DATE: 12/30/2014  
 PERIOD TO: 12/31/2014  
 ARCHITECTS PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN DORE)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	G %	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
133	Alternate 2: Stone finishes at T3	\$ 609,879.00						\$609,879.00	
134	Granite paver & curb installation at T3	\$ 123,875.00						\$123,875.00	
135	Landscaping at T3	\$ 10,000.00						\$10,000.00	
136	Irrigation								
<b>GRAND TOTALS</b>		\$ 11,759,220.45	\$469,394.76	\$58,518.50	\$109,747.00	\$637,660.26		\$11,121,560.19	\$63,766.03

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

**AFFIDAVIT OF PAYMENT  
AND WAIVER OF CLAIMS**

Re: VEHICULAR SECURITY CENTER & TOUR BUS PARKING FACILITY  
(Project)

STATE OF                    )  
                                  ) ss:  
COUNTY OF                )

PATRICK SULLIVAN being duly sworn, deposes and says:

1. That s/he is the PROJECT MANAGER of T.B. PENICK & SONS (hereafter called the "Contractor") which has a contract with TISHMAN CONSTRUCTION CORPORATION on Behalf of the Port Authority of New York & New Jersey (hereafter called the "Builder") covering LIBERTY PARK the work for the building at the WTC Vehicular Security Center & Tour Bus Parking Facility, New York, NY.

2. That the said Contractor has paid in full (at the prevailing recognized rate and without any improper or illegal deductions or rebates), in accordance with the specifications and contract obligations, for all work, labor, materials and services supplied or performed in connection with said work to the date of the requisition on the reverse side hereof, including all Social Security, Unemployment Insurance and Sales and other Taxes applicable thereto, and there are no unpaid claims for any said labor or materials in connection with the performance of said Work or any of the said Taxes except as stated in paragraph 3 below, and any claim for such amounts is hereby forfeited and waived.

3. That as of the date hereof no amounts are due and no claims have been made against the said Contractor for any unpaid material or labor with the exception of the following: all of which are for labor and/or materials provided since the date of the requisition preceding this requisition, and as to such unpaid claims the Builder is hereby authorized, at its option, in behalf of the Contractor, to make direct payment to such claimants and charge same to the Contractor, i.e.:

NAME & ADDRESS	ITEM	AMOUNT
----------------	------	--------

4. That no payment made to the Contractor shall be deemed an acceptance by the Builder of defective work or materials or shall operate as an admission on the part of the Builder or Architect that the said contract, or any portion thereof, has been complied with the Contractor in case the fact shall be otherwise.

5. All sums received by the Contractor shall be held in trust to pay for any labor or materials in connection with the work, before being used for any other purpose.

6. This Affidavit and Waiver is made for the purpose of inducing the Bullder 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

T.B. PENICK & SONS

(Company Name)

By [Signature] - PROJECT MANAGER  
(Title)

this 2nd day of Jan 2015

[Signature]  
Notary Public

DANIEL J. PIZARRO  
Notary Public - State of New York  
NO. 0195152994  
Qualified in Kings County  
My Commission Expires 3/19/2016

BILL OF SALE

For and in consideration of the total value of materials \$ 159,875.65 less retainage of \$ 15,987.57 current payment due \$ 143,888.09 by The Port Authority of New York & New Jersey (hereinafter referred to as "Purchaser") T.B. Fenwick & Sons (hereinafter referred to as "Seller"), the receipt whereof is to be acknowledged Seller does hereby grant, bargain, sell, convey, set over, transfer, assign and deliver unto Purchaser all the right title and interest which it has in the personal property set forth in Invoice # 3 dated 12/11/2014 attached hereto and made part hereof by reference, and described in attached listing of materials received from vendors.

Seller does hereby covenant and warrant that it is the true and lawful owner of the property assigned, transferred, sold, and conveyed pursuant to this Bill of Sale; that said property is free and clear from all encumbrances and liens; that Seller has good right and full power and authority to sell, transfer, assign and convey all of said property; and the Seller will warrant and defend the title to all of said property unto Purchaser, its successors and assigns, against all claims and demands of all persons, firms or corporations whatsoever. Materials are being stored at: 5873 SUDBURY AVENUE, RIVERHEAD, NY and at (see below).  
11761

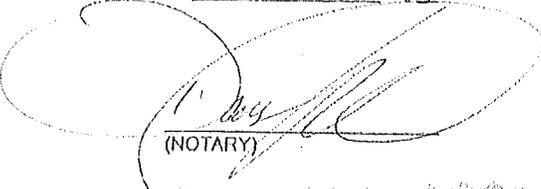
IN WITNESS WHEREOF, the parties hereto, by their duly authorized officers, have executed and set their hands and seals to this Bill of Sale, this 2 day of JANUARY, 2015

Company: T.B. Fenwick & Sons (Seller)  
Signature: [Signature]  
Title: PROJECT MANAGER

Tishman Construction Corp  
on Behalf of the PANYNJ

STATE OF New York )  
COUNTY OF Westchester )

Sworn to before me this 2 day  
of Jan. 2015



(NOTARY)

DALE ARNDT  
Notary Public - State of New York  
NO. 01913103894  
Qualified in Kings County  
My Commission Expires 3/19/2015

BILL OF SALE

For and in consideration of the total value of materials \$ 525,000.00 less retainage of \$ 52,500.00 current payment due \$ 472,500.00 by The Port Authority of New York & New Jersey (hereinafter referred to as "Purchaser") T.B. BAKER SONS, INC. (hereinafter referred to as "Seller"), the receipt whereof is to be acknowledged Seller does hereby grant, bargain, sell, convey, set over, transfer, assign and deliver unto Purchaser all the right title and interest which it has in the personal property set forth in Invoice # 3 dated 12/17/15 attached hereto and made part hereof by reference, and described in attached listing of materials received from vendors.

Seller does hereby covenant and warrant that it is the true and lawful owner of the property assigned, transferred, sold, and conveyed pursuant to this Bill of Sale; that said property is free and clear from all encumbrances and liens; that Seller has good right and full power and authority to sell, transfer, assign and convey all of said property; and the Seller will warrant and defend the title to all of said property unto Purchaser, its successors and assigns, against all claims and demands of all persons, firms or corporations whatsoever. Materials are being stored at: 1023 Weybridge Rd. Thomaston, CT and at (see below)\*.

06757

IN WITNESS HEREOF, the parties hereto, by their duly authorized officers, have executed and set their hands and seals to this Bill of Sale, this 2<sup>nd</sup> day of JANUARY, 2015.

Company: T.B. Baker Sons (Seller)  
Signature: [Signature]  
Title: PROJECT MANAGER

STATE OF New York )  
COUNTY OF New York )

Sworn to before me this 2 day  
of Jan, 2015

Tishman Construction Corp  
on Behalf of the PANYNJ

[Signature]  
(NOTARY)

BILL OF SALE

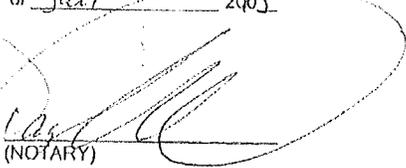
For and in consideration of the total value of materials \$ 40,000.00 less retainage of \$ 11,000.00 current payment due \$ 29,000.00 by The Port Authority of New York & New Jersey (hereinafter referred to as "Purchaser") T.B. PENNY & SONS (hereinafter referred to as "Seller"), the receipt whereof is to be acknowledged Seller does hereby grant, bargain, sell, convey, set over, transfer, assign and deliver unto Purchaser all the right title and interest which it has in the personal property set forth in Invoice # 3 dated 12/11/2014, attached hereto and made part hereof by reference, and described in attached listing of materials received from vendors.

Seller does hereby covenant and warrant that it is the true and lawful owner of the property assigned, transferred, sold, and conveyed pursuant to this Bill of Sale; that said property is free and clear from all encumbrances and liens; that Seller has good right and full power and authority to sell, transfer, assign and convey all of said property; and the Seller will warrant and defend the title to all of said property unto Purchaser, its successors and assigns, against all claims and demands of all persons, firms or corporations whatsoever. Materials are being stored at: SEE ATTACHED LOG FOR ADDRESSES and at (see below).

IN WITNESS WHEREOF, the parties hereto, by their duly authorized officers, have executed and set their hands and seals to this Bill of Sale, this 2<sup>nd</sup> day of JANUARY, 2015.

STATE OF New York (K)  
COUNTY OF New York (K)

Sworn to before me this 2<sup>nd</sup> day  
of Jan 2015

  
(NOTARY)

Company: T.B. PENNY & SONS (Seller)

Signature: [Handwritten Signature]

Title: PROJECT MANAGER

Tishman Construction Corp  
on Behalf of the PANYNJ



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VarnavaJCVarnava12331

Search

**Accounting**

Reference No. : P00383  
 Project No. / Activity Code : 20200012 / 20200012  
 Project Name : WTC-VSC & Tour Bus, Streets, Utilities & Infra.  
 Client : Port Authority of New York and New Jersey  
 Super Project : N/A

Owner Req. Number : 080 - 018  
 Contract Number : 002 (000)  
 Contractor Name : TB Penick & Sons, Inc.  
 Vendor Req. Number : 080 - 018  
 Vendor Rev. Date : 02/11/2015  
 Period Ending Date : 12/31/2014

REPORTS    MAINTENANCE    PENDING ITEMS    ACCTS PAYABLE    SUB-REQS    CASH FLOW    ADMIN

**Vendor Invoice**

SHOW TENANT :

ITEM

TISHMAN APPROVAL

	LABOR(S)	OTHER(S)	TOTAL COST(S)	COMPLETED TO DATE(S)	COMPLETED THIS PERIOD(S)
1. Amount of Contract ...	0.00	11,759,220.45	11,759,220.45	637,660.26	168,265.50
2. Change Orders Issued to Date ...	---	---	0.00	0.00	0.00
3. Pending Change Orders ...	---	---	0.00	0.00	0.00
4. Value No Cost ...	---	---	---	0.00	0.00
5. Total of Above	---	---	11,759,220.45	637,660.26	168,265.50
6. Less Retainage .....	---	---	---	63,766.03	16,826.55
7. Net of Items 5. and 6. ....	---	---	---	573,894.23	151,438.95
8. Total Prior Requisitioned Net Amount....	---	---	---	422,455.28	---
9. Net Amount of this requisition (net of 7. Less 8.) ....	---	---	---	151,438.95	---
10. Total Requisitioned Net Amount to Date	---	---	---	573,894.23	---
11. Total Client Funding To Date	---	---	---	573,894.23	---
12. Total Amount Currently Due	---	---	---	0.00	---

P00383 / 60242557 WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA. Check Date: 03/03/2015 100743

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
---------	--------------	----------------	---------------------	--------------	------------

Total Check Amount: \$65,912.05

TB Penick & Sons, Inc.

84-00	01/31/2015	RQ0084-00	CONTRACT #002, REQ#0084, REV#00	\$73,235.61	\$65,912.05
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FUNDED	<input checked="" type="checkbox"/>	CONT./INS	<input checked="" type="checkbox"/>
APPROVED	<input checked="" type="checkbox"/>	WAIVER	<input checked="" type="checkbox"/>
ORG. DOC	<input type="checkbox"/>	INITIALS	<i>MF</i>

TISHMAN CONSTR CORP OF NY CM  
FOR THE  
THE PORT AUTH OF NY/NJ VCS et al  
PROJECT

100743

JPMORGANCHASE BANK, N.A.  
51 WEST 51ST STREET  
NEW YORK, NY 10019

PAY TO THE ORDER OF

DATE	AMOUNT
03/03/2015	\$65,912.05

TB Penick & Sons, Inc.  
15435 INNOVATION DRIVE, SUITE 100  
ATT: CARLA FRENCH  
SAN DIEGO, CA 92128

*[Signature]* MIC  
*[Signature]* MIC

Security features. Details on back.

P00383 / 60242557 WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA. Check Date: 03/03/2015 100743

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
---------	--------------	----------------	---------------------	--------------	------------

TB Penick & Sons, Inc.

84-00	01/31/2015	RQ0084-00	CONTRACT #002, REQ#0084, REV#00	\$73,235.61	\$65,912.05
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Total Check Amount: \$65,912.05

# APPLICATION AND CERTIFICATION FOR PAYMENT

AI DOCUMENT G702

PAGE ONE OF 6 PAGES

PROJECT: WTC 324.359.05

APPLICATION NO: 3

Distribution to:

OWNER  
 ARCHITECT  
 CONTRACTOR

PERIOD TO: 1/31/2015

CONT# 2-STR-2

PROJECT NOS: WTC 324.359.05

CONTRACT DATE: 8/29/2014

WTC Streets Package 5 (Phase II) Final Street & Sidewalk Finishes, Streetscape Elements & Open Spaces

## CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM	\$ 11,759,220.45
2. Net change by Change Orders	\$ 0.00
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$ 11,759,220.45
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ 710,895.87
5. RETAINAGE:	
a. 10 % of Completed Work (Column D + E on G703)	\$ 71,089.59
b. % of Stored Material (Column F on G703)	\$
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$ 71,089.59
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$ 639,806.29
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ 573,894.24
8. CURRENT PAYMENT DUE (Line 3 less Line 6)	\$ 65,912.05
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$ 11,119,414.16

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

AIA DOCUMENT G702 - APPLICATION AND CERTIFICATION FOR PAYMENT - 1992 EDITION - AIA - ©1992

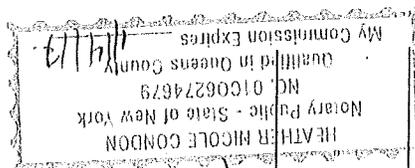
Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.

Note: Items in RED FONT are automatically calculated from the G703 form or from items within this G702 Form. Do NOT hand enter these items on this sheet.

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:   
 State of New York  
 Subscribed and sworn to before me this day of February 2015  
 Notary Public:   
 My Commission expires: 11/11/17



## 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 ..... \$

(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: \_\_\_\_\_ 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.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20006-5292

# CONTINUATION SHEET

## AIA DOCUMENT G703

PAGE 2 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 3  
 APPLICATION DATE: 1/30/2015  
 PERIOD TO: 1/31/2015  
 ARCHITECTS PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD						
1	Mobilization	\$ 117,592.20	\$117,592.20				\$117,592.20	100.00%	\$246,321.08	\$11,759.22
2	General Conditions	\$ 425,360.25	\$140,370.06	\$38,669.11			\$179,039.17	42.09%	\$44,000.00	\$17,903.92
3	Site Survey	\$ 55,000.00	\$11,000.00				\$11,000.00	20.00%	\$50,000.00	\$1,100.00
4	Punchlist	\$ 50,000.00							\$50,000.00	
5	Demobilization	\$ 25,000.00							\$25,000.00	
6										
7	Greenwich St T3									
8	Submittals/Shop Drawings	\$ 30,480.00	\$6,096.00	\$3,048.00			\$9,144.00	30.00%	\$21,336.00	\$914.40
9	Earthwork/Excavation	\$ 51,200.00							\$51,200.00	
10	Earthwork/Fill	\$ 109,167.00							\$109,167.00	
11	Reinforcement	\$ 175,202.00							\$175,202.00	
12	Formwork	\$ 182,819.00							\$182,819.00	
13	Bollard Foundation concrete	\$ 167,584.00							\$167,584.00	
14	Bollards	\$ 335,169.00							\$335,169.00	
15	Bollard covers installed	\$ 68,557.00							\$68,557.00	
16	Finished concrete sidewalk	\$ 91,409.00							\$91,409.00	
17	Steel faced curb	\$ 31,469.00							\$31,469.00	
18	Asphalt	\$ 152,349.00	\$137,114.10				\$137,114.10	90.00%	\$15,234.90	\$13,711.41
19	subsurface conduit	\$ 53,322.00							\$53,322.00	
20	Light poles	\$ 19,200.00							\$19,200.00	
21	Light fixtures	\$ 30,704.00							\$30,704.00	
22										
23	Greenwich St Hub									
24	Submittals/Shop Drawings	\$ 32,150.00	\$6,430.00	\$3,215.00			\$9,645.00	30.00%	\$22,505.00	\$964.50
25	Earthwork/Excavation	\$ 52,092.00							\$52,092.00	
26	Earthwork/Fill	\$ 76,500.00							\$76,500.00	
27	Reinforcement	\$ 159,740.00							\$159,740.00	
28	Formwork	\$ 136,629.00							\$136,629.00	
29	Bollard Foundation concrete	\$ 88,407.00							\$88,407.00	
30	Bollards	\$ 337,555.00							\$337,555.00	
31	Bollard covers installed	\$ 96,444.00							\$96,444.00	
32	Concrete paver subbase	\$ 60,277.00							\$60,277.00	
33	curb foundation	\$ 31,148.00							\$31,148.00	

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 3 OF 6 PAGES

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APPLICATION NO: 3  
 APPLICATION DATE: 1/30/2015  
 PERIOD TO: 1/31/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD				
34	Paver Installation	\$ 40,185.00					\$40,185.00	
35	Curb Installation	\$ 56,259.00					\$56,259.00	
36	Asphalt	\$ 112,518.00					\$22,503.60	\$9,001.44
37	Water Main	\$ 161,740.00	\$90,014.40			\$90,014.40	\$161,740.00	
38	Gas Main	\$ 80,370.00					\$80,370.00	
39	subsurface conduit	\$ 24,111.00					\$24,111.00	
40	Traffic Poles	\$ 10,269.00					\$10,269.00	
41	Traffic/pedestrian Fixture	\$ 15,000.00					\$15,000.00	
42	Light poles	\$ 28,129.00					\$28,129.00	
43	Light fixtures	\$ 43,148.00					\$43,148.00	
44								
45	Church St T3							
46	Submittals/Shop Drawings	\$ 28,850.00					\$23,080.00	\$577.00
47	Earthwork/Excavation	\$ 41,010.00	\$2,885.00			\$5,770.00	\$41,010.00	
48	Earthwork/Fill	\$ 67,081.00					\$67,081.00	
49	Reinforcement	\$ 172,945.00					\$172,945.00	
50	Formwork	\$ 187,357.00					\$187,357.00	
51	Bollard Foundation concrete	\$ 129,709.00					\$129,709.00	
52	Bollards	\$ 432,364.00					\$432,364.00	
53	Bollard covers installed	\$ 100,885.00					\$100,885.00	
54	Finished concrete sidewalk	\$ 79,266.00					\$79,266.00	
55	Steel faced curb	\$ 36,030.00					\$36,030.00	
56	Mill ext'g street surface	\$ 21,618.00					\$21,618.00	
57	Asphalt	\$ 43,230.00					\$43,230.00	
58	subsurface conduit	\$ 14,412.00					\$14,412.00	
59	Traffic/pedestrian sig poles	\$ 18,722.00					\$18,722.00	
60	Traffic fixtures	\$ 12,200.00					\$12,200.00	
61	Light poles	\$ 28,824.00					\$28,824.00	
62	Light fixtures	\$ 47,648.00					\$47,648.00	
63								
64	Church St Hub							
65	Submittals/Shop Drawings	\$ 29,940.00	\$2,994.00			\$5,988.00	\$23,952.00	\$598.80
66	Earthwork/excavation	\$ 50,031.00					\$50,031.00	

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 4 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

APPLICATION NO: 3  
 APPLICATION DATE: 1/30/2015

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: 1/31/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)	E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	G % (G ÷ C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
67	Earthwork/Fill	\$ 69,300.00						\$69,300.00	
68	Reinforcement	\$ 149,664.00						\$149,664.00	
69	Formwork	\$ 164,631.00						\$164,631.00	
70	Boilard Foundation concrete	\$ 134,698.00						\$134,698.00	
71	Bollards	\$ 299,329.00						\$299,329.00	
72	Boilard covers installed	\$ 74,832.00						\$74,832.00	
73	Concrete paver subbase	\$ 97,282.00						\$97,282.00	
74	curb foundation	\$ 30,932.00						\$30,932.00	
75	Paver Installation	\$ 37,416.00						\$37,416.00	
76	Curb Installation	\$ 28,932.00						\$28,932.00	
77	Mill ex'g surface	\$ 44,899.00						\$44,899.00	
78	Asphalt	\$ 29,934.00						\$29,934.00	
79	subsurface conduit	\$ 54,430.00						\$54,430.00	
80	Traffic sig Ped poles	\$ 10,200.00						\$10,200.00	
81	Traffic fixtures	\$ 14,500.00						\$14,500.00	
82	Light System Wiring	\$ 52,200.00						\$52,200.00	
83	Light poles	\$ 58,500.00						\$58,500.00	
84	Light fixtures	\$ 33,674.00						\$33,674.00	
85									
86	Church St Median								
87	Submittals/Shop Drawings	\$ 41,030.00	\$10,257.50	\$8,206.00		\$18,463.50	45.00%	\$22,566.50	\$1,846.35
88	Saw Cut/Demo	\$ 164,076.00						\$164,076.00	
89	Reinforcement	\$ 225,605.00						\$225,605.00	
90	Formwork	\$ 113,802.00						\$113,802.00	
91	Boilard Foundation concrete	\$ 175,331.00						\$175,331.00	
92	Bollards	\$ 550,759.00						\$550,759.00	
93	Boilard covers	\$ 205,095.00	\$109,747.00			\$109,747.00	19.93%	\$441,012.00	\$10,974.70
94	Boilard cover installation	\$ 102,547.00						\$205,095.00	
95	curb foundation	\$ 61,528.00						\$102,547.00	
96	Paver Installation	\$ 123,057.00						\$61,528.00	
97	Curb Installation	\$ 174,331.00						\$123,057.00	
98	Install Asphalt Patching	\$ 112,802.00						\$174,331.00	
99								\$112,802.00	

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 5 OF 6 PAGES

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APPLICATION NO: 3  
 APPLICATION DATE: 1/30/2015  
 PERIOD TO: 1/31/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD						
100	Fulton St									
101	Submittals/Shop Drawings	\$ 31,600.00	\$3,160.00	\$3,160.00	\$0.00		\$6,320.00	20.00%	\$25,280.00	\$632.00
102	Earthwork/removals	\$ 86,888.00							\$86,888.00	
103	Earthwork/Fill	\$ 55,292.00							\$55,292.00	
104	Reinforcement	\$ 94,787.00							\$94,787.00	
105	Formwork	\$ 63,191.00							\$63,191.00	
106	Bollard Foundation concrete	\$ 48,393.00							\$48,393.00	
107	Bollards	\$ 379,150.00							\$379,150.00	
108	Concrete paver subbase	\$ 45,393.00							\$45,393.00	
109	Concrete Road Base	\$ 126,383.00							\$126,383.00	
110	curb foundation	\$ 27,646.00							\$27,646.00	
111	Paver Installation	\$ 35,545.00							\$35,545.00	
112	Curb Installation	\$ 15,797.00							\$15,797.00	
113	Water Main	\$ 157,979.00			\$0.00				\$157,979.00	
114	Plumbing fixtures	\$ 110,585.00			\$11,058.50		\$11,058.50	10.00%	\$99,526.50	\$1,105.85
115	Asphalt Pavement	\$ 142,181.00							\$142,181.00	
116	subsurface conduit	\$ 78,989.00							\$78,989.00	
117	Light poles	\$ 49,393.00							\$49,393.00	
118	Light fixtures	\$ 31,595.00							\$31,595.00	
119										
120	Alternate 1: Vesey St									
121	Sawcut Pavement	\$ 25,719.00							\$25,719.00	
122	Concrete removals	\$ 38,579.00							\$38,579.00	
123	Asphalt milling/removal	\$ 96,448.00							\$96,448.00	
124	Reset Curb	\$ 64,299.00							\$64,299.00	
125	subsurface conduit	\$ 83,589.00							\$83,589.00	
126	Light poles	\$ 51,439.00							\$51,439.00	
127	Traffic Poles	\$ 54,654.00							\$54,654.00	
128	Light fixtures	\$ 57,869.00							\$57,869.00	
129	Concrete repair strip	\$ 93,233.00							\$93,233.00	
130	Asphalt installation	\$ 70,729.00							\$70,729.00	
131	Asphalt Marking	\$ 6,429.00							\$6,429.00	
132										

# CONTINUATION SHEET

## AIA DOCUMENT G703

PAGE 6 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

APPLICATION NO: 3

APPLICATION DATE: 1/30/2015

PERIOD TO: 1/31/2015

ARCHITECT'S PROJECT NO: 324.359.05

Amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)						
133	Alternate 2: Stone finishes at T3								
134	Granite paver & curb installation at T3	\$ 609,879.00						\$609,879.00	
135	Landscaping at T3	\$ 123,875.00						\$123,875.00	
136	Irrigation	\$ 10,000.00						\$10,000.00	
	<b>GRAND TOTALS</b>	\$ 11,759,220.45	\$637,660.26	\$73,235.61	\$0.00	\$710,895.87	\$11,048,324.58	\$71,089.59	

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

**AFFIDAVIT OF PAYMENT  
AND WAIVER OF CLAIMS**

Re: VEHICULAR SECURITY CENTER & TOUR BUS PARKING FACILITY  
(Project)

STATE OF New York  
COUNTY OF New York ss:

Brian Miniutti being duly sworn, deposes and says:

1. That s/he is the Project Manager of T.B. Penick & Sons (hereafter called the "Contractor") which has a contract with TISHMAN CONSTRUCTION CORPORATION on Behalf of the Port Authority of New York & New Jersey (hereafter called the "Builder") covering WTC Streets Package 5, Contract # 324.359.05 the work for the building at the WTC Vehicular Security Center & Tour Bus Parking Facility, New York, NY.

2. That the said Contractor has paid in full (at the prevailing recognized rate and without any improper or illegal deductions or rebates), in accordance with the specifications and contract obligations, for all work, labor, materials and services supplied or performed in connection with said work to the date of the requisition on the reverse side hereof, including all Social Security, Unemployment Insurance and Sales and other Taxes applicable thereto, and there are no unpaid claims for any said labor or materials in connection with the performance of said Work or any of the said Taxes except as stated in paragraph 3 below, and any claim for such amounts is hereby forfeited and waived.

3. That as of the date hereof no amounts are due and no claims have been made against the said Contractor for any unpaid material or labor with the exception of the following: all of which are for labor and/or materials provided since the date of the requisition preceding this requisition, and as to such unpaid claims the Builder is hereby authorized, at its option, in behalf of the Contractor, to make direct payment to such claimants and charge same to the Contractor, i.e.:

NAME & ADDRESS	ITEM	AMOUNT
----------------	------	--------

4. That no payment made to the Contractor shall be deemed an acceptance by the Builder of defective work or materials or shall operate as an admission on the part of the Builder or Architect that the said contract, or any portion thereof, has been complied with the Contractor in case the fact shall be otherwise.

5. All sums received by the Contractor shall be held in trust to pay for any labor or materials in connection with the work, before being used for any other purpose.

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

T.B. Penick & Sons  
(Company Name)

this 4<sup>th</sup> day of Feb 2015

By [Signature]  
(Title) Project Manager

[Signature]

Notary Public

DAMARIS L. PIZARRO  
Notary Public - State of New York  
NO. 01PI6162994  
Qualified in Kings County  
My Commission Expires 3/10/2011



**Accounting**

Reference No. : P00383  
 Project No. / Activity Code : 20200012 / 20200012  
 Project Name : WTC-VSC & Tour Bus, Streets, Utilities & Infra.  
 Client : Port Authority of New York and New Jersey  
 Super Project : N/A

Owner Req. Number : 084 - 000  
 Contract Number : 002 (000)  
 Contractor Name : TB Penick & Sons, Inc.  
 Vendor Req. Number : 084 - 000  
 Vendor Rev. Date :  
 Period Ending Date : 01/31/2015

Help | Log Out Chris Varnava[C\Varnava1233]

Search

REPORTS    MAINTENANCE    PENDING ITEMS    ACCTS PAYABLE    SUB-REQS    CASH FLOW    ADMIN

**Vendor invoice**

SHOW TENANT :

VOUCHER REQ NO DISPLAY: RQ0084-00

ITEM	LABOR(\$)	OTHER(\$)	TOTAL COST(\$)	TISHMAN APPROVAL	
				COMPLETED TO DATE(\$)	COMPLETED THIS PERIOD(\$)
1. Amount of Contract ... [EDIT SOV]	0.00	11,759,220.45	11,759,220.45	710,895.87	73,235.61
2. Change Orders Issued to Date ....	---	---	0.00	0.00	0.00
3. Pending Change Orders ....	---	---	0.00	0.00	0.00
4. Value No Cost ....	---	---	---	0.00	0.00
5. Total of Above	---	---	11,759,220.45	710,895.87	73,235.61
6. Less Retainage ..... [EDIT]	---	---	---	71,089.59	7,323.56
7. Net of Items 5. and 6. ....	---	---	---	639,806.28	65,912.05
8. Total Prior Requisitioned Net Amount....	---	---	---	573,894.23	---
9. Net Amount of this requisition (net of 7. Less 8.) ....	---	---	---	65,912.05	---
10. Total Requisitioned Net Amount to Date	---	---	---	639,806.28	---
11. Total Client Funding To Date	---	---	---	422,455.28	---
12. Total Amount Currently Due	---	---	---	217,351.00	---

P00383 / 60242557      WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA.      Check Date: 04/06/2015      100795

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
---------	--------------	----------------	---------------------	--------------	------------

Total Check Amount: \$137,794.28

TB Penick & Sons, Inc.

89-00	02/28/2015	RQ0089-00	CONTRACT #002, REQ#0089, REV#00	\$153,104.75	\$137,794.28
-------	------------	-----------	---------------------------------	--------------	--------------

FUNDED	✓	CONT./INS	✓
APPROVED	✓	WAIVER	✓
ORG. DOC		INITIALS	<i>[Signature]</i>

TISHMAN CONSTR CORP OF NY CM  
FOR THE  
THE PORT AUTH OF NY/NJ VCS et al  
PROJECT

100795

JPMORGANCHASE BANK, N.A.  
51 WEST 51ST STREET  
NEW YORK, NY 10019

PAY TO THE ORDER OF

DATE	AMOUNT
04/06/2015	\$137,794.28

TB Penick & Sons, Inc.  
15435 INNOVATION DRIVE, SUITE 100  
ATT: CARLA FRENCH  
SAN DIEGO, CA 92128

*[Signature]* \_\_\_\_\_ MR.  
*[Signature]* \_\_\_\_\_ MR.

Security features. Details on back.

P00383 / 60242557      WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA.      Check Date: 04/06/2015      100795

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
---------	--------------	----------------	---------------------	--------------	------------

TB Penick & Sons, Inc.

89-00	02/28/2015	RQ0089-00	CONTRACT #002, REQ#0089, REV#00	\$153,104.75	\$137,794.28
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Total Check Amount: \$137,794.28

# APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF 6 PAGES

PROJECT: WTC 324.359.05

APPLICATION NO: 4

Distribution to:

- OWNER
- ARCHITECT
- CONTRACTOR

PERIOD TO: 2/28/2015

CONT# 2-STR-2

PROJECT NOS: WTC 324.359.05

CONTRACT DATE: 8/29/2014

Open Spaces

VIA ARCHITECT:

T.B. Penick & Sons, Inc.  
15435 Innovation Drive  
San Diego, CA 92128

CONTRACT FOR:

WTC Streets Package 5 (Phase II) Final Street & Sidewalk Finishes, Streetscape Elements & Open Spaces

## CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM	\$ 11,759,220.45
2. Net change by Change Orders	\$ 0.00
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$ 11,759,220.45
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ 864,000.62
5. RETAINAGE:	
a. 10 % of Completed Work (Column D + E on G703)	\$ 864,000.62
b. % of Stored Material (Column F on G703)	\$
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$ 86,400.06
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$ 777,600.56
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ 639,806.28
8. CURRENT PAYMENT DUE	\$ 137,794.28
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$ 10,981,619.89

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

AIA DOCUMENT G702 - APPLICATION AND CERTIFICATION FOR PAYMENT - 1992 EDITION - AIA - ©1992

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.

Note: Items in RED FONT are automatically calculated from the G703 form or from items within this G702 Form. Do NOT hand enter these items on this sheet.

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: 

Date:

3/4/15

Notary Public:   
 County of New York State of New York  
 Subscribed and sworn to before me this 4th day of March 2015.  
 My Commission expires: 3/19/2015  
 Qualified in Kings County  
 My Commission Expires 3/19/12

## 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 ..... \$

(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:

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.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20006-5292

Handwritten initials/signature in the top right corner.

# CONTINUATION SHEET

## AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 4  
 APPLICATION DATE: 2/27/2015  
 PERIOD TO: 2/28/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	Mobilization	\$ 117,592.20	\$117,592.20				\$117,592.20	\$11,759.22	
2	General Conditions	\$ 425,360.25	\$179,039.17		\$3,865.73		\$182,904.90	\$18,290.49	
3	Site Survey	\$ 55,000.00	\$11,000.00				\$11,000.00	\$1,100.00	
4	Punchlist	\$ 50,000.00	\$0.00				\$0.00		
5	Demobilization	\$ 25,000.00	\$0.00				\$0.00		
6			\$0.00				\$0.00		
7	Greenwich St T3		\$0.00				\$0.00		
8	Submittals/Shop Drawings	\$ 30,480.00	\$9,144.00		\$1,524.00		\$10,668.00	\$1,066.80	
9	Earthwork/Excavation	\$ 51,200.00	\$0.00				\$0.00	\$51,200.00	
10	Earthwork/Fill	\$ 109,167.00	\$0.00				\$0.00	\$109,167.00	
11	Reinforcement	\$ 175,202.00	\$0.00				\$0.00	\$175,202.00	
12	Formwork	\$ 182,819.00	\$0.00				\$0.00	\$182,819.00	
13	Bollard Foundation concrete	\$ 167,584.00	\$0.00				\$0.00	\$167,584.00	
14	Bollards	\$ 335,169.00	\$0.00				\$0.00	\$335,169.00	
15	Bollard covers installed	\$ 68,557.00	\$0.00				\$0.00	\$68,557.00	
16	Finished concrete sidewalk	\$ 91,409.00	\$0.00				\$0.00	\$91,409.00	
17	Steel faced curb	\$ 31,469.00	\$0.00				\$0.00	\$31,469.00	
18	Asphalt	\$ 152,349.00	\$137,114.10				\$137,114.10	\$13,711.41	
19	subsurface conduit	\$ 53,322.00	\$0.00				\$0.00	\$53,322.00	
20	Light poles	\$ 19,200.00	\$0.00				\$0.00	\$19,200.00	
21	Light fixtures	\$ 30,704.00	\$0.00				\$0.00	\$30,704.00	
22			\$0.00				\$0.00		
23	Greenwich St Hub		\$0.00				\$0.00		
24	Submittals/Shop Drawings	\$ 32,150.00	\$9,645.00		\$1,607.50		\$11,252.50	\$1,125.25	
25	Earthwork/Excavation	\$ 52,092.00	\$0.00				\$0.00	\$52,092.00	
26	Earthwork/Fill	\$ 76,500.00	\$0.00				\$0.00	\$76,500.00	
27	Reinforcement	\$ 159,740.00	\$0.00				\$0.00	\$159,740.00	
28	Formwork	\$ 136,629.00	\$0.00				\$0.00	\$136,629.00	
29	Bollard Foundation concrete	\$ 88,407.00	\$0.00				\$0.00	\$88,407.00	
30	Bollards	\$ 337,555.00	\$0.00				\$0.00	\$337,555.00	
31	Bollard covers installed	\$ 96,444.00	\$0.00				\$0.00	\$96,444.00	
32	Concrete paver subbase	\$ 60,277.00	\$0.00				\$0.00	\$60,277.00	
33	curb foundation	\$ 31,148.00	\$0.00				\$0.00	\$31,148.00	

# CONTINUATION SHEET

## AIA DOCUMENT G703

PAGE 3 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

APPLICATION NO: 4

APPLICATION DATE: 2/27/2015

PERIOD TO: 2/28/2015

ARCHITECT'S PROJECT NO: 324.359.05

Rebations below amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD				
34	Paver Installation	\$ 40,185.00	\$0.00				\$40,185.00	
35	Curb Installation	\$ 56,259.00	\$0.00				\$56,259.00	
36	Asphalt	\$ 112,518.00	\$90,014.40			\$90,014.40	\$22,503.60	
37	Water Main	\$ 161,740.00	\$0.00				\$161,740.00	
38	Gas Main	\$ 80,370.00	\$0.00				\$80,370.00	
39	subsurface conduit	\$ 24,111.00	\$0.00				\$24,111.00	
40	Traffic Poles	\$ 10,269.00	\$0.00				\$10,269.00	
41	Traffic/pedestrian Fixture	\$ 15,000.00	\$0.00				\$15,000.00	
42	Light poles	\$ 28,129.00	\$0.00				\$28,129.00	
43	Light fixtures	\$ 43,148.00	\$0.00				\$43,148.00	
44			\$0.00					
45	Church St T3		\$0.00					
46	Submittals/Shop Drawings	\$ 28,850.00	\$5,770.00	\$2,885.00		\$8,655.00	\$20,195.00	\$865.50
47	Earthwork/Excavation	\$ 41,010.00	\$0.00				\$41,010.00	
48	Earthwork/Fill	\$ 67,081.00	\$0.00				\$67,081.00	
49	Reinforcement	\$ 172,945.00	\$0.00				\$172,945.00	
50	Formwork	\$ 187,357.00	\$0.00				\$187,357.00	
51	Bollard Foundation concrete	\$ 129,709.00	\$0.00				\$129,709.00	
52	Bollards	\$ 432,364.00	\$0.00				\$432,364.00	
53	Bollard covers installed	\$ 100,885.00	\$0.00				\$100,885.00	
54	Finished concrete sidewalk	\$ 79,266.00	\$0.00				\$79,266.00	
55	Steel faced curb	\$ 36,030.00	\$0.00				\$36,030.00	
56	Mill ext'g street surface	\$ 21,618.00	\$0.00				\$21,618.00	
57	Asphalt	\$ 43,230.00	\$0.00				\$43,230.00	
58	subsurface conduit	\$ 14,412.00	\$0.00				\$14,412.00	
59	Traffic/pedestrian sig poles	\$ 18,722.00	\$0.00				\$18,722.00	
60	Traffic fixtures	\$ 12,200.00	\$0.00				\$12,200.00	
61	Light poles	\$ 28,824.00	\$0.00				\$28,824.00	
62	Light fixtures	\$ 47,648.00	\$0.00				\$47,648.00	
63			\$0.00					
64	Church St Hub		\$0.00					
65	Submittals/Shop Drawings	\$ 29,940.00	\$5,988.00	\$2,994.00		\$8,982.00	\$20,958.00	\$898.20
66	Earthwork/excavation	\$ 50,031.00	\$0.00				\$50,031.00	

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 4 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

Substitutions below amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 4  
 APPLICATION DATE: 2/27/2015  
 PERIOD TO: 2/28/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D+E)	% (G+C)					
67	Earthwork/Fill	\$ 69,300.00	\$0.00				\$69,300.00		
68	Reinforcement	\$ 149,664.00	\$0.00				\$149,664.00		
69	Formwork	\$ 164,631.00	\$0.00				\$164,631.00		
70	Bollard Foundation concrete	\$ 134,698.00	\$0.00				\$134,698.00		
71	Bollards	\$ 299,329.00	\$0.00				\$299,329.00		
72	Bollard covers installed	\$ 74,832.00	\$0.00				\$74,832.00		
73	Concrete paver subbase	\$ 97,282.00	\$0.00				\$97,282.00		
74	curb foundation	\$ 30,932.00	\$0.00				\$30,932.00		
75	Paver Installation	\$ 37,416.00	\$0.00				\$37,416.00		
76	Curb Installation	\$ 28,932.00	\$0.00				\$28,932.00		
77	Mill ex'g surface	\$ 44,899.00	\$0.00				\$44,899.00		
78	Asphalt	\$ 29,934.00	\$0.00				\$29,934.00		
79	subsurface conduit	\$ 54,430.00	\$0.00				\$54,430.00		
80	Traffic sig Ped poles	\$ 10,200.00	\$0.00				\$10,200.00		
81	Traffic fixtures	\$ 14,500.00	\$0.00				\$14,500.00		
82	Light System Wiring	\$ 52,200.00	\$0.00				\$52,200.00		
83	Light poles	\$ 58,500.00	\$0.00				\$58,500.00		
84	Light fixtures	\$ 33,674.00	\$0.00				\$33,674.00		
85									
86	Church St Median								
87	Submittals/Shop Drawings	\$ 41,030.00	\$18,463.50		\$6,154.50		\$16,412.00	\$2,461.80	
88	Saw Cut/Demo	\$ 164,076.00	\$0.00		\$49,222.80		\$114,853.20	\$4,922.28	
89	Reinforcement	\$ 225,605.00	\$0.00				\$225,605.00		
90	Formwork	\$ 113,802.00	\$0.00				\$113,802.00		
91	Bollard Foundation concrete	\$ 175,331.00	\$0.00				\$175,331.00		
92	Bollards	\$ 550,759.00	\$109,747.00			\$83,271.22	\$441,012.00	\$10,974.70	
93	Bollard covers	\$ 205,095.00	\$0.00				\$121,823.78	\$8,327.12	
94	Bollard cover installation	\$ 102,547.00	\$0.00				\$102,547.00		
95	curb foundation	\$ 61,528.00	\$0.00				\$61,528.00		
96	Paver Installation	\$ 123,057.00	\$0.00				\$123,057.00		
97	Curb Installation	\$ 174,331.00	\$0.00				\$174,331.00		
98	Install Asphalt Patching	\$ 112,802.00	\$0.00				\$112,802.00		
99									

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 5 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

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Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 4

APPLICATION DATE: 2/27/2015

PERIOD TO: 2/28/2015

ARCHITECTS PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)	E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
100	Fulton St							
101	Submittals/Shop Drawings	\$ 31,600.00	\$0.00	\$1,580.00		\$7,900.00	\$23,700.00	\$790.00
102	Earthwork/removals	\$ 86,888.00	\$6,320.00				\$86,888.00	
103	Earthwork/Fill	\$ 55,292.00	\$0.00				\$55,292.00	
104	Reinforcement	\$ 94,787.00	\$0.00				\$94,787.00	
105	Formwork	\$ 63,191.00	\$0.00				\$63,191.00	
106	Bollard Foundation concrete	\$ 48,393.00	\$0.00				\$48,393.00	
107	Bollards	\$ 379,150.00	\$0.00				\$379,150.00	
108	Concrete paver subbase	\$ 45,393.00	\$0.00				\$45,393.00	
109	Concrete Road Base	\$ 126,383.00	\$0.00				\$126,383.00	
110	curb foundation	\$ 27,646.00	\$0.00				\$27,646.00	
111	Paver Installation	\$ 35,545.00	\$0.00				\$35,545.00	
112	Curb Installation	\$ 15,797.00	\$0.00				\$15,797.00	
113	Water Main	\$ 157,979.00	\$0.00				\$157,979.00	
114	Plumbing fixtures	\$ 110,585.00	\$11,058.50			\$11,058.50	\$99,526.50	\$1,105.85
115	Asphalt Pavement	\$ 142,181.00	\$0.00				\$142,181.00	
116	subsurface conduit	\$ 78,989.00	\$0.00				\$78,989.00	
117	Light poles	\$ 49,393.00	\$0.00				\$49,393.00	
118	Light fixtures	\$ 31,595.00	\$0.00				\$31,595.00	
119								
120	Alternate 1: Vesey St							
121	Sawcut Pavement	\$ 25,719.00	\$0.00				\$25,719.00	
122	Concrete removals	\$ 38,579.00	\$0.00				\$38,579.00	
123	Asphalt milling/removal	\$ 96,448.00	\$0.00				\$96,448.00	
124	Reset Curb	\$ 64,299.00	\$0.00				\$64,299.00	
125	subsurface conduit	\$ 83,589.00	\$0.00				\$83,589.00	
126	Light poles	\$ 51,439.00	\$0.00				\$51,439.00	
127	Traffic Poles	\$ 54,654.00	\$0.00				\$54,654.00	
128	Light fixtures	\$ 57,869.00	\$0.00				\$57,869.00	
129	Concrete repair strip	\$ 93,233.00	\$0.00				\$93,233.00	
130	Asphalt installation	\$ 70,729.00	\$0.00				\$70,729.00	
131	Asphalt Marking	\$ 6,429.00	\$0.00				\$6,429.00	
132			\$0.00					

# CONTINUATION SHEET

## AIA DOCUMENT G703

PAGE 6 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 4  
 APPLICATION DATE: 2/27/2015  
 PERIOD TO: 2/28/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	% (G ÷ C)					
133	Alternate 2: Stone finishes at T3		\$0.00						
134	Granite paver & curb installation at T3	\$ 609,879.00	\$0.00				\$609,879.00		
135	Landscaping at T3	\$ 123,875.00	\$0.00				\$123,875.00		
136	Irrigation	\$ 10,000.00	\$0.00				\$10,000.00		
	<b>GRAND TOTALS</b>	<b>\$ 11,759,220.45</b>	<b>\$710,895.87</b>		<b>\$69,833.53</b>	<b>\$83,271.22</b>	<b>\$864,000.62</b>	<b>\$10,895,219.83</b>	<b>\$86,400.06</b>

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

**AFFIDAVIT OF PAYMENT  
AND WAIVER OF CLAIMS**

Re: VEHICULAR SECURITY CENTER & TOUR BUS PARKING FACILITY  
(Project)

STATE OF NY )  
COUNTY OF NY ) ss:

Brian Mininetti being duly sworn, deposes and says:

1. That s/he is the Project Manager of T.B. Penick & Sons (hereafter called the "Contractor") which has a contract with TISHMAN CONSTRUCTION CORPORATION on Behalf of the Port Authority of New York & New Jersey (hereafter called the "Builder") covering WTC Streets PK 6-5 contract # 34359.05 the work for the building at the WTC Vehicular Security Center & Tour Bus Parking Facility, New York, NY.

2. That the said Contractor has paid in full (at the prevailing recognized rate and without any improper or illegal deductions or rebates), in accordance with the specifications and contract obligations, for all work, labor, materials and services supplied or performed in connection with said work to the date of the requisition on the reverse side hereof, including all Social Security, Unemployment Insurance and Sales and other Taxes applicable thereto, and there are no unpaid claims for any said labor or materials in connection with the performance of said work or any of the said Taxes except as stated in paragraph 3 below, and any claim for such amounts is hereby forfeited and waived.

3. That as of the date hereof no amounts are due and no claims have been made against the said Contractor for any unpaid material or labor with the exception of the following: all of which are for labor and/or materials provided since the date of the requisition preceding this requisition, and as to such unpaid claims the Builder is hereby authorized, at its option, in behalf of the Contractor, to make direct payment to such claimants and charge same to the Contractor, i.e.:

NAME & ADDRESS	ITEM	AMOUNT
----------------	------	--------

4. That no payment made to the Contractor shall be deemed an acceptance by the Builder of defective work or materials or shall operate as an admission on the part of the Builder or Architect that the said contract, or any portion thereof, has been complied with the Contractor in case the fact shall be otherwise.

5. All sums received by the Contractor shall be held in trust to pay for any labor or materials in connection with the work, before being used for any other purpose.

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

T. B. Penick & Sons  
(Company Name)

this 8<sup>th</sup> day of April 2015

By [Signature]  
(Title)

[Signature]  
Notary Public

HEATHER NICOLE CONDON  
Notary Public - State of New York  
NO. 01606274679  
Qualified in Queens County  
My Commission Expires 1/14/17



Help | Log Out Chris Varnava[CVarnava1233]

Search

# Accounting

Reference No.: P00383  
 Project No./ Activity Code: 20200012 / 20200012  
 Project Name: WTC-VSC & Tour Bus, Streets, Utilities & Infra.  
 Client: Port Authority of New York and New Jersey  
 Super Project: N/A

Owner Req. Number: 089 - 000  
 Contract Number: 002 (000)  
 Contractor Name: TB Penick & Sons, Inc.  
 Vendor Req. Number: 089 - 000  
 Vendor Rev. Date:  
 Period Ending Date: 02/28/2015

REPORTS    MAINTENANCE    PENDING ITEMS    ACCTS PAYABLE    SUB-REQS    CASH FLOW    ADMIN

## Vendor invoice

SHOW TENANT :

VOUCHER REQ NO DISPLAY: RQ0089-00

ITEM	LABOR(\$)	OTHER(\$)	TOTAL COST(\$)	COMPLETED TO DATE(\$)	COMPLETED THIS PERIOD(\$)
TISHMAN APPROVAL					
1. Amount of Contract ... [EDIT SOV]	0.00	11,759,220.45	11,759,220.45	864,000.62	153,104.75
2. Change Orders Issued to Date ....	---	---	0.00	0.00	0.00
3. Pending Change Orders ....	---	---	0.00	0.00	0.00
4. Value No Cost ....	---	---	---	0.00	0.00
5. Total of Above	---	---	11,759,220.45	864,000.62	153,104.75
6. Less Retainage ..... [EDIT]	---	---	---	86,400.06	15,310.47
7. Net of Items 5. and 6. ....	---	---	---	777,600.56	137,794.28
8. Total Prior Requisitioned Net Amount....	---	---	---	639,806.28	---
9. Net Amount of this requisition (net of 7. Less 8.) ....	---	---	---	137,794.28	---
10. Total Requisitioned Net Amount to Date	---	---	---	777,600.56	---
11. Total Client Funding To Date	---	---	---	639,806.28	---
12. Total Amount Currently Due	---	---	---	137,794.28	---

**AFFIDAVIT OF PAYMENT  
AND WAIVER OF CLAIMS**

Re: VEHICULAR SECURITY CENTER & TOUR BUS PARKING FACILITY  
(Project)

STATE OF NY )  
                  NY ) ss:

Brian Miniutti being duly sworn, deposes and says:

1. That s/he is the Project Manager of T. B. Penick & Sons (hereafter called the "Contractor") which has a contract with TISHMAN CONSTRUCTION CORPORATION on Behalf of the Port Authority of New York & New Jersey (hereafter called the "Builder") covering WTC 324, 354, 05 - Streets Package 5 the work for the building at the WTC Vehicular Security Center & Tour Bus Parking Facility, New York, NY.
2. That the said Contractor has paid in full (at the prevailing recognized rate and without any improper or illegal deductions or rebates), in accordance with the specifications and contract obligations, for all work, labor, materials and services supplied or performed in connection with said work to the date of the requisition on the reverse side hereof, including all Social Security, Unemployment Insurance and Sales and other Taxes applicable thereto, and there are no unpaid claims for any said labor or materials in connection with the performance of said work or any of the said Taxes except as stated in paragraph 3 below, and any claim for such amounts is hereby forfeited and waived.
3. That as of the date hereof no amounts are due and no claims have been made against the said Contractor for any unpaid material or labor with the exception of the following: all of which are for labor and/or materials provided since the date of the requisition preceding this requisition, and as to such unpaid claims the Builder is hereby authorized, at its option, in behalf of the Contractor, to make direct payment to such claimants and charge same to the Contractor, i.e.:

NAME & ADDRESS	ITEM	AMOUNT
----------------	------	--------

4. That no payment made to the Contractor shall be deemed an acceptance by the Builder of defective work or materials or shall operate as an admission on the part of the Builder or Architect that the said contract, or any portion thereof, has been complied with the Contractor in case the fact shall be otherwise.
5. All sums received by the Contractor shall be held in trust to pay for any labor or materials in connection with the work, before being used for any other purpose.

*Acknowledged before me  
on 3rd of March 2015.*

HEATHER NICOLE GONDON  
Notary Public - State of New York  
NO. 01C06274679  
Qualified in Queens County  
My Commission Expires 11/4/17

*C. H. Gordon*

**AFFIDAVIT OF PAYMENT  
AND WAIVER OF CLAIMS**

Re: VEHICULAR SECURITY CENTER & TOUR BUS PARKING FACILITY  
(Project)

STATE OF NY )  
                  ) ss:  
COUNTY OF NY )

Brian Minichi being duly sworn, deposes and says:

1. That s/he is the Project Manager of T.B. Penick & Sons (hereafter called the "Contractor") which has a contract with TISHMAN CONSTRUCTION CORPORATION on Behalf of the Port Authority of New York & New Jersey (hereafter called the "Builder") covering WTC Streets PK 6-5 contract # 324.359.05 the work for the building at the WTC Vehicular Security Center & Tour Bus Parking Facility, New York, NY.

2. That the said Contractor has paid in full (at the prevailing recognized rate and without any improper or illegal deductions or rebates), in accordance with the specifications and contract obligations, for all work, labor, materials and services supplied or performed in connection with said work to the date of the requisition on the reverse side hereof, including all Social Security, Unemployment Insurance and Sales and other Taxes applicable thereto, and there are no unpaid claims for any said labor or materials in connection with the performance of said Work or any of the said Taxes except as stated in paragraph 3 below, and any claim for such amounts is hereby forfeited and waived.

3. That as of the date hereof no amounts are due and no claims have been made against the said Contractor for any unpaid material or labor with the exception of the following: all of which are for labor and/or materials provided since the date of the requisition preceding this requisition, and as to such unpaid claims the Builder is hereby authorized, at its option, in behalf of the Contractor, to make direct payment to such claimants and charge same to the Contractor, i.e.:

NAME & ADDRESS	ITEM	AMOUNT
----------------	------	--------

4. That no payment made to the Contractor shall be deemed an acceptance by the Builder of defective work or materials or shall operate as an admission on the part of the Builder or Architect that the said contract, or any portion thereof, has been complied with the Contractor in case the fact shall be otherwise.

5. All sums received by the Contractor shall be held in trust to pay for any labor or materials in connection with the work, before being used for any other purpose.

6. This Affidavit and Waiver is made for the purpose of inducing the Bullder 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

T. B. Penick & Sons  
(Company Name)

this 8<sup>th</sup> day of April 2015

By [Signature]  
(Title)

[Signature]  
Notary Public

HEATHER NICOLE CONDON  
Notary Public - State of New York  
NO. 01C06274679  
Qualified in Queens County  
My Commission Expires 1/14/17

P00383 / 60242557 WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA. Check Date: 04/22/2015 100804

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
				Total Check Amount:	\$179,999.21
TB Penick & Sons, Inc.					
91-00	03/31/2015	RQ0091-00	CONTRACT #002, REQ#0091, REV#00	\$199,999.12	\$179,999.21

FUNDED	✓	CONT./INS	✓
APPROVED	✓	WAIVER	✓
ORG. DOC		INITIALS	<i>MP</i>

TISHMAN CONSTR CORP OF NY CM FOR THE THE PORT AUTH OF NY/NJ VCS et al PROJECT

100804

JPMORGANCHASE BANK, N.A.  
51 WEST 51ST STREET  
NEW YORK, NY 10019

PAY TO THE ORDER OF

DATE	AMOUNT
04/22/2015	\$179,999.21

TB Penick & Sons, Inc.  
15435 INNOVATION DRIVE, SUITE 100  
ATT: CARLA FRENCH  
SAN DIEGO, CA 92128

*[Signature]* MP  
*[Signature]* MP

Security features. Details on back.

P00383 / 60242557 WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA. Check Date: 04/22/2015 100804

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
TB Penick & Sons, Inc.					
91-00	03/31/2015	RQ0091-00	CONTRACT #002, REQ#0091, REV#00	\$199,999.12	\$179,999.21

Total Check Amount: \$179,999.21

**APPLICATION AND CERTIFICATION FOR PAYMENT**

**AIA DOCUMENT G702**

PAGE ONE OF 6 PAGES

PROJECT: WTC 324.359.05

APPLICATION NO: 5

TO OWNER:  
Tishman Construction  
100 Park Avenue  
New York, NY 10017

Distribution to:

<input checked="" type="checkbox"/>	OWNER
<input type="checkbox"/>	ARCHITECT
<input type="checkbox"/>	CONTRACTOR
<input type="checkbox"/>	# 1000000000

VIA ARCHITECT:

PERIOD TO: 3/31/2015

FROM CONTRACTOR:  
T.B. Penick & Sons, Inc.  
15435 Innovation Drive  
San Diego, CA 92128

CONTRACT NO: CONT# 2-STR-2

PROJECT NOS: WTC 324.359.05

CONTRACT FOR:

CONTRACT DATE: 8/29/2014

WTC Streets Package 5 (Phase II) Final Street & Sidewalk Finishes, Streetscape Elements & Open Spaces

**CONTRACTOR'S APPLICATION FOR PAYMENT**

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

1. ORIGINAL CONTRACT SUM	\$ 11,759,220.45
2. Net change by Change Orders	\$ 0.00
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$ 11,759,220.45
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ 1,063,999.74

5. RETAINAGE:	\$ 1,063,999.97
a. 10% of Completed Work (Column D + E on G703)	\$
b. % of Stored Material (Column F on G703)	\$
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$ 1,063,999.97

6. TOTAL EARNED LESS RETAINAGE (Line 4, Less Line 5 Total)	\$ 106,399.97
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ 957,599.74
8. CURRENT PAYMENT DUE (Line 6 minus Line 7)	\$ 777,600.56
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$ 179,999.20
	\$ 10,801,620.69

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

AIA DOCUMENT G702 APPLICATION AND CERTIFICATION FOR PAYMENT, 1992 EDITION, AIA © 1992

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.

Note: Items in RED FONT are automatically calculated from the G703 form or from items within this G702 Form. Do NOT hand enter these items on this sheet.

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: 

State of: NY County of: MADEIRA  
Subscribed and sworn to before me this 7 day of MARCH 2015  
Notary Public: DEVENDRA O SAWH  
My Commission expires: 07/28/18

DEVENDRA O SAWH  
Notary Public - State of New York  
Qualified in Queens County  
My Commission Expires 07/28, 2018

**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 ..... \$ \_\_\_\_\_

(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.)

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.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20005-5292

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

APPLICATION NO:

3/25/2015

APPLICATION DATE:

3/31/2015

PERIOD TO:

ARCHITECT'S PROJECT NO:

324.359.05

Contractor's signed certification is attached.

fr-tabulations below amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	Mobilization	\$ 117,592.20	\$117,592.20		\$21,268.01		\$117,592.20	\$11,759.22	
2	General Conditions	\$ 425,360.25	\$182,904.90				\$204,172.92	\$20,417.29	
3	Site Survey	\$ 55,000.00	\$11,000.00				\$11,000.00	\$1,100.00	
4	Punchlist	\$ 50,000.00	\$0.00						
5	Demobilization	\$ 25,000.00	\$0.00						
6			\$0.00						
7	Greenwich St T3		\$0.00						
8	Submittals/Shop Drawings	\$ 30,480.00	\$0.00		\$1,524.00		\$12,192.00	\$1,219.20	
9	Earthwork/Excavation	\$ 51,200.00	\$0.00						
10	Earthwork/Fill	\$ 109,167.00	\$0.00						
11	Reinforcement	\$ 175,202.00	\$0.00						
12	Formwork	\$ 182,819.00	\$0.00						
13	Bollard Foundation concrete	\$ 167,584.00	\$0.00						
14	Bollards	\$ 335,169.00	\$0.00						
15	Bollard covers installed	\$ 68,557.00	\$0.00						
16	Finished concrete sidewalk	\$ 91,409.00	\$0.00						
17	Steel faced curb	\$ 31,469.00	\$0.00						
18	Asphalt	\$ 152,349.00	\$0.00						
19	subsurface conduit	\$ 53,322.00	\$0.00						
20	Light poles	\$ 19,200.00	\$0.00						
21	Light fixtures	\$ 30,704.00	\$0.00						
22			\$0.00						
23	Greenwich St Hub		\$0.00						
24	Submittals/Shop Drawings	\$ 32,150.00	\$0.00		\$3,215.00		\$14,467.50	\$1,446.75	
25	Earthwork/Excavation	\$ 52,092.00	\$0.00		\$0.00				
26	Earthwork/Fill	\$ 76,500.00	\$0.00						
27	Reinforcement	\$ 159,740.00	\$0.00						
28	Formwork	\$ 136,629.00	\$0.00						
29	Bollard Foundation concrete	\$ 88,407.00	\$0.00						
30	Bollards	\$ 337,555.00	\$0.00						
31	Bollard covers installed	\$ 96,444.00	\$0.00						
32	Concrete paver subbase	\$ 60,277.00	\$0.00						
33	curb foundation	\$ 31,148.00	\$0.00						

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 3 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

APPLICATION NO: 5  
 APPLICATION DATE: 3/25/2015  
 PERIOD TO: 3/31/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

fr-tabulations below amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
34	Paver Installation	\$ 40,185.00	\$0.00	\$0.00			\$40,185.00		
35	Curb Installation	\$ 56,259.00	\$0.00	\$0.00			\$56,259.00		
36	Asphalt	\$ 112,518.00	\$90,014.40	\$0.00			\$22,503.60	\$9,001.44	
37	Water Main	\$ 161,740.00	\$0.00	\$0.00			\$161,740.00		
38	Gas Main	\$ 80,370.00	\$0.00	\$0.00			\$80,370.00		
39	subsurface conduit	\$ 24,111.00	\$0.00	\$0.00			\$24,111.00		
40	Traffic Poles	\$ 10,269.00	\$0.00	\$0.00			\$10,269.00		
41	Traffic/pedestrian Fixture	\$ 15,000.00	\$0.00	\$0.00			\$15,000.00		
42	Light poles	\$ 28,129.00	\$0.00	\$0.00			\$28,129.00		
43	Light fixtures	\$ 43,148.00	\$0.00	\$0.00			\$43,148.00		
44			\$0.00	\$0.00					
45	Church St T3		\$0.00	\$0.00					
46	Submittals/Shop Drawings	\$ 28,850.00	\$8,655.00	\$0.00	\$0.00		\$20,195.00	\$865.50	
47	Earthwork/Excavation	\$ 41,010.00	\$0.00	\$0.00			\$41,010.00		
48	Earthwork/Fill	\$ 67,081.00	\$0.00	\$0.00			\$67,081.00		
49	Reinforcement	\$ 172,945.00	\$0.00	\$0.00			\$172,945.00		
50	Formwork	\$ 187,357.00	\$0.00	\$0.00			\$187,357.00		
51	Bollard Foundation concrete	\$ 129,709.00	\$0.00	\$0.00			\$129,709.00		
52	Bollards	\$ 432,364.00	\$0.00	\$0.00			\$432,364.00		
53	Bollard covers installed	\$ 100,885.00	\$0.00	\$0.00			\$100,885.00		
54	Finished concrete sidewalk	\$ 79,266.00	\$0.00	\$0.00			\$79,266.00		
55	Steel faced curb	\$ 36,030.00	\$0.00	\$0.00			\$36,030.00		
56	Mill ext'g street surface	\$ 21,618.00	\$0.00	\$0.00			\$21,618.00		
57	Asphalt	\$ 43,230.00	\$0.00	\$0.00			\$43,230.00		
58	subsurface conduit	\$ 14,412.00	\$0.00	\$0.00			\$14,412.00		
59	Traffic/pedestrian sig poles	\$ 18,722.00	\$0.00	\$0.00			\$18,722.00		
60	Traffic fixtures	\$ 12,200.00	\$0.00	\$0.00			\$12,200.00		
61	Light poles	\$ 28,824.00	\$0.00	\$0.00			\$28,824.00		
62	Light fixtures	\$ 47,648.00	\$0.00	\$0.00			\$47,648.00		
63			\$0.00	\$0.00					
64	Church St Hub		\$0.00	\$0.00					
65	Submittals/Shop Drawings	\$ 29,940.00	\$8,982.00	\$4,491.00			\$16,467.00	\$1,347.30	
66	Earthwork/excavation	\$ 50,031.00	\$0.00	\$0.00			\$50,031.00		

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 4 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

APPLICATION NO: 5

APPLICATION DATE: 3/25/2015

PERIOD TO: 3/31/2015

ARCHITECT'S PROJECT NO: 324.359.05

for tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	G %	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D+E)	THIS PERIOD						
67	Earthwork/Fill	\$ 69,300.00	\$0.00	\$0.00					\$69,300.00	
68	Reinforcement	\$ 149,664.00	\$0.00	\$0.00					\$149,664.00	
69	Formwork	\$ 164,631.00	\$0.00	\$0.00					\$164,631.00	
70	Bollard Foundation concrete	\$ 134,698.00	\$0.00	\$0.00					\$134,698.00	
71	Bollards	\$ 299,329.00	\$0.00	\$0.00					\$299,329.00	
72	Bollard covers installed	\$ 74,832.00	\$0.00	\$0.00					\$74,832.00	
73	Concrete paver subbase	\$ 97,282.00	\$0.00	\$0.00					\$97,282.00	
74	curb foundation	\$ 30,932.00	\$0.00	\$0.00					\$30,932.00	
75	Paver Installation	\$ 37,416.00	\$0.00	\$0.00					\$37,416.00	
76	Curb Installation	\$ 28,932.00	\$0.00	\$0.00					\$28,932.00	
77	Mill ex'g surface	\$ 44,899.00	\$0.00	\$0.00					\$44,899.00	
78	Asphalt	\$ 29,934.00	\$0.00	\$0.00					\$29,934.00	
79	subsurface conduit	\$ 54,430.00	\$0.00	\$0.00					\$54,430.00	
80	Traffic sig Ped poles	\$ 10,200.00	\$0.00	\$0.00					\$10,200.00	
81	Traffic fixtures	\$ 14,500.00	\$0.00	\$0.00					\$14,500.00	
82	Light System Wiring	\$ 52,200.00	\$0.00	\$0.00					\$52,200.00	
83	Light poles	\$ 58,500.00	\$0.00	\$0.00					\$58,500.00	
84	Light fixtures	\$ 33,674.00	\$0.00	\$0.00					\$33,674.00	
85			\$0.00	\$0.00						
86	Church St Median		\$0.00	\$0.00						
87	Submittals/Shop Drawings	\$ 41,030.00	\$24,618.00	\$0.00	\$6,154.50		\$30,772.50	75.00%	\$10,257.50	\$3,077.25
88	Saw Cut/Demo	\$ 164,076.00	\$49,222.80	\$0.00	\$65,630.00		\$114,852.80	70.00%	\$49,223.20	\$11,485.28
89	Reinforcement	\$ 225,605.00	\$0.00	\$0.00	\$22,560.50		\$22,560.50	10.00%	\$203,044.50	\$2,256.05
90	Formwork	\$ 113,802.00	\$0.00	\$0.00	\$11,380.20		\$11,380.20	10.00%	\$102,421.80	\$1,138.02
91	Bollard Foundation concrete	\$ 175,331.00	\$0.00	\$0.00	\$8,700.00		\$8,700.00	4.96%	\$166,631.00	\$870.00
92	Bollards	\$ 550,759.00	\$109,747.00	\$0.00	\$55,075.90		\$164,822.90	29.95%	\$385,936.10	\$16,482.29
93	Bollard covers	\$ 205,095.00	\$83,271.22	\$0.00	\$0.00		\$83,271.22	40.60%	\$121,823.78	\$8,327.12
94	Bollard cover installation	\$ 102,547.00	\$0.00	\$0.00	\$0.00		\$0.00		\$102,547.00	
95	curb foundation	\$ 61,528.00	\$0.00	\$0.00	\$0.00		\$0.00		\$61,528.00	
96	Paver Installation	\$ 123,057.00	\$0.00	\$0.00	\$0.00		\$0.00		\$123,057.00	
97	Curb Installation	\$ 174,331.00	\$0.00	\$0.00	\$0.00		\$0.00		\$174,331.00	
98	Install Asphalt Patching	\$ 112,802.00	\$0.00	\$0.00	\$0.00		\$0.00		\$112,802.00	
99			\$0.00	\$0.00						

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 5 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 5  
 APPLICATION DATE: 3/25/2015  
 PERIOD TO: 3/31/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D+E)	THIS PERIOD					
100	Fulton St								
101	Submittals/Shop Drawings	\$ 31,600.00	\$0.00	\$7,900.00	\$7,900.00		\$7,900.00	\$23,700.00	\$790.00
102	Earthwork/removals	\$ 86,888.00	\$0.00	\$0.00	\$0.00		\$0.00	\$86,888.00	
103	Earthwork/Fill	\$ 55,292.00	\$0.00	\$0.00	\$0.00		\$0.00	\$55,292.00	
104	Reinforcement	\$ 94,787.00	\$0.00	\$0.00	\$0.00		\$0.00	\$94,787.00	
105	Formwork	\$ 63,191.00	\$0.00	\$0.00	\$0.00		\$0.00	\$63,191.00	
106	Boilard Foundation concrete	\$ 48,393.00	\$0.00	\$0.00	\$0.00		\$0.00	\$48,393.00	
107	Boilards	\$ 379,150.00	\$0.00	\$0.00	\$0.00		\$0.00	\$379,150.00	
108	Concrete paver subbase	\$ 45,393.00	\$0.00	\$0.00	\$0.00		\$0.00	\$45,393.00	
109	Concrete Road Base	\$ 126,383.00	\$0.00	\$0.00	\$0.00		\$0.00	\$126,383.00	
110	curb foundation	\$ 27,646.00	\$0.00	\$0.00	\$0.00		\$0.00	\$27,646.00	
111	Paver Installation	\$ 35,545.00	\$0.00	\$0.00	\$0.00		\$0.00	\$35,545.00	
112	Curb Installation	\$ 15,797.00	\$0.00	\$0.00	\$0.00		\$0.00	\$15,797.00	
113	Water Main	\$ 157,979.00	\$0.00	\$0.00	\$0.00		\$0.00	\$157,979.00	
114	Plumbing fixtures	\$ 110,585.00	\$0.00	\$11,058.50	\$11,058.50		\$11,058.50	\$99,526.50	\$1,105.85
115	Asphalt Pavement	\$ 142,181.00	\$0.00	\$0.00	\$0.00		\$0.00	\$142,181.00	
116	subsurface conduit	\$ 78,989.00	\$0.00	\$0.00	\$0.00		\$0.00	\$78,989.00	
117	Light poles	\$ 49,393.00	\$0.00	\$0.00	\$0.00		\$0.00	\$49,393.00	
118	Light fixtures	\$ 31,595.00	\$0.00	\$0.00	\$0.00		\$0.00	\$31,595.00	
119									
120	Alternate 1: Vesey St								
121	Sawcut Pavement	\$ 25,719.00	\$0.00	\$0.00	\$0.00		\$0.00	\$25,719.00	
122	Concrete removals	\$ 38,579.00	\$0.00	\$0.00	\$0.00		\$0.00	\$38,579.00	
123	Asphalt milling/removal	\$ 96,448.00	\$0.00	\$0.00	\$0.00		\$0.00	\$96,448.00	
124	Reset Curb	\$ 64,299.00	\$0.00	\$0.00	\$0.00		\$0.00	\$64,299.00	
125	subsurface conduit	\$ 83,589.00	\$0.00	\$0.00	\$0.00		\$0.00	\$83,589.00	
126	Light poles	\$ 51,439.00	\$0.00	\$0.00	\$0.00		\$0.00	\$51,439.00	
127	Traffic Poles	\$ 54,654.00	\$0.00	\$0.00	\$0.00		\$0.00	\$54,654.00	
128	Light fixtures	\$ 57,869.00	\$0.00	\$0.00	\$0.00		\$0.00	\$57,869.00	
129	Concrete repair strip	\$ 93,233.00	\$0.00	\$0.00	\$0.00		\$0.00	\$93,233.00	
130	Asphalt installation	\$ 70,729.00	\$0.00	\$0.00	\$0.00		\$0.00	\$70,729.00	
131	Asphalt Marking	\$ 6,429.00	\$0.00	\$0.00	\$0.00		\$0.00	\$6,429.00	
132									

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 6 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

Amendments below; amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 5  
 APPLICATION DATE: 3/25/2015  
 PERIOD TO: 3/31/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D O R E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)						
133	Alternate 2: Stone finishes at T3		\$0.00						
134	Granite paver & curb installation at T3	\$ 609,879.00	\$0.00				\$609,879.00		
135	Landscaping at T3	\$ 123,875.00	\$0.00				\$123,875.00		
136	Irrigation	\$ 10,000.00	\$0.00				\$10,000.00		
	<b>GRAND TOTALS</b>	\$ 11,759,220.45	\$864,000.62	\$199,999.11	\$0.00	\$1,063,999.74	\$10,695,220.71	\$106,399.97	

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

**AFFIDAVIT OF PAYMENT  
AND WAIVER OF CLAIMS**

Re: VEHICULAR SECURITY CENTER & TOUR BUS PARKING FACILITY  
(Project)

STATE OF New York

COUNTY OF New York ss:

Brian Miniatti being duly sworn, deposes and says:

1. That s/he is the Project Manager of T.B. Powell & Son (hereafter called the "Contractor") which has a contract with TISHMAN CONSTRUCTION CORPORATION on Behalf of the Port Authority of New York & New Jersey (hereafter called the "Builder") covering WTC Station Package 5 / WTC 324.359.05 the work for the building at the WTC Vehicular Security Center & Tour Bus Parking Facility, New York, NY.

2. That the said Contractor has paid in full (at the prevailing recognized rate and without any improper or illegal deductions or rebates), in accordance with the specifications and contract obligations, for all work, labor, materials and services supplied or performed in connection with said work to the date of the requisition on the reverse side hereof, including all Social Security, Unemployment Insurance and Sales and other Taxes applicable thereto, and there are no unpaid claims for any said labor or materials in connection with the performance of said work or any of the said Taxes except as stated in paragraph 3 below, and any claim for such amounts is hereby forfeited and waived.

3. That as of the date hereof no amounts are due and no claims have been made against the said Contractor for any unpaid material or labor with the exception of the following: all of which are for labor and/or materials provided since the date of the requisition preceding this requisition, and as to such unpaid claims the Builder is hereby authorized, at its option, in behalf of the Contractor, to make direct payment to such claimants and charge same to the Contractor, i.e.:

NAME & ADDRESS	ITEM	AMOUNT
----------------	------	--------

4. That no payment made to the Contractor shall be deemed an acceptance by the Builder of defective work or materials or shall operate as an admission on the part of the Builder or Architect that the said contract, or any portion thereof, has been complied with the Contractor in case the fact shall be otherwise.

5. All sums received by the Contractor shall be held in trust to pay for any labor or materials in connection with the work, before being used for any other purpose.

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

Subscribed and sworn to before me

T. B. Penick.

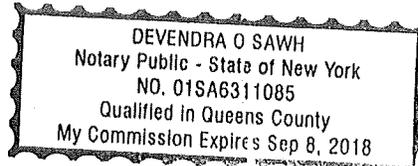
(Company Name)

this 25 day of MARCH 2015

By

(Title)

[Signature]  
Notary Public





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Search

### Accounting

Reference No. : P00383  
 Project No. / Activity Code : 20200012 / 20200012  
 Project Name : WTC-VSC & Tour Bus, Streets, Utilities & Infra.  
 Client : Port Authority of New York and New Jersey  
 Super Project : N/A  
 Owner Req. Number : 091 - 000  
 Contract Number : 002 (000)  
 Contractor Name : TB Penick & Sons, Inc.  
 Vendor Req. Number : 091 - 000  
 Vendor Rev. Date :  
 Period Ending Date : 03/31/2015

REPORTS    MAINTENANCE    PENDING ITEMS    ACCTS PAYABLE    SUB-REQS    CASH FLOW    ADMIN

## Vendor invoice

SHOW TENANT:

VOUCHER REQ NO DISPLAY: RQ0091-00

ITEM	LABOR(\$)	OTHER(\$)	TOTAL COST(\$)	COMPLETED TO DATE(\$)	COMPLETED THIS PERIOD(\$)
1. Amount of Contract ... [EDIT SOV]	0.00	11,759,220.45	11,759,220.45	1,063,999.74	199,999.12
2. Change Orders Issued to Date ....	---	---	0.00	0.00	0.00
3. Pending Change Orders ....	---	---	0.00	0.00	0.00
4. Value No Cost ....	---	---	---	0.00	0.00
5. Total of Above	---	---	11,759,220.45	1,063,999.74	199,999.12
6. Less Retainage ..... [EDIT]	---	---	---	106,399.97	19,999.91
7. Net of Items 5. and 6. ....	---	---	---	957,599.77	179,999.21
8. Total Prior Requisitioned Net Amount....	---	---	---	777,600.56	---
9. Net Amount of this requisition (net of 7. Less 8.) ....	---	---	---	179,999.21	---
10. Total Requisitioned Net Amount to Date	---	---	---	957,599.77	---
11. Total Client Funding To Date	---	---	---	777,600.56	---
12. Total Amount Currently Due	---	---	---	179,999.21	---

P00383 / 60242557      WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA.      Check Date: 05/26/2015      100861

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
---------	--------------	----------------	---------------------	--------------	------------

Total Check Amount: \$177,270.58

TB Penick & Sons, Inc.

93-00	04/30/2015	RQ0093-00	CONTRACT #002, REQ#0093, REV#00	\$196,967.31	\$177,270.58
-------	------------	-----------	---------------------------------	--------------	--------------

FUNDED	<input checked="" type="checkbox"/>	CONT./INS	<input checked="" type="checkbox"/>
APPROVED	<input checked="" type="checkbox"/>	WAIVER	<input checked="" type="checkbox"/>
ORG. DOC	<input type="checkbox"/>	INITIALS	<i>g</i>

TISHIMAN CONSTR CORP OF NY CM  
FOR THE  
THE PORT AUTH OF NY/NJ VCS et al  
PROJECT

100861

JPMORGANCHASE BANK, N.A.  
51 WEST 51ST STREET  
NEW YORK, NY 10019

PAY TO THE ORDER OF

DATE	AMOUNT
05/26/2015	\$177,270.58

TB Penick & Sons, Inc.  
15435 INNOVATION DRIVE, SUITE 100  
ATT: CARLA FRENCH  
SAN DIEGO, CA 92128

*[Signature]* \_\_\_\_\_ MP  
*[Signature]* \_\_\_\_\_ MP

P00383 / 60242557      WTC-VSC & TOUR BUS, STREETS, UTILITIES & INFRA.      Check Date: 05/26/2015      100861

REQ-REV	INVOICE DATE	INVOICE NUMBER	VOUCHER DESCRIPTION	GROSS AMOUNT	NET AMOUNT
---------	--------------	----------------	---------------------	--------------	------------

TB Penick & Sons, Inc.

93-00	04/30/2015	RQ0093-00	CONTRACT #002, REQ#0093, REV#00	\$196,967.31	\$177,270.58
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Total Check Amount: \$177,270.58



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Search

### Accounting

Reference No. : P00383  
 Project No. / Activity Code : 20200012 / 20200012  
 Project Name : WTC-VSC & Tour Bus, Streets, Utilities & Infra.  
 Client : Port Authority of New York and New Jersey  
 Super Project : N/A  
 Owner Req. Number : 093 - 000  
 Contract Number : 002 (000)  
 Contractor Name : TB Penick & Sons, Inc.  
 Vendor Req. Number : 093 - 000  
 Vendor Rev. Date :  
 Period Ending Date : 04/30/2015

REPORTS MAINTENANCE PENDING ITEMS ACCTS PAYABLE SUB-REQS CASH FLOW ADMIN

## Vendor invoice

SHOW TENANT:

VOUCHER REQ NO DISPLAY: RQ0093-00

ITEM	LABOR(\$)	OTHER(\$)	TOTAL COST(\$)	COMPLETED TO DATE(\$)	COMPLETED THIS PERIOD(\$)
1. Amount of Contract ... [EDIT SOV]	0.00	11,759,220.45	11,759,220.45	1,260,967.05	196,967.31
2. Change Orders Issued to Date ...	---	---	0.00	0.00	0.00
3. Pending Change Orders ...	---	---	0.00	0.00	0.00
4. Value No Cost ...	---	---	---	0.00	0.00
5. Total of Above	---	---	11,759,220.45	1,260,967.05	196,967.31
6. Less Retainage ..... [EDIT]	---	---	---	126,096.70	19,696.73
7. Net of Items 5. and 6. ....	---	---	---	1,134,870.35	177,270.58
8. Total Prior Requisitioned Net Amount....	---	---	---	957,599.77	---
9. Net Amount of this requisition (net of 7. Less 8.) ....	---	---	---	177,270.58	---
10. Total Requisitioned Net Amount to Date	---	---	---	1,134,870.35	---
11. Total Client Funding To Date	---	---	---	957,599.77	---
12. Total Amount Currently Due	---	---	---	177,270.58	---

**APPLICATION AND CERTIFICATION FOR PAYMENT**

AIA DOCUMENT G702

PAGE ONE OF 6 PAGES

TO OWNER: PROJECT: WTC 324.359.05

Tishman Construction  
100 Park Avenue  
New York, NY 10017

FROM CONTRACTOR: VIA ARCHITECT:

T.B. Penick & Sons, Inc.  
15435 Innovation Drive  
San Diego, CA 92128

CONTRACT FOR:

WTC Streets Package 5 (Phase I) Final Street & Sidewalk Finishes, Streetscape Elements & Open Spaces

APPLICATION NO: 6

PERIOD TO: 4/15/2015

PROJECT NOS: WTC 324.359.05  
CONT# 2-STR-2

CONTRACT DATE: 8/29/2014

**CONTRACTOR'S APPLICATION FOR PAYMENT**

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

1. ORIGINAL CONTRACT SUM	\$ 11,759,220.45
2. Net change by Change Orders	\$ 0.00
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$ 11,759,220.45
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ 1,260,967.05
5. RETAINAGE:	
a. 10 % of Completed Work (Column D + E on G703)	\$ 126,096.70
b. % of Stored Material (Column F on G703)	\$
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$ 126,096.70
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$ 1,134,870.34
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ 957,599.76
8. CURRENT PAYMENT DUE	\$ 177,270.58
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$ 10,624,350.11

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

AIA DOCUMENT G702 - APPLICATION AND CERTIFICATION FOR PAYMENT - 1982 EDITION - AIA - ©1992

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.

Note: Items in RED FONT are automatically calculated from the G703 form or from items within this G702 Form. Do NOT hand enter these items on this sheet.

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 payments shown hereon are now due.

CONTRACTOR:

By: *[Signature]*

Date: 4/15/2015

State of New York  
County of New York  
Subscribed and sworn to before me this 14th day of April 2015  
Notary Public  
My Commission expires: 11/19

HEATHER KINOLE COMMON  
Notary Public - State of New York  
NO. 01608274679  
Qualified in Queens County  
My Commission Expires

**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 ..... \$

(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: \_\_\_\_\_ 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.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20006-6282

CR  
5/18/15

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 6 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 6  
 APPLICATION DATE: 4/24/2015  
 PERIOD TO: 4/15/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD						
1	Mobilization	\$ 117,592.20	\$117,592.20				\$117,592.20	100.00%	\$212,680.12	\$11,759.22
2	General Conditions	\$ 425,360.25	\$204,172.92		\$8,507.21		\$212,680.13	50.00%	\$44,000.00	\$21,268.01
3	Site Survey	\$ 55,000.00	\$11,000.00		\$0.00		\$11,000.00	20.00%	\$50,000.00	\$1,100.00
4	Punchlist	\$ 50,000.00	\$0.00		\$0.00				\$50,000.00	
5	Demobilization	\$ 25,000.00	\$0.00		\$0.00				\$25,000.00	
6										
7	Greenwich St T3									
8	Submittals/Shop Drawings	\$ 30,480.00	\$12,192.00		\$3,048.00		\$15,240.00	50.00%	\$15,240.00	\$1,524.00
9	Earthwork/Excavation	\$ 51,200.00	\$0.00						\$51,200.00	
10	Earthwork/Fill	\$ 109,167.00	\$0.00						\$109,167.00	
11	Reinforcement	\$ 175,202.00	\$0.00						\$175,202.00	
12	Formwork	\$ 182,819.00	\$0.00						\$182,819.00	
13	Bollard Foundation concrete	\$ 167,584.00	\$0.00						\$167,584.00	
14	Bollards	\$ 335,169.00	\$0.00				\$33,516.90	10.00%	\$301,652.10	\$3,351.69
15	Bollard covers installed	\$ 68,557.00	\$0.00						\$68,557.00	
16	Finished concrete sidewalk	\$ 91,409.00	\$0.00						\$91,409.00	
17	Steel faced curb	\$ 31,469.00	\$0.00						\$31,469.00	
18	Asphalt	\$ 152,349.00	\$137,114.10				\$137,114.10	90.00%	\$15,234.90	\$13,711.41
19	subsurface conduit	\$ 53,322.00	\$0.00						\$53,322.00	
20	Light poles	\$ 19,200.00	\$0.00						\$19,200.00	
21	Light fixtures	\$ 30,704.00	\$0.00						\$30,704.00	
22										
23	Greenwich St Hub									
24	Submittals/Shop Drawings	\$ 32,150.00	\$0.00				\$24,112.50	75.00%	\$8,037.50	\$2,411.25
25	Earthwork/Excavation	\$ 52,092.00	\$0.00		\$9,645.00				\$52,092.00	
26	Earthwork/Fill	\$ 76,500.00	\$0.00		\$0.00				\$76,500.00	
27	Reinforcement	\$ 159,740.00	\$0.00						\$159,740.00	
28	Formwork	\$ 136,629.00	\$0.00						\$136,629.00	
29	Bollard Foundation concrete	\$ 88,407.00	\$0.00						\$88,407.00	
30	Bollards	\$ 337,555.00	\$0.00				\$33,755.50	10.00%	\$303,799.50	\$3,375.55
31	Bollard covers installed	\$ 96,444.00	\$0.00						\$96,444.00	
32	Concrete paver subbase	\$ 60,277.00	\$0.00						\$60,277.00	
33	curb foundation	\$ 31,148.00	\$0.00						\$31,148.00	

# CONTINUATION SHEET

## ALA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 6  
 APPLICATION DATE: 4/24/2015  
 PERIOD TO: 4/15/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D.O.R.E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	% (G ÷ C)					
34	Paver Installation	\$ 40,185.00	\$0.00					\$40,185.00	
35	Curb Installation	\$ 56,259.00	\$0.00					\$56,259.00	
36	Asphalt	\$ 112,518.00	\$90,014.40			\$90,014.40	80.00%	\$22,503.60	\$9,001.44
37	Water Main	\$ 161,740.00	\$0.00					\$161,740.00	
38	Gas Main	\$ 80,370.00	\$0.00					\$80,370.00	
39	subsurface conduit	\$ 24,111.00	\$0.00					\$24,111.00	
40	Traffic Poles	\$ 10,269.00	\$0.00					\$10,269.00	
41	Traffic/pedestrian Fixture	\$ 15,000.00	\$0.00					\$15,000.00	
42	Light poles	\$ 28,129.00	\$0.00					\$28,129.00	
43	Light fixtures	\$ 43,148.00	\$0.00					\$43,148.00	
44			\$0.00						
45	Church St T3		\$0.00						
46	Submittals/Shop Drawings	\$ 28,850.00	\$8,655.00			\$8,655.00	30.00%	\$20,195.00	\$865.50
47	Earthwork/Excavation	\$ 41,010.00	\$0.00					\$41,010.00	
48	Earthwork/Fill	\$ 67,081.00	\$0.00					\$67,081.00	
49	Reinforcement	\$ 172,945.00	\$0.00					\$172,945.00	
50	Formwork	\$ 187,357.00	\$0.00					\$187,357.00	
51	Bollard Foundation concrete	\$ 129,709.00	\$0.00					\$129,709.00	
52	Bollards	\$ 432,364.00	\$0.00					\$432,364.00	
53	Bollard covers installed	\$ 100,885.00	\$0.00					\$100,885.00	
54	Finished concrete sidewalk	\$ 79,266.00	\$0.00					\$79,266.00	
55	Steel faced curb	\$ 36,030.00	\$0.00					\$36,030.00	
56	Mill ext'g street surface	\$ 21,618.00	\$0.00					\$21,618.00	
57	Asphalt	\$ 43,230.00	\$0.00					\$43,230.00	
58	subsurface conduit	\$ 14,412.00	\$0.00					\$14,412.00	
59	Traffic/pedestrian sig poles	\$ 18,722.00	\$0.00					\$18,722.00	
60	Traffic fixtures	\$ 12,200.00	\$0.00					\$12,200.00	
61	Light poles	\$ 28,824.00	\$0.00					\$28,824.00	
62	Light fixtures	\$ 47,648.00	\$0.00					\$47,648.00	
63			\$0.00						
64	Church St Hub		\$0.00						
65	Submittals/Shop Drawings	\$ 29,940.00	\$13,473.00			\$13,473.00	60.00%	\$11,976.00	\$1,796.40
66	Earthwork/excavation	\$ 50,031.00	\$0.00			\$4,491.00		\$50,031.00	

# CONTINUATION SHEET

AIA DOCUMENT G703

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AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 6

APPLICATION DATE: 4/24/2015

PERIOD TO: 4/15/2015

ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D, OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD				
67	Earthwork/Fill	\$ 69,300.00	\$0.00				\$69,300.00	
68	Reinforcement	\$ 149,664.00	\$0.00				\$149,664.00	
69	Formwork	\$ 164,631.00	\$0.00				\$164,631.00	
70	Bollard Foundation concrete	\$ 134,698.00	\$0.00				\$134,698.00	
71	Bollards	\$ 299,329.00	\$0.00				\$299,329.00	
72	Bollard covers installed	\$ 74,832.00	\$0.00				\$74,832.00	
73	Concrete paver subbase	\$ 97,282.00	\$0.00				\$97,282.00	
74	curb foundation	\$ 30,932.00	\$0.00				\$30,932.00	
75	Paver installation	\$ 37,416.00	\$0.00				\$37,416.00	
76	Curb Installation	\$ 28,932.00	\$0.00				\$28,932.00	
77	Mill ex'g surface	\$ 44,899.00	\$0.00				\$44,899.00	
78	Asphalt	\$ 29,934.00	\$0.00				\$29,934.00	
79	subsurface conduit	\$ 54,430.00	\$0.00				\$54,430.00	
80	Traffic sig Ped poles	\$ 10,200.00	\$0.00				\$10,200.00	
81	Traffic fixtures	\$ 14,500.00	\$0.00				\$14,500.00	
82	Light System Wiring	\$ 52,200.00	\$0.00				\$52,200.00	
83	Light poles	\$ 58,500.00	\$0.00				\$58,500.00	
84	Light fixtures	\$ 33,674.00	\$0.00				\$33,674.00	
85			\$0.00					
86	Church St Median		\$0.00					
87	Submittals/Shop Drawings	\$ 41,030.00	\$30,772.50	\$6,154.50		\$36,927.00	\$4,103.00	\$3,692.70
88	Saw Cut/Demo	\$ 164,076.00	\$114,852.80	\$22,560.00		\$114,852.80	\$49,223.20	\$11,485.28
89	Reinforcement	\$ 225,605.00	\$22,560.50	\$11,380.20		\$45,120.50	\$180,484.50	\$4,512.05
90	Formwork	\$ 113,802.00	\$11,380.20	\$8,833.10		\$22,760.40	\$91,041.60	\$2,276.04
91	Bollard Foundation concrete	\$ 175,331.00	\$8,700.00	\$55,075.90		\$17,533.10	\$157,797.90	\$1,753.31
92	Bollards	\$ 550,759.00	\$164,822.90	\$83,271.22		\$219,898.80	\$330,860.20	\$21,989.88
93	Bollard covers	\$ 205,095.00	\$83,271.22	\$0.00		\$83,271.22	\$121,823.78	\$8,327.12
94	Bollard cover installation	\$ 102,547.00	\$0.00	\$0.00		\$0.00	\$102,547.00	\$61,528.00
95	curb foundation	\$ 61,528.00	\$0.00	\$0.00		\$0.00	\$61,528.00	\$123,057.00
96	Paver Installation	\$ 123,057.00	\$0.00	\$0.00		\$0.00	\$123,057.00	\$174,331.00
97	Curb Installation	\$ 174,331.00	\$0.00	\$0.00		\$0.00	\$174,331.00	\$112,802.00
98	Install Asphalt Patching	\$ 112,802.00	\$0.00	\$0.00		\$0.00	\$112,802.00	
99			\$0.00					

# CONTINUATION SHEET

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AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 6  
 APPLICATION DATE: 4/24/2015  
 PERIOD TO: 4/15/2015  
 ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
100	Fulton St		\$0.00	\$0.00	\$0.00		\$7,900.00	\$23,700.00	\$790.00
101	Submittals/Shop Drawings	\$ 31,600.00	\$7,900.00	\$0.00	\$0.00		\$7,900.00	\$23,700.00	
102	Earthwork/removals	\$ 86,888.00	\$0.00	\$0.00	\$0.00		\$0.00	\$86,888.00	
103	Earthwork/Fill	\$ 55,292.00	\$0.00	\$0.00	\$0.00		\$0.00	\$55,292.00	
104	Reinforcement	\$ 94,787.00	\$0.00	\$0.00	\$0.00		\$0.00	\$94,787.00	
105	Formwork	\$ 63,191.00	\$0.00	\$0.00	\$0.00		\$0.00	\$63,191.00	
106	Boilard Foundation concrete	\$ 48,393.00	\$0.00	\$0.00	\$0.00		\$0.00	\$48,393.00	
107	Boilards	\$ 379,150.00	\$0.00	\$0.00	\$0.00		\$0.00	\$379,150.00	
108	Concrete paver subbase	\$ 45,393.00	\$0.00	\$0.00	\$0.00		\$0.00	\$45,393.00	
109	Concrete Road Base	\$ 126,383.00	\$0.00	\$0.00	\$0.00		\$0.00	\$126,383.00	
110	curb foundation	\$ 27,646.00	\$0.00	\$0.00	\$0.00		\$0.00	\$27,646.00	
111	Paver Installation	\$ 35,545.00	\$0.00	\$0.00	\$0.00		\$0.00	\$35,545.00	
112	Curb Installation	\$ 15,797.00	\$0.00	\$0.00	\$0.00		\$0.00	\$15,797.00	
113	Water Main	\$ 157,979.00	\$0.00	\$0.00	\$0.00		\$0.00	\$157,979.00	
114	Plumbing fixtures	\$ 110,585.00	\$0.00	\$0.00	\$0.00		\$0.00	\$110,585.00	
115	Asphalt Pavement	\$ 142,181.00	\$11,058.50	\$0.00	\$0.00		\$11,058.50	\$142,181.00	\$1,105.85
116	subsurface conduit	\$ 78,989.00	\$0.00	\$0.00	\$0.00		\$0.00	\$78,989.00	
117	Light poles	\$ 49,393.00	\$0.00	\$0.00	\$0.00		\$0.00	\$49,393.00	
118	Light fixtures	\$ 31,595.00	\$0.00	\$0.00	\$0.00		\$0.00	\$31,595.00	
119			\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	
120	Alternate 1: Vesey St		\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	
121	Sawcut Pavement	\$ 25,719.00	\$0.00	\$0.00	\$0.00		\$0.00	\$25,719.00	
122	Concrete removals	\$ 38,579.00	\$0.00	\$0.00	\$0.00		\$0.00	\$38,579.00	
123	Asphalt milling/removal	\$ 96,448.00	\$0.00	\$0.00	\$0.00		\$0.00	\$96,448.00	
124	Reset Curb	\$ 64,299.00	\$0.00	\$0.00	\$0.00		\$0.00	\$64,299.00	
125	subsurface conduit	\$ 83,589.00	\$0.00	\$0.00	\$0.00		\$0.00	\$83,589.00	
126	Light poles	\$ 51,439.00	\$0.00	\$0.00	\$0.00		\$0.00	\$51,439.00	
127	Traffic Poles	\$ 54,654.00	\$0.00	\$0.00	\$0.00		\$0.00	\$54,654.00	
128	Light fixtures	\$ 57,869.00	\$0.00	\$0.00	\$0.00		\$0.00	\$57,869.00	
129	Concrete repair strip	\$ 93,233.00	\$0.00	\$0.00	\$0.00		\$0.00	\$93,233.00	
130	Asphalt installation	\$ 70,729.00	\$0.00	\$0.00	\$0.00		\$0.00	\$70,729.00	
131	Asphalt Marking	\$ 6,429.00	\$0.00	\$0.00	\$0.00		\$0.00	\$6,429.00	
132			\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	

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AIA DOCUMENT G703

PAGE 6 OF 6 PAGES

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APPLICATION NO: 6

APPLICATION DATE: 4/24/2015

PERIOD TO: 4/15/2015

ARCHITECT'S PROJECT NO: 324.359.05

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D - E)	% (G ÷ C)					
133	Alternate 2: Stone finishes at T3		\$0.00					\$609,879.00	
134	Granite paver & curb installation at T3	\$ 609,879.00	\$0.00					\$123,875.00	
135	Landscaping at T3	\$ 123,875.00	\$0.00					\$10,000.00	
136	Irrigation	\$ 10,000.00	\$0.00						
	<b>GRAND TOTALS</b>	<b>\$ 11,759,220.45</b>	<b>\$1,063,999.74</b>	<b>\$129,694.91</b>	<b>\$67,272.40</b>	<b>\$1,260,967.05</b>	<b>\$10,498,253.40</b>	<b>\$126,096.70</b>	

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

BILL OF SALE

For and in consideration of the total value of materials \$ 67,272.40 less retainage of \$ 67,272.40 current payment due \$ 60,545.16 by The Port Authority of New York & New Jersey (hereinafter referred to as "Purchaser") T. B. Pevick & Sons (hereinafter referred to as "Seller"), the receipt whereof is to be acknowledged Seller does hereby grant, bargain, sell, convey, set over, transfer, assign and deliver unto Purchaser all the right title and interest which it has in the personal property set forth in Invoice # 506 dated 4/28/15 attached hereto and made part hereof by reference, and described in attached listing of materials received from vendors.

Seller does hereby covenant and warrant that It is the true and lawful owner of the property assigned, transferred, sold, and conveyed pursuant to this Bill of Sale; that said property is free and clear from all encumbrances and liens; that Seller has good right and full power and authority to sell, transfer, assign and convey all of said property; and the Seller will warrant and defend the title to all of said property unto Purchaser, its successors and assigns, against all claims and demands of all persons, firms or corporations whatsoever. Materials are being stored at: 6450 Wheeler Ave, Auburndale, FL and at (see below).

Ed 19137

IN WITNESS HEREOF, the parties hereto, by their duly authorized officers, have executed and set their hands and seals to this Bill of Sale, this 5<sup>th</sup> day of May, 2015.

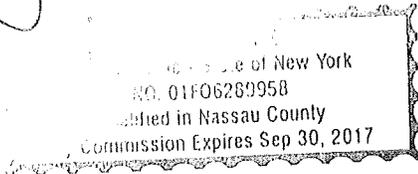
Company: T. B. Pevick & Sons (Seller)  
Signature: [Signature]  
Title: Project Manager

STATE OF N.Y. )  
COUNTY OF N.Y. )

Sworn to before me this 5<sup>th</sup> day  
of May 2015

Tishman Construction Corp  
on Behalf of the PANYNJ

(NOTARY) [Signature]



**AFFIDAVIT OF PAYMENT  
AND WAIVER OF CLAIMS**

Re: VEHICULAR SECURITY CENTER & TOUR BUS PARKING FACILITY  
(Project)

STATE OF )  
                  ) ss:  
COUNTY OF )

Brian Minutti being duly sworn, deposes and says:

1. That s/he is the Project Manager of T.B. Pawicki & Son (hereafter called the "Contractor") which has a contract with TISHMAN CONSTRUCTION CORPORATION on Behalf of the Port Authority of New York & New Jersey (hereafter called the "Builder") covering WTC Streets Pkg 5 / WTC 324 359.05 the work for the building at the WTC Vehicular Security Center & Tour Bus Parking Facility, New York, NY.

2. That the said Contractor has paid in full (at the prevailing recognized rate and without any improper or illegal deductions or rebates), in accordance with the specifications and contract obligations, for all work, labor, materials and services supplied or performed in connection with said work to the date of the requisition on the reverse side hereof, including all Social Security, Unemployment Insurance and Sales and other Taxes applicable thereto, and there are no unpaid claims for any said labor or materials in connection with the performance of said Work or any of the said Taxes except as stated in paragraph 3 below, and any claim for such amounts is hereby forfeited and waived.

3. That as of the date hereof no amounts are due and no claims have been made against the said Contractor for any unpaid material or labor with the exception of the following: all of which are for labor and/or materials provided since the date of the requisition preceding this requisition, and as to such unpaid claims the Builder is hereby authorized, at its option, in behalf of the Contractor, to make direct payment to such claimants and charge same to the Contractor, i.e.:

NAME & ADDRESS	ITEM	AMOUNT
----------------	------	--------

None

4. That no payment made to the Contractor shall be deemed an acceptance by the Builder of defective work or materials or shall operate as an admission on the part of the Builder or Architect that the said contract, or any portion thereof, has been complied with the Contractor in case the fact shall be otherwise.

5. All sums received by the Contractor shall be held in trust to pay for any labor or materials in connection with the work, before being used for any other purpose.

6. This Affidavit and Waiver is made for the purpose of inducing the Bullder 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

this 27 day of April 2015

Heather Nicole Condon  
Notary Public

T.B. Perick & Sons  
(Company Name)

By [Signature]  
(Title)  
Project Manager

HEATHER NICOLE CONDON  
Notary Public - State of New York  
NO. 01C06274579  
Qualified in Queens County  
My Commission Expires 11/4/19