

Torres Rojas

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sd@kklawfirm.com
Wednesday, December 18, 2013 8:37 PM
Duffy, Daniel
Torres Rojas, Genara; Van Duyne, Sheree
Freedom of Information Online Request Form

Information:

First Name: Samuel
Last Name: Blattstein
Company: Korsinsky & Klein LLP
Mailing Address 1: 2926 Avenue L
Mailing Address 2:
City: Brooklyn
State: NY
Zip Code: 11210
e-mail Address: sd@kklawfirm.com
Phone: 212 496-1113
Required copies of the records: Yes

List of specific record(s):

A copy of the Payment Bond for the following construction project: Job Name: La Guardia Airport Substation
Contract No. LGA 124-91 Job Address: East Elmhurst, New York, La Guardia
Airport Property Owner: Port Authority of New York and New Jersey General Prime Contractor: Paul
Construction Corp.

December 24, 2013

Mr. Samuel Diamantstein
Korsinsky & Klein LLP
2926 Avenue L
Brooklyn, NY 11210

Re: Freedom of Information Reference No. 14482

Dear Mr. Diamantstein:

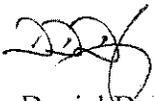
This is in response to your December 18, 2013 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code", copy attached) for a copy of the Payment Bond for Contract No. LGA 124-91 - LaGuardia Substation at East End Access Substation, East Elmhurst, New York. The prime contractor is Holt Construction Corp.

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/14482-C.pdf>. Paper copies of the available records are available upon request.

Certain material responsive to your request is exempt from disclosure pursuant to exemption (!) of the Code.

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

CONTRACT LGA-114-191

PERFORMANCE AND PAYMENT BOND NO. 0899 0282

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

Contractor

Surety

Holt Construction Corp.
a Corporation organized under
the Laws of the State of New York
60 East Washington Avenue
Pearl River, New York 10965

Fidelity and Deposit Company
of Maryland
Suite 1400, 100 High Street
Boston, Massachusetts 02110

Handwritten signature and date: 1/21/12

1. Name of the Contractor and surety company (or companies) in the appropriate column. If space is insufficient, attach separate sheet.

2. If the Contractor is a corporation, give the state of incorporation, giving also the name of corporation organized under the laws of _____.

3. If the Contractor is a partnership, give full names of partners, using the phrase "co-partners do" if business is conducted under the firm name of _____.

4. If the Contractor is an individual using a trade name, give full legal name, using also the phrase "an individual doing business under the trade name of _____."

CONTRACT LGA-124.191

PERFORMANCE AND PAYMENT BOND NO. 0899 0282

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned²³ Contractor and surety company (or companies), as principal and surety (or sureties), respectively,

Contractor

Surety

Holt Construction Corp.,
a Corporation organized under
the Laws of the State of New York,
50 East Washington Avenue
Pearl River, New York 10965

Fidelity and Deposit Company
of Maryland
Suite 1400, 100 High Street
Boston, Massachusetts 02110

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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 Four Million, Nine Hundred Ninety Thousand, Four Hundred Seventy-Four Dollars and No Cents (\$ 4,990,474.00), 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 30th day of November, 2012.

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 LGA-124-191 - "LaGuardia Airport - East End Substation (EES) - Foundation and Site Utilities", and

WHEREAS, the Authority has required this bond for the faithful performance of all obligations imposed by said Contract and also for the payment of all lawful claims of subcontractors, materialmen and workmen arising out of the performance of 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 and 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 each 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.

Holt Construction Corp.

By ²¹

[Signature]
Principal

(Seal)

Fidelity and Deposit Company of Maryland

By ²¹

[Signature]
Surety
Deron K. Treadwell (Attorney-in-Fact)

APPROVED AS TO ACCEPTABILITY OF SURETIES:

[Signature]

Credit Manager

December 28, 2012

²¹ If bond is signed by an officer or agent, give title; if signed by a corporation, affix corporate seal.

²² Add signatures of additional sureties, if any.

ACKNOWLEDGMENT OF PRINCIPAL, IF A CORPORATION

JENNIFER COGLIANO
Notary Public, State of New York
No. 6058768
Qualified in Rockland County
Commission Expires March 26, 2015

State of New York

SS: Pearl River

County of Rockland

On this 30th day of November, 2012, before me personally came and appeared

PHIL SZILVER to me known, who being by me duly sworn, did depose and say that he resides at Ex 1

that he is the EXECUTIVE VICE PRESIDENT of Holt Construction Corp., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that one of the seals affixed to said instrument is such seal; that it was so affixed by order of the directors of said corporation, and that he signed his name thereto by like order.

(Notary Seal)

See Above

Jennifer Cogliano

(Notary Signature)

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.

(Notary 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.

(Notary Seal)

(Notary Signature)

AFFIX ACKNOWLEDGMENT AND JUSTIFICATION OF SURETY

(See attached)

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by FRANK E. MARTIN JR., Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof does hereby nominate, constitute and appoint Michelle V. ORLANDO, Nancy E. PETERS, Deron K. TREADWELL, Deborah Dunlap AVASTHI, Colleen P. RIOUX, Christine E. WATSON, Rae E. HUGHES and Blair E. TORELLI, all of Auburn, Maine, EACH its true and lawful agent and Attorney-in-Fact to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed; any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Michelle V. ORLANDO, Joline L. BINETTE, Nancy E. PETERS, Deron K. TREADWELL, Deborah Dunlap AVASTHI, Colleen P. RIOUX, Blair E. TORELLI, dated October 8, 2009.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 8th day of April, A.D. 2011.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

Frank E. Martin Jr.

Gregory E. Murray Assistant Secretary

By:

Frank E. Martin Jr.

Vice President

State of Maryland }
City of Baltimore } ss:

On this 8th day of April, A.D. 2011, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came FRANK E. MARTIN JR., Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn

Notary Public

My Commission Expires: July 14, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, and to affix the seal of the Company thereto."

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 30th day of November A. D. 2012

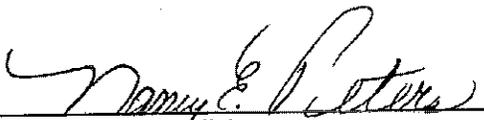
For attachment to Bonds No. 0899 0282

Arnold F. Halby
Assistant Secretary

**ACKNOWLEDGMENT AND JUSTIFICATION
OF SURETY**

STATE OF MAINE,
COUNTY OF ANDROSCOGGIN, ss, Lewiston

On this 30th day of November A. D. 2012 before me personally came and appeared Deron K. Treadwell, to me known, who, being by me duly sworn, did depose and say that he resides in Auburn, Maine; that he is the Attorney-in-Fact of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, the Corporation described in and which executed the foregoing bond; that he knows the seal of said corporation; that the seal embossed on said bond is such seal; that it was so embossed by order of the directors of said corporation, and that he signed his name thereto by like order.


(Notary Public)

NANCY E. PETERS
NOTARY PUBLIC STATE OF MAINE
MY COMMISSION EXPIRES FEB 27, 2014

Massoth, Craig

From: George L. Runey [george.runey@zurichna.com]
Sent: Friday, December 28, 2012 9:39 AM
To: Massoth, Craig
Cc: deron.treadwell@willis.com; Alissa Descoteaux; Cynthia E. Greene
Subject: Re: FW: Holt PPB

Craig,

Please accept this as confirmation as to the authenticity of the attached.

If we can be of any further assistance, please let us know.

Regards,

George L. Runey
Senior Regional Vice President
Zurich Surety
New England Regional Office
100 High Street, Suite 1400
Boston, MA 02110
Direct Line (617)570-8991
Direct Fax (866)421-3361
Cell (617)347-7819

"Massoth, Craig"
<cmassoth@panynj.gov>

12/28/2012 08:57 AM

"'george.runey@zurichna.com'"
<george.runey@zurichna.com>

To

cc

Subject

FW: Holt PPB

-----Original Message-----

From: Massoth, Craig
Sent: Thursday, December 27, 2012 4:17 PM
To: alissa.descoteaux@zurichna.com