

A Public Records Access request has been submitted.

Request By: Leslie Taylor

Signature: Leslie Taylor

Request date: 09/09/2016

Address: 4221 W. Boy Scout Blvd., Ste 600, Tampa, FL 33607

Email: Leslie.Taylor@Gerda.com

Phone number: 813-207-2390

Personal
Information
Request: YES

Port Authority of the State
Of New York and New Jersey
4 World Trade Center
150 Greenwich St.
New York, NY 10007

RE: Port Authority of NY & NJ
Contract NYNJRR-644.531 Transfer Bridge 10
Records seeking: Colony Road, Jersey City, NJ
FOIL Request

Dear Sirs and/or Madam:

Pursuant to the Freedom of Information law, we respectfully request a copy of the payment bond for Trevcon Construction Company in connection with the above referenced project.

Thank you for your attention to this matter. If you have any questions please call.

PRA #17342

Respectfully,

GERDAU

Leslie Taylor

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY PRA #17342
PUBLIC RECORD ACCESS FORM

Action by (print / type name):

William Shalewitz

, Freedom of Information Administrator

Signature:



Date:

09/23/2016

On behalf of the Secretary of the Port Authority, as Records Access Officer and Custodian of Government Records of the Port Authority.

- The requested records are being made available.
- Any responsive records that may exist are currently in storage or archived, and a diligent search is being conducted. The Port Authority will respond by:
- A diligent search has been conducted, and no records responsive to your request have been located.
- The requested records that have been located are not being made available, as they are exempt from disclosure for the following specific reasons:

- Some requested records that have been located are being made available. The remainder are exempt from disclosure for the following specific reasons:

- The request does not reasonably describe or identify specific records; therefore, the Port Authority is unable to search for and locate responsive records. Please consider submitting a new request that describes or identifies the specific records requested with particularity and detail.

- Other:

Material responsive to your request can be found on the Port Authority's website at <http://corpinfo.panynj.gov/documents/17342-C/>. Paper copies of the available records are available upon request. Exemption for privacy applied.

This form is promulgated by the Port Authority pursuant to the Port Authority Public Records Access Policy and is intended to be construed consistent with the New York Freedom of Information Law and the New Jersey Open Public Records Act. It is intended to facilitate requests for Port Authority public records and does not constitute legal advice.

Bond No. 9181794

CONTRACT NYNJRR-644.531

PERFORMANCE AND PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned¹⁴ Contractor and surety company (or companies), as principal and surety (or sureties), respectively,

<u>Contractor</u>	<u>Surety</u>
Trevcon Construction Company, Inc. * 30 Church Street Liberty Corner, NJ 07938	Zurich American Insurance Company and Fidelity and Deposit Company of Maryland 1400 American Lane, Tower I, 18th Floor Schaumburg, IL 60196

*a corporation organized under the laws of the State of NJ

¹⁴ 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 THIRTY MILLION FOUR HUNDRED FIFTY TWO THOUSAND FIVE HUNDRED Dollars and 00 Cents (\$30,452,500.00), 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 19TH day of August 2015

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 NYNJRR-644.531 - "New York and New Jersey Rail, LLC - Transfer Bridge No. 10 Reconstruction at Greenville Yard Terminal and Fender Modifications at 65TH Street Yard Terminal in Brooklyn, New York", 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.

(Seal)

Trevcon Construction Company, Inc.

By ²⁵ Raf Lijo
Principal
Ramon J. Lijo, VP
Zurich American Insurance Company
Fidelity and Deposit Company of Maryland
Surety

By ²⁶ Adrienne Scalera
Adrienne Scalera, Attorney-In-Fact

APPROVED AS TO ACCEPTABILITY OF SURETIES:

Credit Manager

20

²⁵ If bond is signed by an officer or agent, give title; if signed by a corporation, affix corporate seal.

²⁶ Add signatures of additional sureties, if any.

ACKNOWLEDGMENT OF PRINCIPAL, IF A CORPORATION

State of New Jersey

SS:

County of Somerset

On this 19th day of Aug., 2015, before me personally came and appeared Ramon J. Lijo, to me known, who being by me duly sworn, did depose and say that he resides at Stanhope, NJ that he is the Vice Pres. of Trevcon Construction Co., Inc. 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)

Dorothy DeFaria

(Notary Signature)

DOROTHY DeFARIA

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires 1/31/2016

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

BOND

REV. 1/92

ACKNOWLEDGMENT BY SURETY COMPANY
(Signed by One Authorized Person)

STATE OF NEW JERSEY

: SS:

COUNTY OF UNION

On this 19th day of August 2015 before me personally came ADRIANNE SCALERA

to me personally known and known to me to be ATTORNEY-IN-FACT of
Zurich American Insurance Company and Fidelity and Deposit Company of Maryland

a corporation described in and which executed the within instrument, who being by me duly sworn, did depose and say that he/she resides at _____, and that he/she is the ATTORNEY-IN-FACT of said corporation; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporation seal; that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order; and that the said corporation has, pursuant to Section 1111 of the Insurance Law of the State of New York, received from the Superintendent of Insurance of the State of New York a certificate of qualification evidencing the qualification of said corporation and its sufficiency under any law of the State of New York as surety or guarantor, and the propriety of accepting and approving it as such; and that such certificate has not been revoked.



KATHLEEN M. CRISTIANO
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOVEMBER 16, 2018

FIDELITY AND DEPOSIT COMPANY

OF MARYLAND

600 Red Brook Blvd., Suite 600, Owings Mills, MD 21117

Statement of Financial Condition
As Of December 31, 2014

ASSETS

Bonds.....	\$ 142,720,308
Stocks	21,816,223
Cash and Short Term Investments.....	2,077,768
Reinsurance Recoverable	10,375,303
Other Accounts Receivable	46,778,921
TOTAL ADMITTED ASSETS	\$ 223,768,523

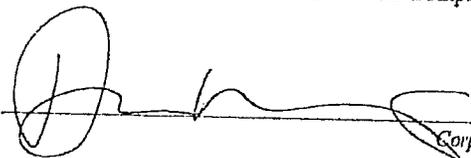
LIABILITIES, SURPLUS AND OTHER FUNDS

Reserve for Taxes and Expenses	\$ 1,321,332
Ceded Reinsurance Premiums Payable.....	49,965,411
Securities Lending Collateral Liability.....	4,009,064
TOTAL LIABILITIES	\$ 55,295,807
Capital Stock, Paid Up.....	\$ 5,000,000
Surplus.....	163,472,717
Surplus as regards Policyholders	168,472,716
TOTAL.....	\$ 223,768,523

Securities carried at \$58,191,540 in the above statement are deposited with various states as required by law.

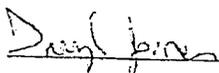
Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of market quotations for all bonds and stocks owned, the Company's total admitted assets at December 31, 2014 would be \$227,936,393 and surplus as regards policyholders \$172,640,586.

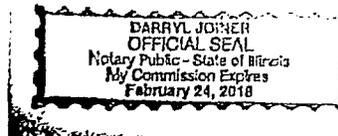
I, DENNIS F. KERRIGAN, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2014.


Corporate Secretary

State of Illinois }
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 15th day of March, 2015.

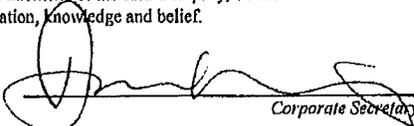

Notary Public



ZURICH AMERICAN INSURANCE COMPANY
COMPARATIVE BALANCE SHEET
ONE LIBERTY PLAZA, 165 BROADWAY, 32nd FLOOR, NEW YORK, NY 10006
As of December 31, 2014 and December 31, 2013

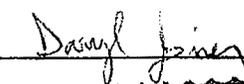
	12/31/2014	12/31/2013
Assets		
Bonds	\$ 17,933,136,241	\$ 18,990,565,123
Preferred Stock	-	-
Common Stock	3,213,594,517	2,411,755,638
Other Invested Assets	2,602,435,930	2,505,133,631
Short-term Investments	707,396,303	327,019,081
Receivable for securities	20,334,654	123,767,865
Cash and cash equivalents	9,155,828	(65,045,469)
Securities lending reinvested collateral assets	167,993,212	208,060,537
Employee Trust for Deferred Compensation Plan	140,606,132	142,420,097
Total Cash and Invested Assets	\$ 24,794,652,816	\$ 24,643,676,503
Premiums Receivable	\$ 3,317,513,374	\$ 3,358,946,105
Funds Held with Reinsurers	2,357,701	2,383,155
Reinsurance Recoverable	492,689,841	391,812,478
Accrued Investment Income	116,594,177	113,886,701
Federal Income Tax Recoverable	941,023,188	940,033,456
Due from Affiliates	83,375,591	183,852,738
Other Assets	561,819,984	549,410,052
Total Assets	\$ 30,310,026,672	\$ 30,184,001,188
Liabilities and Policyholders' Surplus		
Liabilities:		
Loss and LAE Reserves	\$ 13,922,765,027	\$ 13,894,112,327
Unearned Premium Reserve	4,502,895,029	4,321,146,577
Funds Held with Reinsurers	191,291,330	185,460,548
Loss In Course of Payment	306,093,345	357,922,606
Commission Reserve	79,627,248	68,132,284
Federal Income Tax Payable	115,512,376	290,773,995
Remittances and Items Unallocated	123,759,621	111,710,550
Payable to parent, subs and affiliates	154,224,298	154,428,297
Provision for Reinsurance	59,189,897	43,942,761
Ceded Reinsurance Premiums Payable	721,709,366	807,651,125
Securities Lending Collateral Liability	167,993,212	208,060,537
Other Liabilities	1,949,229,451	1,942,241,242
Total Liabilities	\$ 22,294,290,200	\$ 22,385,582,849
Policyholders' Surplus:		
Common Capital Stock	\$ 5,000,000	\$ 5,000,000
Paid-In and Contributed Surplus	4,394,131,321	4,394,131,321
Surplus Notes	-	-
Special Surplus Funds	57,824,000	34,865,000
Cumulative Unrealized Gain	572,072,362	505,136,565
Unassigned Surplus	2,986,708,790	2,859,285,454
Total Policyholders' Surplus	\$ 8,015,736,472	\$ 7,798,418,339
Total Liabilities and Policyholders' Surplus	\$ 30,310,026,672	\$ 30,184,001,188

I, Dennis F. Kerrigan, Corporate Secretary of ZURICH AMERICAN INSURANCE COMPANY do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company, on the 31st day of December, 2014, according to the best of my information, knowledge and belief.


Corporate Secretary

State of Illinois }
County of Cook } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 15th day of March, 2015.


Notary Public

DARRYL JOINER
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
February 24, 2018

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **THOMAS O. MCCLELLAN, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Kathleen M. CRISTIANO, Joseph DOBKOWSKI, JR. and Adrienne SCALERA, all of Clark, New Jersey, 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 Companies, 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 ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 4th day of June, A.D. 2012.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: *Eric D. Barnes*
Secretary
Eric D. Barnes

Thomas O. McClellan
Vice President
Thomas O. McClellan

State of Maryland
County of Baltimore

On this 4th day of June, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **THOMAS O. MCCLELLAN, Vice President, and ERIC D. BARNES, Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

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

Maria D. Adamski
Maria D. Adamski, Notary Public
My Commission Expires: July 8, 2015



EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and 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 Article V, Section 8, of the By-Laws of the Companies is still in force.

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 ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

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 COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and 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 seals of the said Companies, this 19th day of August, 20 15.



Geoffrey Delisio

Geoffrey Delisio, Vice President