

**From:** actionlien@gmail.com  
**Sent:** Thursday, November 15, 2012 4:45 PM  
**To:** Duffy, Daniel  
**Cc:** Torres Rojas, Genara; Van Duyne, Sheree  
**Subject:** Freedom of Information Online Request Form

Information:

First Name: Jerry  
Last Name: Manna  
Company: Manna & Associates, LLC  
Mailing Address 1: PO Box 1117  
Mailing Address 2:  
City: Kearny  
State: NJ  
Zip Code: 07032  
Email Address: [actionlien@gmail.com](mailto:actionlien@gmail.com)  
Phone: 201-991-7111  
Required copies of the records: Yes

List of specific record(s):

I am requesting copies of any payment and performance bonds in connection with the WTC Transportation Hub project for Tishman Construction and R.Baker Son Construction and would be valid between April 2011 and June 2012. Essentially I am only looking for the bond number and the bond carrier for each of these two construction companies -Tishman Construction and R Baker Son relative to the project at the WTC Transportation Hub demolition. R Baker Son was contracted by TishmanTurner Joint Venture for this project.

**THE PORT AUTHORITY OF NY & NJ**

Daniel D. Duffy  
*FOI Administrator*

November 19, 2012

Mr. Jerry Manna  
Manna & Associates, LLC  
P.O. Box 1117  
Kearny, NJ 07032

Re: Freedom of Information Reference No. 13576

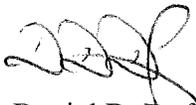
Dear Mr. Manna:

This is a response to your November 15, 2012 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code", copy attached) for copies of the Payment and Performance Bonds in connection with the transportation Hub project for Tishman Construction and R. Baker Son Construction.

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/13576-C.pdf>. Paper copies of the available records are available upon request.

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

Very truly yours,



Daniel D. Duffy  
FOI Administrator

Attachment

PERFORMANCE BOND

Bond No. CSC-218806

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned<sup>13</sup> Contractor and surety company (or companies), as principal and surety (or sureties), respectively,

Contractor

Surety

R. Baker & Son All Industrial, Inc. of NJ,  
a corporation organized under the laws of  
New Jersey

Colonial Surety Company

and

Partnerre Insurance Company of New York

*[Handwritten signature]*  
approved  
10/1/10

<sup>13</sup> Insert names of the Contractor and surety company (or companies) in the appropriate columns. If space is insufficient add rider.

If the Contractor is a corporation, give the state of incorporation, using also the phrase "a corporation organized under the laws of \_\_\_\_\_".

If the Contractor is a partnership, give full names of partners, using the phrase "co-partners doing business under the firm name of \_\_\_\_\_".

If the Contractor is an individual using a trade name, give individual name, using also the phrase "an individual doing business under the trade name of \_\_\_\_\_".

**PERFORMANCE BOND**

Bond No. CSC-218806

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R. Baker & Son All Industrial, Inc. of NJ,  
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<sup>13</sup> Insert names of the Contractor and surety company (or companies) in the appropriate columns. If space is insufficient add rider.

If the Contractor is a corporation, give the state of incorporation, using also the phrase "a corporation organized under the laws of \_\_\_\_\_".

If the Contractor is a partnership, give full names of partners, using the phrase "co-partners doing business under the firm name of \_\_\_\_\_".

If the Contractor is an individual using a trade name, give individual name, using also the phrase "an individual doing business under the trade name of \_\_\_\_\_".

are hereby held and firmly bound unto The Port Authority of New York and New Jersey (herein called the "Authority") in the penal sum of Three Million Nine Hundred Eighty Nine Thousand Dollars

and Zero Cents (\$3,989,000.00), for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, representatives, executors, administrators, successors and assigns. Each surety, however, if there is more than one, shall be jointly and severally liable for said penal sum.

Signed this 31st day of August 20 10

The condition of the above obligation is that

WHEREAS, the above named principal has entered into a Contract in writing with the Authority, a copy of which is hereby made a part of this bond as though herein set forth in full and which is designated Contract WTC- 264.598 - "East H&M Demolition", and

WHEREAS, the Authority has required this bond for the faithful performance of all obligations imposed by said Contract;

NOW, if the said principal shall well and faithfully do and perform the things agreed by him to be done and performed according to the terms and true intent and meaning of said Contract, then this obligation shall be void, otherwise the same shall remain in full force and effect; it being expressly understood and agreed that, provided the sureties shall comply with the provisions hereof, the aggregate liability of all sureties for any and all claims hereunder shall in no event exceed the penal amount of this obligation as hereinbefore stated.

This undertaking is for the benefit of the Authority and all subcontractors, materialmen and workmen having lawful claims arising out of the performance of said Contract, and all such subcontractors, materialmen and workmen (as well as the Authority itself) shall have a direct right of action upon this bond; but the rights and equities of such subcontractors, materialmen and workmen shall be subject and subordinate to those of the Authority.

The sureties, for value received, hereby stipulate and agree that the obligations of said sureties and their bond shall be in no way impaired or affected by any extensions of time, modification, omission, addition or change in or to the said Contract or the construction to be performed thereunder, or by any supervision or inspection or omission to supervise or inspect the construction, or by any payment thereunder before the time required therein, or by any waiver of any provision or condition thereof (whether precedent or subsequent), or by any assignment, subletting or other transfer thereof or of any part thereof or of any construction to be performed or any moneys due or to become due thereunder; and said sureties do hereby waive notice of any and all of such extensions, modifications, omissions, additions, changes, payments, waivers, assignments, subcontracts and transfers, and hereby expressly stipulate and agree that any and all things done and omitted to be done by and in relation to assignees, subcontractors and other transferees shall have the same effect as to said sureties as though done by or in relation to said principal.

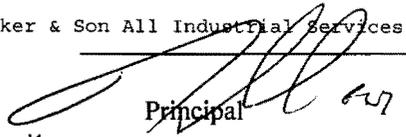
The sureties shall give the General Counsel of the Authority the following notices:

- A. Written notice of an intent to pay any claim of a subcontractor, materialman or workman hereunder;
- B. Written notice within five days of the institution of an action by a subcontractor, materialman or workman hereunder.

The sureties shall not pay the claim of any subcontractor, materialman or workman hereunder until the expiration of thirty days after receipt by said General Counsel of notice under either subparagraph A or B above, describing the claim to be paid.

IN WITNESS WHEREOF, the principal and the sureties have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

R. Baker & Son All Industrial Services, Inc. of NJ

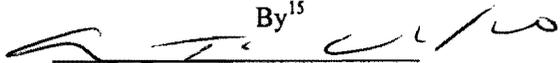
  
 Principal  
 By <sup>14</sup>

\_\_\_\_\_  
 (Seal)  
 \_\_\_\_\_

Colonial Surety Company

Surety

By <sup>15</sup>

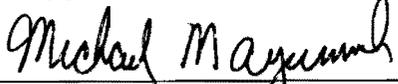


Anthony J. Cimasko, Attorney-in-Fact  
Partnerre Insurance Company of New York

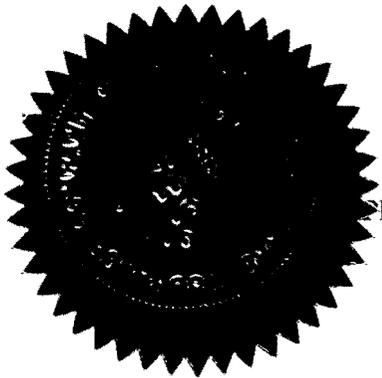


Anthony J. Cimasko, Attorney-in-Fact

APPROVED AS TO ACCEPTABILITY OF SURETIES:

  
 Credit Manager

October, 6 2010



<sup>14</sup> If bond is signed by an officer or agent, give title; if signed by a corporation, affix corporate seal.

<sup>15</sup> Add signatures of additional sureties, if any.

**ACKNOWLEDGMENT OF PRINCIPAL, A CORPORATION**

State of N.J.

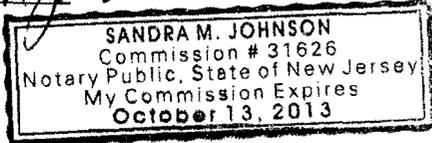
SS:

County of MONMOUTH

On this 31<sup>st</sup> day of AUGUST 2010 before me personally came and appeared DAVID BAKER  
to me known and known to PRESIDENT of R BAKER & SON All INDUSTRIAL SERVICES INC  
, a corporation, described in and who executed the foregoing instrument and he acknowledged to  
me that he executed the same as and for the act and deed of said firm.

(Notary Seal)  
Sandra M Johnson

Signature)  
(Seal)



(Notary

**ACKNOWLEDGMENT OF PRINCIPAL, IF A PARTNERSHIP**

State of \_\_\_\_\_

SS:

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me  
personally came and appeared \_\_\_\_\_, to  
me known, and known to me to be one of the members of the firm of  
\_\_\_\_\_ described in and who executed the  
foregoing instrument and he acknowledged to me that he executed the same as and for the act and  
deed of said firm.

(Seal)

\_\_\_\_\_

(Notary Signature)

**ACKNOWLEDGMENT OF PRINCIPAL, IF AN INDIVIDUAL**

State of \_\_\_\_\_

SS:

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me  
personally came and appeared \_\_\_\_\_, to  
me known, and known to me to be one of the members of the firm of  
\_\_\_\_\_ described in and who executed the  
foregoing instrument and he acknowledged to me that he executed the same as and for the act and  
deed of said firm.

(Seal)

\_\_\_\_\_

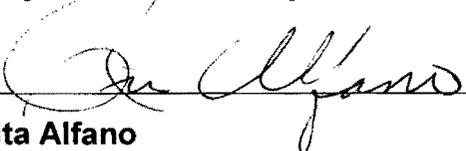
(Notary Signature)

**State of New Jersey**

**County of Bergen**

On this 31<sup>st</sup> day of August in the year 2010, before me, Rita Alfano, a Notary Public, personally came Anthony J. Cimasko, known to me to be an Attorney-in-Fact of Colonial Surety Company, the corporation described in the within instrument, and I acknowledge that he executed the within instrument as the act of said Colonial Surety Company in accordance with authority duly conferred upon him by said Company.

**Rita Alfano**  
**A Notary Public of New Jersey**  
**My Commission Expires October 26, 2012**

  
Rita Alfano

**Notary Public**

# COLONIAL SURETY COMPANY

Duncannon, Pennsylvania

Administrative Office: 50 Chestnut Ridge Road, Montvale, New Jersey 07645

## GENERAL POWER OF ATTORNEY

Know all Men by These Presents, That COLONIAL SURETY COMPANY, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania and having an administrative office in Montvale, Bergen County, NJ does by these presents make, constitute and appoint

Wayne Nunziata or Anthony J. Cimasko or Frederick S. Gallo of Montvale and the State of New Jersey its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver.

### Any and All Bonds

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting held on the 25th day of July, 1950.

"Be it Resolved, that the President, any Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

"Section 1. Attorney-in-Fact. Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"In Witness Whereof, Colonial Surety Company has caused these presents to be signed by its President and its corporate seal to be hereto affixed the 2nd day of June, A.D., 2010.

State of New Jersey }  
County of Bergen } SS.:



COLONIAL SURETY COMPANY

By [Signature]  
Wayne Nunziata, President

On this 2nd day of June, in the year 2010, before me  
Theresa Simmons, a notary public, personally appeared  
Wayne Nunziata, personally known to me to be the person who  
executed the within instrument as President, on behalf of the corporation therein named and  
acknowledged to me that the corporation executed it.



THERESA SIMMONS  
A Notary Public of New Jersey  
My Commission Expires September 2, 2010

[Signature]  
Theresa Simmons Notary Public

I, the undersigned Secretary of Colonial Surety Company, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in force and effect.

And I do hereby further certify that the Certification of this Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting duly called and held on the 30th of January 1968, and that said resolution has not been amended or repealed:

RESOLVED, that the signature of the Secretary or any Assistant Secretary of this Corporation, and the seal of Corporation, may be affixed or printed by facsimile to any certificate to a Power of Attorney of this Corporation, and that such printed facsimile signature and seal shall be valid and binding upon this Corporation."

GIVEN under my hand and the seal of said Company, at Montvale, New Jersey this 31 day of August, 20 10.

Original printed with Blue and Black ink  
For verification of the authenticity of this Power of Attorney you may call (201) 573-8788 and ask for the Power of Attorney clerk. Please refer to the above named individual(s) and details of the bond to which this power is attached.

[Signature]  
Frederick S. Gallo, Secretary

# COLONIAL SURETY COMPANY

Duncannon, Pennsylvania

- Inc 1930 -

## FINANCIAL STATEMENT—DECEMBER 31, 2009

ASSETS		LIABILITIES & SURPLUS	
*Stocks and Bonds .....	\$ 32,223,342	Reserve for Unearned Premiums. ....	\$ 5,827,729
Cash in Office & Banks .....	3,218,201	Claim Reserves .....	12,748,559
Accrued Interest & Dividends. ....	337,657	Other Liabilities .....	1,073,980
Premiums & Agents Balances Receivable ....	(113,313)	Collateral Held .....	817,685
Other Assets .....	1,497,758	Capital Stock .....	3,000,000
.....		Surplus .....	13,695,692
Total Admitted Assets .....	37,163,645	Total Liabilities & Surplus .....	37,163,645

\*Bonds and stocks are valued on basis approved by National Association of Insurance Commissioners.

STATE OF NEW JERSEY  
COUNTY OF BERGEN

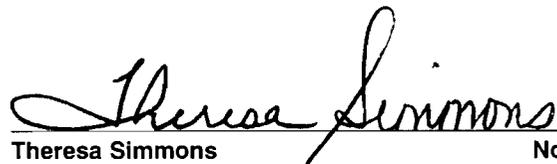
ss.:

I, Wayne Nunziata, President of COLONIAL SURETY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the Financial Statement of said Company, as of December 31, 2009.

IN WITNESS WHEREOF, I have signed this statement at Montvale, New Jersey, this 15th day of February, 2010.



  
Wayne Nunziata President

  
Theresa Simmons Notary Public

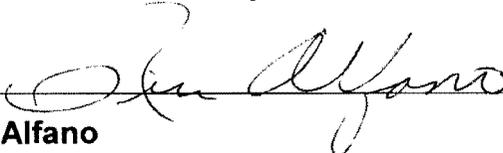
Theresa Simmons  
A Notary Public of New Jersey  
My Commission Expires September 2, 2010

**State of New Jersey**

**County of Bergen**

**On this 31<sup>st</sup> day of August, in the year 2010, before me, Rita Alfano, a Notary Public, personally came Anthony J. Cimasko, known to me to be an Attorney-in-Fact of PartnerRe Insurance Company of New York, the corporation described in the within instrument, and I acknowledge that he executed the within instrument as the act of said PartnerRe Insurance Company of New York in accordance with authority duly conferred upon his by said Company.**

**Rita Alfano  
A Notary Public of New Jersey  
My Commission Expires October 26, 2012**

  
Rita Alfano

**Notary Public**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: that PARTNERRE INSURANCE COMPANY OF NEW YORK, a New York corporation (the "Corporation"), with offices at One Greenwich Plaza, Greenwich, Connecticut, 06830, has made, constituted and appointed, and by these presents, does make, constitute and appoint

Wayne Nunziata, Anthony J. Cimasko, and Frederick S. Gallo, employees of Colonial Surety Company

its true and lawful Attorney(s)-in-Fact, of Montvale in the State of New Jersey and each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety or co-Surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking so made, executed and delivered shall obligate said Corporation for any portion of the penal sum thereof in excess of the sum of Eight Million Dollars (\$8,000,000).

Such bonds and undertakings for said purposes, when duly executed by said Attorney(s)-in-Fact, shall be binding upon the Corporation as fully and to the same extent as if signed by the President of the Corporation under its corporate seal attested by its Corporate Secretary or Assistant Secretary.

This appointment is made under and by authority of a certain Resolution adopted at a meeting of the Board of Directors of the Corporation duly held on the 12th day of April, 2010, a copy of which appears herein under the heading entitled "Certificate."

The Power of Attorney may be signed and sealed by facsimile under and by authority of the following resolution adopted by the Board of Directors of the Corporation at a meeting duly called and held on the 12th day of April, 2010 and said resolution has not since been revoked, amended or repealed.

RESOLVED, that any two of the following officers of the Company, one from Group A: Roger C. Jacobsen, Richard Meyerholz or Richard N. Sanford; and one from Group B: John N. Adimari, Thomas L. Forsyth or Arthur I. Gang, be and they hereby are authorized from time to time in their discretion, to appoint such agent or agents or attorney or attorneys-in-fact as deemed by them necessary or desirable for the purpose of carrying on the Company's business and to empower such agent or agents or attorney or attorneys-in-fact to execute and deliver, in the Company's name and on its behalf and under its seal or otherwise, bonds, obligations and recognizances, whether made by the Company as surety thereon or otherwise, indemnity contracts, reinsurance treaties, contracts and certificates, and any and all other contracts and undertakings made in the course of the Company's insurance and reinsurance business and renewals, extensions, agreements, waivers, consents or stipulations renewing, extending, amending, supplementing, reinstating or canceling contracts or undertakings so made, or approving or consenting to the modification, alteration or assignment or agreements or specifications referred to in contracts or undertakings so made.

and be it further,

RESOLVED, that that signatures of each of the individuals having been granted powers of attorney by the foregoing resolution and the seal of the Company, be and hereby are authorized to be affixed to any power of attorney document or instrument, and/or to any certificate relating thereto, by facsimile, and that any such power of attorney document or instrument and/or certificate bearing such facsimile signatures and/or seal, be and hereby are valid and binding upon the Company with respect to any bond or undertaking to which they are attached.

This Power of Attorney shall expire and all authority hereunder shall terminate without notice at midnight (Standard Time where said Attorney(s)-in-Fact is authorized to act) June 23, 2011.

IN WITNESS WHEREOF, the Corporation has caused these presents to be duly signed and its corporate seal to be hereunto affixed and attested this 23rd day of June, 2010, at Greenwich, Connecticut.

(Corporate Seal)

Attest: [Signature] Assistant Secretary

PARTNERRE INSURANCE COMPANY OF NEW YORK BY: [Signature] BY: [Signature]

STATE OF CONNECTICUT ss: COUNTY OF FAIRFIELD

On the 23rd day of June, 2010, before me personally came Roger C. Jacobsen to me known, who being by me duly sworn, did depose and say that he/she is the Vice President and before me personally came Arthur I. Gang to me known, who being by me duly sworn, did depose and say that he/she is the Senior Vice President of PARTNERRE INSURANCE COMPANY OF NEW YORK, the Corporation described in and which executed the above instrument; that he/she knows the seal of said Corporation; that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said Corporation, and that he/she signed their name thereto by like order.

(Notarial Seal)

FRANCINE HOYT NOTARY PUBLIC MY COMMISSION EXPIRES JUNE 30, 2011 [Signature] Notary Public

This Power of Attorney is printed on paper watermarked "PARTNERRE INSURANCE COMPANY OF NEW YORK" and is not valid without the watermark and red border.

CERTIFICATE

STATE OF CONNECTICUT           ss:  
COUNTY OF FAIRFIELD

The undersigned ..... Lisa A. Fidelibus ..... hereby certifies:

- 1. That the original resolution of which the following is a copy was duly adopted at, and recorded in the minutes of, a regular meeting of the Board of Directors of said Corporation duly held on April 12, 2010, and has not since been revoked, amended or modified.

**RESOLVED**, that any two of the following officers of the Company, one from Group A: Roger C. Jacobsen, Richard Meyerholz or Richard N. Sanford; and one from Group B: John N. Adimari, Thomas L. Forsyth or Arthur I. Gang, be and they hereby are authorized from time to time in their discretion, to appoint such agent or agents or attorney or attorneys-in-fact as deemed by them necessary or desirable for the purpose of carrying on the Company's business and to empower such agent or agents or attorney or attorneys-in-fact to execute and deliver, in the Company's name and on its behalf and under its seal or otherwise, bonds, obligations and recognizances, whether made by the Company as surety thereon or otherwise, indemnity contracts, reinsurance treaties, contracts and certificates, and any and all other contracts and undertakings made in the course of the Company's insurance and reinsurance business and renewals, extensions, agreements, waivers, consents or stipulations renewing, extending, amending, supplementing, reinstating or canceling contracts or undertakings so made, or approving or consenting to the modification, alteration or assignment or agreements or specifications referred to in contracts or undertakings so made.

and be it further,

**RESOLVED**, that that signatures of each of the individuals having been granted powers of attorney by the foregoing resolution and the seal of the Company, be and hereby are authorized to be affixed to any power of attorney document or instrument, and/or to any certificate relating thereto, by facsimile, and that any such power of attorney document or instrument and/or certificate bearing such facsimile signatures and/or seal, be and hereby are valid and binding upon the Company with respect to any bond or undertaking to which they are attached.

- 2. The undersigned further certifies that the above resolution is a true, correct and complete copy of the resolution as so recorded in its entirety.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this, ..... 23rd ..... day of ..... June ..... 2010.

(Corporate Seal)

..... Lisa A. Fidelibus .....  
Assistant Secretary

This Power of Attorney is printed on paper watermarked "PARTNERRE INSURANCE COMPANY OF NEW YORK"  
and is not valid without the watermark and red border. 5

# PartnerRe Insurance Company of New York

## BALANCE SHEET AS AT DECEMBER 31, 2009

(Statutory Basis)

### Cash and Invested Assets:

Cash.....\$2,648,158  
Bond.....\$98,498,930  
Preferred Stocks.....0  
Common Stocks.....0  
Real Estate (Company Occupied).....0  
Short Term Investment.....\$3,134,047  
Other Invested Assets.....0  
Receivable for Securities.....\$10,687  
Investment Income Due and Accrued.....\$1,299,395

Total Cash and Invested Assets.....\$105,591,217

### Other Assets:

Premium in Course of Collection.....\$3,086,433  
Funds Held by Ceding Companies.....\$6,780,094  
Reinsurance Recoverable on Paid Losses.....\$2,042,955  
Net Deferred Tax Asset.....\$222,138  
Miscellaneous Assets.....\$1,654,366

Total Admitted Assets.....\$119,377,203

### Liabilities:

Outstanding Losses and Loss Expenses.....\$97,535,350  
Unearned Premiums.....0  
Funds Held Under Reinsurance Treaties.....(\$91,542)  
Loss Balances in Course of Payment.....0  
Payable for Securities.....\$195,964  
Other Liabilities.....(\$84,382,746)

Total Liabilities.....\$13,257,026

### Capital and Surplus:

Common Capital Stock.....\$6,000,000  
Paid-in Surplus.....\$13,000,000  
Special Surplus Funds.....\$48,643,002  
Unassigned Surplus.....\$38,477,175

Total Capital and Surplus.....\$106,120,177

Total Liabilities, Capital and Surplus.....\$119,377,203

Valuation of securities on National Association of Insurance Commissioners basis

STATE OF CONNECTICUT }

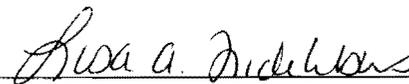
ss.:

COUNTY OF FAIRFIELD }

I, Lisa A. Fidelibus, Vice President & Assistant Secretary of PartnerRe Insurance Company of New York, a New York Corporation, hereby certify that the foregoing is a full, true and correct copy of the Balance Sheet of said Corporation (statutory basis), as of December 31, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Greenwich, Connecticut this 23rd day of June, 2010.

(SEAL)



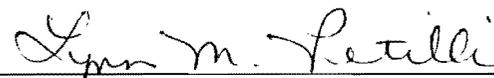
Vice President & Assistant Secretary

STATE OF CONNECTICUT }

ss.:

COUNTY OF FAIRFIELD }

On this 23rd day of June 2010, before me personally came Lisa A. Fidelibus, to me known and known to me to be Vice President and Assistant Secretary of PartnerRe Insurance Company of New York the corporation described in the within instrument, and be acknowledged that she executed the within instrument as the act of the said PartnerRe Insurance Company of New York in accordance with authority duly conferred upon her by said Company.



Notary Public

**ACKNOWLEDGMENT OF SURETY COMPANY**

Bond No. CSC-218806

CONTRACT WTC- 264.598

**PAYMENT BOND**

KNOW ALL MEN BY THESE PRESENTS that wa, the undersigned<sup>16</sup> Contractor and surety company (or companies), as principal and surety (or sureties), respectively,

Contractor

Surety

R. Baker & Son All Industrial, Inc. of NJ,  
a corporation organized under the laws of  
New Jersey

Colonial Surety Company

and

Partnerre Insurance Company of New York

*Handwritten signature*  
*appoint*  
*10/1/10*

<sup>16</sup> Insert names of the Contractor and surety company (or companies) in the appropriate columns. If space is insufficient add rider.

If the Contractor is a corporation, give the state of incorporation, using also the phrase "a corporation organized under the laws of \_\_\_\_\_".

If the Contractor is a partnership, give full names of partners, using the phrase "co-partners doing business under the firm name of \_\_\_\_\_".

If the Contractor is an individual using a trade name, give individual name, using also the phrase "an individual doing business under the trade name of \_\_\_\_\_".

**ACKNOWLEDGMENT OF SURETY COMPANY**

Bond No. CSC-218806

CONTRACT WTC- 264.598

**PAYMENT BOND**

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned<sup>16</sup> Contractor and surety company (or companies), as principal and surety (or sureties), respectively,

**Contractor**

**Surety**

R. Baker & Son All Industrial, Inc. of NJ,  
a corporation organized under the laws of  
New Jersey

Colonial Surety Company

and

Partnerre Insurance Company of New York

<sup>16</sup> Insert names of the Contractor and surety company (or companies) in the appropriate columns. If space is insufficient add rider.

If the Contractor is a corporation, give the state of incorporation, using also the phrase "a corporation organized under the laws of \_\_\_\_\_".

If the Contractor is a partnership, give full names of partners, using the phrase "co-partners doing business under the firm name of \_\_\_\_\_".

If the Contractor is an individual using a trade name, give individual name, using also the phrase "an individual doing business under the trade name of \_\_\_\_\_".

are hereby held and firmly bound unto The Port Authority of New York and New Jersey (herein called the "Authority") in the penal sum of Three Million Nine Hundred Eighty Nine Thousand Dollars

and zero Cents (\$3,989,000.00), for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, representatives, executors, administrators, successors and assigns. Each surety, however, if there is more than one, shall be jointly and severally liable for said penal sum.

Signed this 31st day of August 20 10

The condition of the above obligation is that

WHEREAS, the above named principal has entered into a Contract in writing with the Authority, a copy of which is hereby made a part of this bond as though herein set forth in full and which is designated Contract WTC- 264.598 - "East H&M Demolition", and

WHEREAS, the Authority has required this bond for the payment of all lawful claims of subcontractors, materialmen and workmen arising out of the performance of said Contract;

NOW, if all lawful claims of subcontractors, materialmen and workmen arising out of the performance of said Contract are paid, then this obligation shall be void, otherwise the same shall remain in full force and effect; it being expressly understood and agreed that, provided the sureties shall comply with the provisions hereof, the aggregate liability of all sureties for any and all claims hereunder shall in no event exceed the penal amount of this obligation as hereinbefore stated.

This undertaking is for the benefit of the Authority and all subcontractors, materialmen and workmen having lawful claims arising out of the performance of said Contract, and all such subcontractors, materialmen and workmen (as well as the Authority itself) shall have a direct right of action upon this bond; but the rights and equities of such subcontractors, materialmen and workmen shall be subject and subordinate to those of the Authority.

The sureties, for value received, hereby stipulate and agree that the obligations of said sureties and their bond shall be in no way impaired or affected by any extensions of time, modification, omission, addition or change in or to the said Contract or the construction to be performed thereunder, or by any supervision or inspection or omission to supervise or inspect the construction, or by any payment thereunder before the time required therein, or by any waiver of any provision or condition thereof (whether precedent or subsequent), or by any assignment, subletting or other transfer thereof or of any part thereof or of any construction to be performed or any moneys due or to become due thereunder; and said sureties do hereby waive notice of any and all of such extensions, modifications, omissions, additions, changes, payments, waivers, assignments, subcontracts and transfers, and hereby expressly stipulate and agree that any and all things done and omitted to be done by and in relation to assignees, subcontractors and other transferees shall have the same effect as to said sureties as though done by or in relation to said principal.

The sureties shall give the General Counsel of the Authority the following notices:

- A. Written notice of an intent to pay any claim of a subcontractor, materialman or workman hereunder;
- B. Written notice within five days of the institution of an action by a subcontractor, materialman or workman hereunder.

The sureties shall not pay the claim of any subcontractor, materialman or workman hereunder until the expiration of thirty days after receipt by said General Counsel of notice under either subparagraph A or B above, describing the claim to be paid.

IN WITNESS WHEREOF, the principal and the sureties have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

R. Baker & Son All Industrial Services, Inc of NJ

Principal

(Seal)

By <sup>17</sup>

Colonial Surety Company

Surety

By <sup>18</sup>

Anthony J. Cimasko, Attorney-in-Fact

Partnerre Insurance Company of New York

Anthony J. Cimasko, Attorney-in-Fact

APPROVED AS TO ACCEPTABILITY OF SURETIES:

Michael M. Ayer  
Credit Manager

October 6, 2010

<sup>17</sup> If bond is signed by an officer or agent, give title; if signed by a corporation, affix corporate seal.

<sup>18</sup> Add signatures of additional sureties, if any.

**ACKNOWLEDGMENT OF PRINCIPAL, IF A CORPORATION**

State of NY

SS:

County of Monmouth

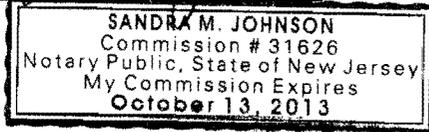
On this 31st day of August, 2010, before me personally came and appeared DAVID BAKER to me known and known to me president R BAKER SON NII INDUSTRIAL SERVICES INC., a corporation, described in and who executed the foregoing instrument and he acknowledged to me that he executed the same as and for the act and deed of said firm.

(Notary Seal)

*Sandra M. Johnson*

Signature)

(Seal)



(Notary

**ACKNOWLEDGMENT OF PRINCIPAL, IF A PARTNERSHIP**

State of \_\_\_\_\_

SS:

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came and appeared \_\_\_\_\_, to me known, and known to me to be one of the members of the firm of \_\_\_\_\_ described in and who executed the foregoing instrument and he acknowledged to me that he executed the same as and for the act and deed of said firm.

(Seal)

\_\_\_\_\_

(Notary Signature)

**ACKNOWLEDGMENT OF PRINCIPAL, IF AN INDIVIDUAL**

State of \_\_\_\_\_

SS:

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came and appeared \_\_\_\_\_, to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

(Seal)

\_\_\_\_\_

(Notary Signature)

COLONIAL SURETY COMPANY

Duncannon, Pennsylvania
Administrative Office: 50 Chestnut Ridge Road, Montvale, New Jersey 07645

GENERAL POWER OF ATTORNEY

Know all Men by These Presents, That COLONIAL SURETY COMPANY, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania and having an administrative office in Montvale, Bergen County, NJ does by these presents make, constitute and appoint

Wayne Nunziata or Anthony J. Cimasko or Frederick S. Gallo of Montvale and the State of New Jersey its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver.

Any and All Bonds

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting held on the 25th day of July, 1950.

Be it Resolved, that the President, any Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Section I. Attorney-in-Fact. Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary.

In Witness Whereof, Colonial Surety Company has caused these presents to be signed by its President and its corporate seal to be hereto affixed the 2nd day of June, A.D., 2010.

State of New Jersey
County of Bergen
} SS.:



COLONIAL SURETY COMPANY

By Wayne Nunziata, President

On this 2nd day of June, in the year 2010, before me Theresa Simmons, a notary public, personally appeared Wayne Nunziata, personally known to me to be the person who executed the within instrument as President, on behalf of the corporation therein named and acknowledged to me that the corporation executed it.



THERESA SIMMONS
A Notary Public of New Jersey
My Commission Expires September 2, 2010

Theresa Simmons, Notary Public

I, the undersigned Secretary of Colonial Surety Company, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in force and effect.

And I do hereby further certify that the Certification of this Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting duly called and held on the 30th of January 1968, and that said resolution has not been amended or repealed:

RESOLVED, that the signature of the Secretary or any Assistant Secretary of this Corporation, and the seal of Corporation, may be affixed or printed by facsimile to any certificate to a Power of Attorney of this Corporation, and that such printed facsimile signature and seal shall be valid and binding upon this Corporation.

GIVEN under my hand and the seal of said Company, at Montvale, New Jersey this 31 day of August, 2010.

Original printed with Blue and Black Ink
For verification of the authenticity of this Power of Attorney you may call (201) 573-8788 and ask for the Power of Attorney clerk. Please refer to the above named individual(s) and details of the bond to which the power is attached.

Frederick S. Gallo, Secretary

# COLONIAL SURETY COMPANY

Duncannon, Pennsylvania

- Inc 1930 -

## FINANCIAL STATEMENT—DECEMBER 31, 2009

ASSETS		LIABILITIES & SURPLUS	
*Stocks and Bonds .....	\$ 32,223,342	Reserve for Unearned Premiums. ....	\$ 5,827,729
Cash in Office & Banks .....	3,218,201	Claim Reserves .....	12,748,559
Accrued Interest & Dividends .....	337,657	Other Liabilities .....	1,073,980
Premiums & Agents Balances Receivable .....	(113,313)	Collateral Held .....	817,685
Other Assets .....	1,497,758	Capital Stock .....	3,000,000
.....		Surplus .....	13,695,692
Total Admitted Assets .....	37,163,645	Total Liabilities & Surplus .....	37,163,645

\*Bonds and stocks are valued on basis approved by National Association of Insurance Commissioners.

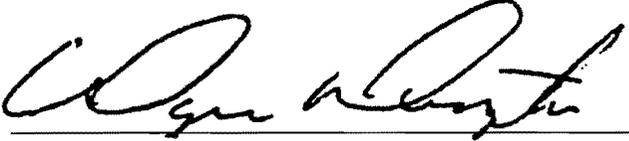
STATE OF NEW JERSEY  
COUNTY OF BERGEN

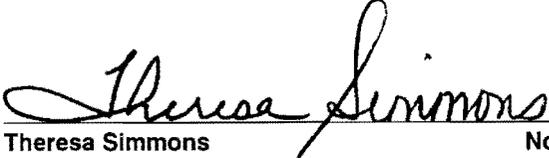
ss.:

I, Wayne Nunziata, President of COLONIAL SURETY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the Financial Statement of said Company, as of December 31, 2009.

IN WITNESS WHEREOF, I have signed this statement at Montvale, New Jersey, this 15th day of February, 2010.



  
Wayne Nunziata President

  
Theresa Simmons Notary Public

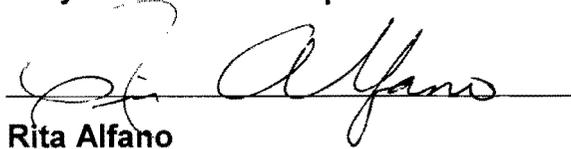
Theresa Simmons  
A Notary Public of New Jersey  
My Commission Expires September 2, 2010

**State of New Jersey**

**County of Bergen**

On this 31<sup>st</sup> day of August in the year 2010, before me, Rita Alfano, a Notary Public, personally came Anthony J. Cimasko, known to me to be an Attorney-in-Fact of Colonial Surety Company, the corporation described in the within instrument, and I acknowledge that he executed the within instrument as the act of said Colonial Surety Company in accordance with authority duly conferred upon him by said Company.

**Rita Alfano**  
**A Notary Public of New Jersey**  
**My Commission Expires October 26, 2012**

  
Rita Alfano

**Notary Public**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: that PARTNERRE INSURANCE COMPANY OF NEW YORK, a New York corporation (the "Corporation"), with offices at One Greenwich Plaza, Greenwich, Connecticut, 06830, has made, constituted and appointed, and by these presents, does make, constitute and appoint

Wayne Nunziata, Anthony J. Cimasko, and Frederick S. Gallo, employees of Colonial Surety Company

its true and lawful Attorney(s)-in-Fact, of Montvale, in the State of New Jersey and each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety or co-Surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking so made, executed and delivered shall obligate said Corporation for any portion of the penal sum thereof in excess of the sum of Eight Million Dollars (\$8,000,000).

Such bonds and undertakings for said purposes, when duly executed by said Attorney(s)-in-Fact, shall be binding upon the Corporation as fully and to the same extent as if signed by the President of the Corporation under its corporate seal attested by its Corporate Secretary or Assistant Secretary.

This appointment is made under and by authority of a certain Resolution adopted at a meeting of the Board of Directors of the Corporation duly held on the 12th day of April, 2010, a copy of which appears herein under the heading entitled "Certificate."

The Power of Attorney may be signed and sealed by facsimile under and by authority of the following resolution adopted by the Board of Directors of the Corporation at a meeting duly called and held on the 12th day of April, 2010 and said resolution has not since been revoked, amended or repealed.

RESOLVED, that any two of the following officers of the Company, one from Group A: Roger C. Jacobsen, Richard Meyerholz or Richard N. Sanford; and one from Group B: John N. Adimari, Thomas L. Forsyth or Arthur I. Gang, be and they hereby are authorized from time to time in their discretion, to appoint such agent or agents or attorney or attorneys-in-fact as deemed by them necessary or desirable for the purpose of carrying on the Company's business and to empower such agent or agents or attorney or attorneys-in-fact to execute and deliver, in the Company's name and on its behalf and under its seal or otherwise, bonds, obligations and recognizances, whether made by the Company as surety thereon or otherwise, indemnity contracts, reinsurance treaties, contracts and certificates, and any and all other contracts and undertakings made in the course of the Company's insurance and reinsurance business and renewals, extensions, agreements, waivers, consents or stipulations renewing, extending, amending, supplementing, reinstating or canceling contracts or undertakings so made, or approving or consenting to the modification, alteration or assignment or agreements or specifications referred to in contracts or undertakings so made.

and be it further,

RESOLVED, that that signatures of each of the individuals having been granted powers of attorney by the foregoing resolution and the seal of the Company, be and hereby are authorized to be affixed to any power of attorney document or instrument, and/or to any certificate relating thereto, by facsimile, and that any such power of attorney document or instrument and/or certificate bearing such facsimile signatures and/or seal, be and hereby are valid and binding upon the Company with respect to any bond or undertaking to which they are attached.

This Power of Attorney shall expire and all authority hereunder shall terminate without notice at midnight (Standard Time where said Attorney(s)-in-Fact is authorized to act) June 23, 2011.

IN WITNESS WHEREOF, the Corporation has caused these presents to be duly signed and its corporate seal to be hereunto affixed and attested this 23rd day of June, 2010, at Greenwich, Connecticut.

(Corporate Seal)

Attest:

Assistant Secretary

PARTNERRE INSURANCE COMPANY OF NEW YORK

BY

BY

STATE OF CONNECTICUT ss: COUNTY OF FAIRFIELD

On the 23rd day of June, 2010, before me personally came Roger C. Jacobsen to me known, who being by me duly sworn, did depose and say that he/she is the Vice President and before me personally came Arthur I. Gang to me known, who being by me duly sworn, did depose and say that he/she is the Senior Vice President of PARTNERRE INSURANCE COMPANY OF NEW YORK., the Corporation described in and which executed the above instrument; that he/she knows the seal of said Corporation; that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said Corporation, and that he/she signed their name thereto by like order.

(Notarial Seal)

FRANCINE HOYT NOTARY PUBLIC MY COMMISSION EXPIRES JUNE 30, 2011

Notary Public

This Power of Attorney is printed on paper watermarked "PARTNERRE INSURANCE COMPANY OF NEW YORK" and is not valid without the watermark and red border.

CERTIFICATE

STATE OF CONNECTICUT           ss:  
COUNTY OF FAIRFIELD

The undersigned ..... Lisa A. Fidelibus ..... hereby certifies:

- I. That the original resolution of which the following is a copy was duly adopted at, and recorded in the minutes of, a regular meeting of the Board of Directors of said Corporation duly held on April 12, 2010, and has not since been revoked, amended or modified.

**RESOLVED**, that any two of the following officers of the Company, one from Group A: Roger C. Jacobsen, Richard Meyerholz or Richard N. Sanford; and one from Group B: John N. Adimari, Thomas L. Forsyth or Arthur I. Gang, be and they hereby are authorized from time to time in their discretion, to appoint such agent or agents or attorney or attorneys-in-fact as deemed by them necessary or desirable for the purpose of carrying on the Company's business and to empower such agent or agents or attorney or attorneys-in-fact to execute and deliver, in the Company's name and on its behalf and under its seal or otherwise, bonds, obligations and recognizances, whether made by the Company as surety thereon or otherwise, indemnity contracts, reinsurance treaties, contracts and certificates, and any and all other contracts and undertakings made in the course of the Company's insurance and reinsurance business and renewals, extensions, agreements, waivers, consents or stipulations renewing, extending, amending, supplementing, reinstating or canceling contracts or undertakings so made, or approving or consenting to the modification, alteration or assignment or agreements or specifications referred to in contracts or undertakings so made.

and be it further,

**RESOLVED**, that that signatures of each of the individuals having been granted powers of attorney by the foregoing resolution and the seal of the Company, be and hereby are authorized to be affixed to any power of attorney document or instrument, and/or to any certificate relating thereto, by facsimile, and that any such power of attorney document or instrument and/or certificate bearing such facsimile signatures and/or seal, be and hereby are valid and binding upon the Company with respect to any bond or undertaking to which they are attached.

- 2. The undersigned further certifies that the above resolution is a true, correct and complete copy of the resolution as so recorded in its entirety.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this ..... 23rd ..... day of ..... June ..... 2010.

(Corporate Seal)

..... *Lisa A. Fidelibus* .....  
Assistant Secretary

This Power of Attorney is printed on paper watermarked "PARTNERRE INSURANCE COMPANY OF NEW YORK"  
and is not valid without the watermark and red border 5

# PartnerRe Insurance Company of New York

## BALANCE SHEET AS AT DECEMBER 31, 2009 (Statutory Basis)

**Cash and Invested Assets:**

Cash.....\$2,648,158  
 Bond.....\$98,498,930  
 Preferred Stocks.....0  
 Common Stocks.....0  
 Real Estate (Company Occupied).....0  
 Short Term Investment.....\$3,134,047  
 Other Invested Assets.....0  
 Receivable for Securities.....\$10,687  
 Investment Income Due and Accrued.....\$1,299,395

Total Cash and Invested Assets.....\$105,591,217

**Other Assets:**

Premium in Course of Collection.....\$3,086,433  
 Funds Held by Ceding Companies.....\$6,780,094  
 Reinsurance Recoverable on Paid Losses.....\$2,042,955  
 Net Deferred Tax Asset.....\$222,138  
 Miscellaneous Assets.....\$1,654,366

Total Admitted Assets.....\$119,377,203

**Liabilities:**

Outstanding Losses and Loss Expenses.....\$97,535,350  
 Unearned Premiums.....0  
 Funds Held Under Reinsurance Treaties.....(\$91,542)  
 Loss Balances in Course of Payment.....0  
 Payable for Securities.....\$195,964  
 Other Liabilities.....(\$84,382,746)

Total Liabilities.....\$13,257,026

**Capital and Surplus:**

Common Capital Stock.....\$6,000,000  
 Paid-in Surplus.....\$13,000,000  
 Special Surplus Funds.....\$48,643,002  
 Unassigned Surplus.....\$38,477,175

Total Capital and Surplus.....\$106,120,177

Total Liabilities, Capital and Surplus.....\$119,377,203

Valuation of securities on National Association of Insurance Commissioners basis

STATE OF CONNECTICUT     }

ss.:

COUNTY OF FAIRFIELD     }

I, Lisa A. Fidelibus, Vice President & Assistant Secretary of PartnerRe Insurance Company of New York, a New York Corporation, hereby certify that the foregoing is a full, true and correct copy of the Balance Sheet of said Corporation (statutory basis), as of December 31, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Greenwich, Connecticut this 23rd day of June, 2010.

(SEAL)

*Lisa A. Fidelibus*  
 \_\_\_\_\_  
 Vice President & Assistant Secretary

STATE OF CONNECTICUT     }

ss.:

COUNTY OF FAIRFIELD     }

On this 23rd day of June 2010, before me personally came Lisa A. Fidelibus, to me known and known to me to be Vice President and Assistant Secretary of PartnerRe Insurance Company of New York the corporation described in the within instrument, and be acknowledged that she executed the within instrument as the act of the said PartnerRe Insurance Company of New York in accordance with authority duly conferred upon her by said Company.

(SEAL)



*Lynn M. Petilli*  
 \_\_\_\_\_  
 Notary Public

**State of New Jersey**

**County of Bergen**

**On this 31<sup>st</sup> day of August, in the year 2010, before me, Rita Alfano, a Notary Public, personally came Anthony J. Cimasko, known to me to be an Attorney-in-Fact of PartnerRe Insurance Company of New York, the corporation described in the within instrument, and I acknowledge that he executed the within instrument as the act of said PartnerRe Insurance Company of New York in accordance with authority duly conferred upon his by said Company.**

**Rita Alfano  
A Notary Public of New Jersey  
My Commission Expires October 26, 2012**

  
**Rita Alfano**

**Notary Public**

COLONIAL SURETY COMPANY  
 50 Chestnut Ridge Road  
 Montvale, New Jersey 07645  
 (201)573-8788 Fax (201)573-1062

INVOICE	
Invoice Date:	08/31/2010
Invoice #:	178180
Amount:	\$99,725.00
Agent ID:	RBAK00

R. Baker & Son All Industrial Services, Inc. of NJ  
 1 Globe Court  
 Red Bank, NJ 07701

Re: R. Baker & Son All Industrial Services, Inc. of NJ

Trans Date	Bond Number	Insurance Company	Effective Date	Expiration Date
08/31/2010	218806	COLONIAL SURETY COMPANY	08/23/2010	08/23/2011

P/P Bond for World Trade Center, Transportation Hub, East H & M Demolition -  
 Contract Number WTC-364-598 for Tishman/Turner JV

Premium \$99,725.00

**INVOICE AMOUNT:** \$99,725.00

Job Name \_\_\_\_\_  
 Date Received 8-31-10  
 Approved \_\_\_\_\_  
 Checked By \_\_\_\_\_  
 Date \_\_\_\_\_  
 Entered by \_\_\_\_\_

**Payment Terms: Upon Receipt of Invoice**

Payable to: SURETY UNDERWRITER'S AGENCY, INC. 50 Chestnut Ridge Road Montvale, New Jersey 07645
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