

Torres Rojas, Genara

FOI #14907

From: alice.alvarez@graybar.com
Sent: Monday, May 12, 2014 9:27 AM
To: Duffy, Daniel
Cc: Torres Rojas, Genara; Van Duyne, Sheree; American, Heavyn-Leigh
Subject: Freedom of Information Online Request Form

Information:

First Name: Alice
Last Name: Alvarez
Company: GRAYBAR
Mailing Address 1: 401 Franklin Avenue
Mailing Address 2: Suite 220
City: Garden City
State: NY
Zip Code: 11530
Email Address: alice.alvarez@graybar.com
Phone: 516-880-6168
Required copies of the records: Yes

List of specific record(s):

Payment bond for steel and concrete rehab at George Washington project. PO GWB559-01

THE PORT AUTHORITY OF NY & NJ

FOI Administrator

May 13, 2014

Ms. Alice Alvarez
Graybar
401 Franklin Avenue, Suite 220
Garden City, NY 11530

Re: Freedom of Information Reference No. 14907

Dear Ms. Alvarez:

This is in response to your May 12, 2014 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 steel and concrete rehab at George Washington project. PO GWB559-01."

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/14907-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

THE PORT AUTHORITY OF NY & NJ

April 25, 2013

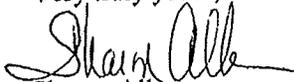
El Sol Contracting & Construction Corp
El Sol Limited Enterprises/JV
43-06 54th Road
Maspeth, NY 11378

SUBJECT: GEORGE WASHINGTON BRIDGE FACILITY WIDE PRIORITY STEEL AND
CONCRETE REHABILITATION – CONTRACT GWB-559
ACCEPTANCE OF PERFORMANCE AND PAYMENT BOND

Gentlemen:

This is to confirm that your Performance and Payment Bond in the penal sum of \$4,234,000.00 signed by Paul Pomponio for El Sol Contracting/El Sol Limited Enterprises JV, contractor, and by Beverly A. Woolford, Attorney-in-Fact, for Liberty Mutual Insurance Company, surety on the subject contract is satisfactory.

Very truly yours,


Sharon Allen
Contract Administrator
Construction Contracts Division
Procurement Department

 RESIDENT ENGINEER	 OFFICE ENGINEER	 FILE	
	APR 25 2013	MO	NO
THE PORT AUTHORITY OF NY & NJ GWB ENGINEERING FIELD OFFICE			

Procurement Department
2 Montgomery Street, 3rd Floor
Jersey City, NJ 07302
T: 212 435 7000

CONTRACT GWB-559

Bond no: 015040921

PERFORMANCE AND PAYMENT BOND

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
*El Sol Contracting/El Sol Limited Enterprises JV 43-06 64th Road Maspeth, NY 11378 * a joint venture formed under the laws of the State of New York	Liberty Mutual Insurance Company 175 Berkeley Street Boston, MA 02116

agreed
7/1
4/23/13

²³ 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 Two Hundred Thirty Four Thousand and No/100 Dollars and Zero Cents (\$4,234,000.00), 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 18th day of April 2013

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 GWB-559 - "George Washington Bridge - Facility Wide Priority Steel And Concrete Rehabilitation", 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.

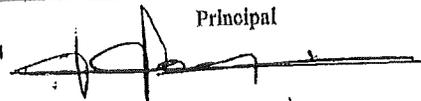
The sureties shall not pay the claim of any subcontractor, materialman or workman hereunder until the expiration of thirty days after receipt by said General Counsel of notice under either subparagraph A or B above, describing the claim to be paid.

IN WITNESS WHEREOF, the principal and the sureties have hereunto set their hands and seals, and 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.

El Sol Contracting/El Sol Limited Enterprises JV

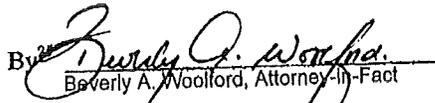
Principal

By ²⁴



Liberty Mutual Insurance Company

Surety

By 
Beverly A. Woolford, Attorney-in-Fact

APPROVED AS TO ACCEPTABILITY OF SURETIES:


Credit Manager

April 24, 2013

²⁴ If bond is signed by an officer or agent, give title; if signed by a corporation, affix corporate seal.

²⁵ Add signatures of additional sureties, if any.

ACKNOWLEDGEMENT BY JOINT VENTURE

STATE OF **New York**)
COUNTY OF Queens)

ON THE 19 DAY OF **April** 2013, BEFORE ME PERSONALLY CAME Paul Pomponio A MEMBER OF THE JOINT VENTURE OF **El Sol Contracting/El Sol Limited Enterprises JV** TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT (S)HE EXECUTED THE SAME AS AND FOR THE ACT AND DEED OF THE SAID JOINT VENTURE.

MARIANNE HARRIS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HA6109052
Qualified in Kings County
My Commission Expires April 26, 2016

Marianne Harris
Notary Public

ACKNOWLEDGEMENT OF SURETY

STATE OF NEW YORK,)
COUNTY OF NASSAU,)

ON THE 18th DAY OF **April**, 2013, BEFORE ME PERSONALLY CAME **Beverly A. Woolford** TO ME KNOWN, WHO, BEING BY ME DULY SWORN, DID DEPOSE AND SAY THAT (S)HE RESIDES AT **Queens County, New York** THAT (S)HE IS THE ATTORNEY-IN-FACT OF **Liberty Mutual Insurance Company** THE CORPORATION DESCRIBED IN AND WHICH EXECUTED THE ABOVE INSTRUMENT; THAT (S)HE KNOWS THE SEAL OF SAID CORPORATION; THAT ONE OF THE SEALS AFFIXED TO THE FOREGOING INSTRUMENT IS SUCH SEAL; THAT IT WAS SO AFFIXED BY ORDER OF THE BOARD OF DIRECTORS OF SAID CORPORATION; AND THAT (S)HE SIGNED HIS/HER NAME THERETO BY LIKE ORDER.

Andrea E. Gorbert
Notary Public

ANDREA E. GORBERT
Notary Public, State of New York
No. 01GO6170063
Qualified in Suffolk County
Commission Expires July 02, 2015

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 5969709

American Fire and Casualty Company
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Andrea E. Gorbart; Anne Potter; Annette Leuschner; Beverly A. Woolford; David W. Rosehill; James E. Marran, Jr.; Nancy Schnee; Valorie Spates

all of the city of Jericho, state of NY each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 29th day of January, 2013.



American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: Gregory W. Davenport
Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON 88
COUNTY OF KING

On this 29th day of January, 2013, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.



By: KD Riley
KD Riley, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

APR 18 2013

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this _____ day of _____, 20_____.



By: David M. Carey
David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.



LIBERTY MUTUAL INSURANCE COMPANY
 FINANCIAL STATEMENT — DECEMBER 31, 2012

Assets	Liabilities
Cash and Bank Deposits..... \$ 903,711,694	Unearned Premiums..... \$4,205,141,671
*Bonds — U.S Government..... 1,166,929,471	Reserve for Claims and Claims Expense..... 17,056,420,207
*Other Bonds..... 11,415,194,219	Funds Held Under Reinsurance Treaties..... 1,315,062,091
*Stocks..... 8,104,853,899	Reserve for Dividends to Policyholders..... 2,455,411
Real Estate..... 255,967,320	Additional Statutory Reserve..... 49,768,998
Agents' Balances or Uncollected Premiums..... 3,482,069,753	Reserve for Commissions, Taxes and
Accrued Interest and Rents..... 144,016,763	Other Liabilities..... <u>3,066,051,537</u>
Other Admitted Assets..... <u>14,732,623,458</u>	Total \$25,694,899,915
Total Admitted Assets <u>\$40,205,366,577</u>	Special Surplus Funds..... \$604,621,497
	Capital Stock..... 10,000,000
	Paid in Surplus..... 7,899,471,886
	Unassigned Surplus..... 5,996,373,279
	Surplus to Policyholders..... <u>14,510,466,662</u>
	Total Liabilities and Surplus <u>\$40,205,366,577</u>



* Bonds are stated at amortized or investment value; Stocks at Association Market Values.
 The foregoing financial information is taken from Liberty Mutual Insurance Company's financial statement filed with the state of Massachusetts Department of Insurance.

I, TIM MIKOLAJEWSKI, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the foregoing is a true, and correct statement of the Assets and Liabilities of said Corporation, as of December 31, 2012, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Seattle, Washington, this 25th day of March, 2013.

T. Mikolajewski

Assistant Secretary