

Torres Rojas, Genara

FOI #12663

From: prlaw@prlaw.pro
Sent: Wednesday, October 05, 2011 3:34 PM
To: Duffy, Daniel
Cc: Torres Rojas, Genara; Van Duyne, Sheree
Subject: Freedom of Information Online Request Form

Information:

First Name: Patricia
Last Name: Rooney
Company: Law Offices of Patricia Rooney, PC
Mailing Address 1: 394 S 15th Street
Mailing Address 2:
City: Lindenhurst
State: NY
Zip Code: 11757
Email Address: prlaw@prlaw.pro
Phone: 631-592-4405
Required copies of the records: Yes

List of specific record(s):

We are requesting copies of the payment bond and/or the performance bond in connection with construction procurement of goods and services at the WTC Transportation Hub, contract reference WTC 264.596, Transit Hub Foundations. The vendor affiliated with this contract reference number is EIC Associates, Inc., Springfield NJ. Please advise me whether you are in possession of these documents. If you have any questions please do not hesitate to contact me at the number and/or email above.

THE PORT AUTHORITY OF NY & NJ

Daniel D. Duffy
FOI Administrator

November 29, 2011

Ms. Patricia Rooney
Law Offices of Patricia Rooney, PC
394 S 15th Street
Lindenhurst, NY 11757

Re: Freedom of Information Reference No. 12663

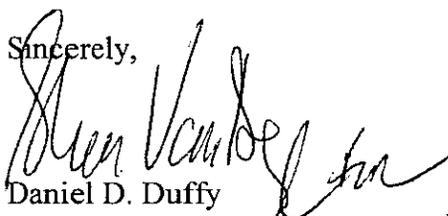
Dear Ms. Rooney:

This is a response to your October 5, 2011 request, which has been processed under the Port Authority's Freedom of Information Policy (the "Policy," copy enclosed) for copies of the Payment Bond and/or Performance Bond related to Contract No. WTC-264.596 - WTC Transportation Hub.

Material responsive to your request and available under the Policy, which consists of 12 pages, is enclosed, for a \$3 photocopying charge for this material (25¢ per page). Payment should be made in cash, certified check or money order payable to "The Port Authority of New York & New Jersey" and should be sent to my attention at 225 Park Avenue South, 17th Floor, New York, NY 10003.

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

Sincerely,


Daniel D. Duffy
FOI Administrator

Enclosure

225 Park Avenue South
New York, NY 10003
T: 212 435 3642 F: 212 435 7555

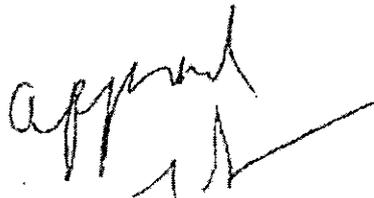
ACKNOWLEDGMENT OF SURETY COMPANY

CONTRACT WTC- 264.596

PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned¹⁶ Contractor and surety company (or companies), as principal and surety (or sureties), respectively,

Contractor	Surety
EIC Associates, Inc. <small>A Corporation organized under the laws of New Jersey</small>	Fidelity and Deposit Company of Maryland and Zurich American Insurance Company


 8/10/10

¹⁶ 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 Seventeen Million Eight Hundred Thousand and No/100 Dollars

and ^{NO} Cents (\$17,800,000.00), 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 30th day of July 2010

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- 264.596 - " Transit Hall Foundations", 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.

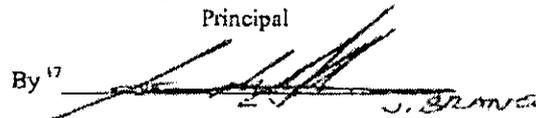
IN WITNESS WHEREOF, the principal and the sureties have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

EIC Associates, Inc.

Principal

(Seal)

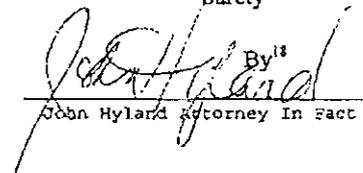
By ¹⁷



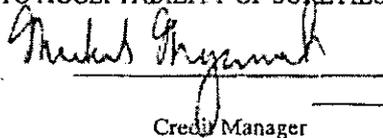
Fidelity and Deposit Company of Maryland and Zurich American Insurance Company

Surety

By ¹⁸


John Hyland Attorney In Fact

APPROVED AS TO ACCEPTABILITY OF SURETIES:


Credit Manager

August 11, 20 11

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

¹⁸ Add signatures of additional sureties, if any.

ACKNOWLEDGMENT OF PRINCIPAL, IF A CORPORATION

State of New Jersey
2254010 SS:

County of UNION

On this 30th day of July 2010, before me personally came and appeared Joseph Bracco to me known and known to PRESIDENT of ETC ASSOCIATES 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)

Jean Marie Bodolato

Jean Marie Bodolato
Notary Public, State of New Jersey (Notary
No. B254010
Qualified in Union County
Commission Expires June 24, 2010

Signature)
(Seal)

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)

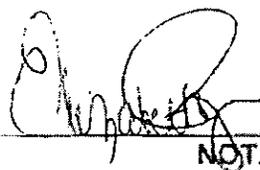
(Notary Signature)

ACKNOWLEDGEMENT OF ANNEXED INSTRUMENT

Acknowledgement by Surety

STATE OF NJ
COUNTY OF Morris

On this 30th day of July , 2010 before me personally came John Hyland who, being by me duly sworn, did depose and say that he/she is an Attorney-In-fact of Fidelity and Deposit Company of Maryland and Zurich American Insurance Company and knows the corporate seal thereof; that the seal affixed to said annexed instrument is such corporate seal, and was thereto affixed by authority of the Power of Attorney of said Company, of which a Certified Copy is hereto attached, and that he/she signed said instrument as an Attorney-In-Fact of said Company by like authority.



NOTARY PUBLIC

ELIZABETH RIGA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires on March 13, 2011

**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 THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, 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 John HYLAND, Daryl LAFORGE, Judith A. SANTORA, Beth A. TOTH and Anthony M. SPINA, all of Warren, 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 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 Joseph J. MARK, John HYLAND, Daryl LAFORGE, Judith A. SANTORA, Beth A. TOTH, dated January 30, 2007.

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 2nd day of July, A.D. 2008.

ATTEST: _____ FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Eric D. Barnes
Eric D. Barnes Assistant Secretary

Theodore G. Martinez
By: Theodore G. Martinez

State of Maryland }
City of Baltimore } ss:

On this 2nd day of July, A.D. 2008, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, 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

WTC 264. 596

Bond No. 0911132

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned¹³ Contractor and surety company (or companies), as principal and surety (or sureties), respectively,

Contractor	Surety
SIC Associates, Inc. <small>A Corporation organized under the laws of New Jersey</small>	Fidelity and Deposit Company of Maryland and Zurich American Insurance Company

approved
J. H.
8/10/10

¹³ 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 Seventeen Million Eight Hundred Thousand and No/100 Dollars

and ^{no} _____ Cents (\$17,800,000.00), 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 30th day of July 2010

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- 264.596 - " Transit Hall Foundations", 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:

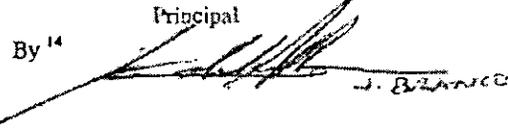
- A. Written notice of an intent to pay any claim of a subcontractor, materialman or workman hereunder;
- B. Written notice within five days of the institution of an action by a subcontractor, materialman or workman hereunder.

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.

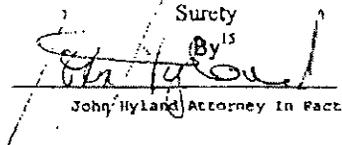
IN WITNESS WHEREOF, the principal and the sureties have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

EIC Associates, Inc.

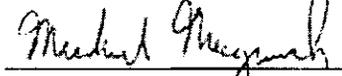
(Seal)

Principal
By ¹⁴  J. Blinn

Fidelity and Deposit Company of Maryland and Zurich American Insurance Company

Surety
By ¹⁵  John Hyland
John Hyland Attorney In Fact

APPROVED AS TO ACCEPTABILITY OF SURETIES:



Credit Manager
August 11, 2010

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

¹⁵ Add signatures of additional sureties, if any.

ACKNOWLEDGMENT OF PRINCIPAL, A CORPORATION

State of New Jersey
2254010 SS:

County of UNION

On this 30th day of July 2010, before me personally came and appeared Joseph Branco
to me known and known to PRESIDENT of ETC ASSOCIATES 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.

Jan Maria Badolato (Notary Seal)
Signature) (Seal)
Jan Maria Badolato
County Public, State of New Jersey
No. 2254010
Qualified in Union County
Commission Expires June 24, 2010 (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)

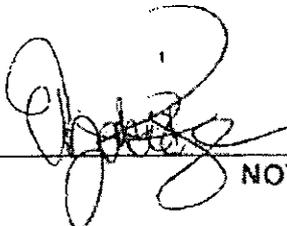
(Notary Signature)

ACKNOWLEDGEMENT OF ANNEXED INSTRUMENT

Acknowledgement by Surety

STATE OF NJ
COUNTY OF Morris

On this 30th day of July , 2010 before me personally came John Hyland who, being by me duly sworn, did depose and say that he/she is an Attorney-In-fact of Fidelity and Deposit Company of Maryland and Zurich American Insurance Company and knows the corporate seal thereof; that the seal affixed to said annexed instrument is such corporate seal, and was thereto affixed by authority of the Power of Attorney of said Company, of which a Certified Copy is hereto attached, and that he/she signed said instrument as an Attorney-In-Fact of said Company by like authority.



NOTARY PUBLIC

ELIZABETH RIGA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires on March 13, 20 13

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 THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, 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, do hereby nominate, constitute and appoint John HYLAND, Daryl LAFORGE, Judith A. SANTORA, Beth A. TOTH and Anthony M. SPINA, all of Warren, 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 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 Joseph J. MARK, John HYLAND, Daryl LAFORGE, Judith A. SANTORA, Beth A. TOTH, dated January 30, 2007.

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 2nd day of July, A.D. 2008.

ATTEST: _____ FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Eric D. Barnes

Eric D. Barnes

Theodore G. Martinez

By:

Assistant Secretary

Theodore G. Martinez

State of Maryland }
City of Baltimore } ss:

On this 2nd day of July, A.D. 2008, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, 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