

3-12-16  
ADDITIONAL  
BACKUP

**CRESCENT CONTRACTING CORP.**

2800 WEBSTER AVENUE

BRONX, NEW YORK 10458

(718) 220-4200

**BID BOND**

CONTRACT NO.: S3P311-07G

DESCRIPTION: Pump station repair and  
Mitigation Inwood, Doughty Blvd.,  
Bayview Avenue & Roslyn Road Pump Stations

RECEIVED  
CLERK OF THE LEGISLATURE  
MASSACHUSETTS  
2016 MAY -9 A 9:26

## FORM OF BID BOND

**IMPORTANT** The bidder shall instruct the Surety Company to **USE THIS FORM PROVIDED** as the use of **ANY OTHER FORM** may cause rejection of the bid.

KNOW ALL MEN BY THESE PRESENTS,

that we, the undersigned Crescent Contracting Corp.

as Principal; and Berkley Insurance Company as surety, who is Licensed to do business in the State of New York, are hereby firmly bound unto the County of Nassau in the penal sum of

Five Percent of Amount Bid dollars (\$ 5% ) for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

Signed, this 22nd day of December, 2015

The conditions of the above obligation is such that whereas the Principal has submitted to the County of Nassau a certain Bid attached hereto and hereby made a part hereof, to enter into a contract in writing for the work under Contract No. S3P311-07G for the

Pump Station Repair and Mitigation Inwood, Doughty Blvd., Bayview Ave. & Roslyn Road Pump Stations

NOW, THEREFORE, the conditions of this obligation are such that if the Principal shall not withdraw said proposal except by mutual consent of the County of Nassau within a period of forty-five (45) days after the opening of bids and in the event of acceptance of the Principal's proposal, if the Principal shall,

- a. when notified by the County, execute all necessary counterparts of the contract as set forth in the contract documents in accordance with the proposal as accepted; and
- b. furnish bonds and other security as specified in the contract documents for the faithful performance and proper fulfillment of such contract, which bonds or other security shall be satisfactory in all respects to the County; and
- c. in all respects, comply with the provisions set forth in the invitation to bid; or if the County of Nassau shall reject the aforesaid proposal for a reason other than the Principal's failure to satisfy the County that he has the necessary skill, experience and liquid assets required for the contract as stated in the documents aforesaid, then this obligation shall be null and void; otherwise to remain in full force and effect.

Provided, however, that this bond is subject to the following additional conditions and limitations.

- a. In the event that the Principal fails to submit a financial statement when required by the County or in the event that an examination of the Principal indicates to the County that the Principal does not meet the financial requirements required by the County, the undersigned will, upon demand, pay to the County of Nassau, as liquidated damages for the Principal's failure to meet such requirements, a sum equal to the amount that would have been required by a certified check if the same were delivered in accordance with the provisions of the contract documents and specifications herein stated.
- b. In case the Principal shall default in the performance of any provision the undersigned will upon demand pay to the County of Nassau the full amount of the damages sustained by the County of Nassau by reason of such default, except however, it is expressly understood and agreed that the liability of the surety for any and all claims hereunder shall in no event exceed the amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of time within which the County of Nassau may accept such Bid; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety 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.

Crescent Contracting Corp.  
Contractor

by WDR (L.S.) (Corporate seal of Contractor  
Reed D. Rickman-President Title if a corporation)

by \_\_\_\_\_ (L.S.) Title

by \_\_\_\_\_ (L.S.) Title

Berkley Insurance Company

Surety

by [Signature] (L.S.)  
Title of Officer John C. [Signature] Attorney-in-Fact

Attest: [Signature] (L.S.)  
~~XXXXXXXXXXXX~~ Witness

(Corporate seal of Surety)

(Acknowledgment by Contractor if a corporation)

STATE OF New York )

ss.:

COUNTY OF Bronx )

On this 20th day of December, 2015, before me personally came Reed D. Rickman to me known, who, being by me duly sworn, did depose and say for himself, that he resides in [REDACTED] that he is the President of the Crescent Contracting Corp. the corporation described in, and which executed the foregoing instrument; that he 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 signed his name thereto by like order.

**YOLANDA MORALES**  
Notary Public, State of New York  
No. 01MO6058002  
Qualified in Bronx County  
Commission Expires April 30, 2019

Yolanda Morales  
Notary Public

(Acknowledgment by Contractor if a partnership)

STATE OF \_\_\_\_\_ )

ss.:

COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_ to me known and known to me to be a member of the firm described in and which executed the foregoing bond or obligation, and he acknowledged to me that he subscribed the name of said firm thereto on behalf of said firm for the purpose therein mentioned.

\_\_\_\_\_  
Notary Public

(Acknowledgment by Contractor if an individual.)

STATE OF \_\_\_\_\_ )

ss.:

COUNTY OF \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public

(Acknowledgment by Surety Company)

STATE OF Connecticut )

ss.:

COUNTY OF Hartford )

On this 22nd day of December , 2015 , before me personally came John C. Wagner to me Known, who being by me duly sworn, did depose and say that he resides in [REDACTED]

that he is the Attorney-in-Fact of the Berkley Insurance Company , the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation, and that he signed his name thereto by like order; and that the liabilities of said company do not exceed its assets as ascertained in the manner provided by the laws of the State of New York, and the said Berkley Insurance Company further said that he is acquainted with John C. Wagner and knows him to be the Attorney-in-Fact of said company; that the signature of the said Attorney-in-Fact subscribed to the within instrument is in the genuine handwriting of the said John C. Wagner and was subscribed thereto by like order of the Board of Directors, and in the presence of him, the said Attorney-in-Fact.

  
Notary Public

Stephen Wagner  
Notary Public  
Connecticut  
My Commission Expires  
October 31, 2016

**POWER OF ATTORNEY**

**ATTENTION:** Insert the "Power of Attorney" after this page in with your bid submission.

POWER OF ATTORNEY  
BERKLEY INSURANCE COMPANY  
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: *John C. Wagner; Stephen C. Wagner; Linda J. Hayward; Virginia R. Martin; or Kaitlin Gencarelli of AA Plus Bonding Services LLC of Farmington, CT* its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

**RESOLVED**, that, with respect to the Surety business written by Berkley Surety Group, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

**RESOLVED**, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

**RESOLVED**, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

**RESOLVED**, that the signature of an authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney authorizing the execution, delivery of any bond, undertaking, recognizance, or other suretyship obligation, and such signature and seal shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 26<sup>th</sup> day of January, 2015.

Attest:

Berkley Insurance Company

(Seal)

By

Ira S. Lederman  
Senior Vice President & Secretary

By

Jeffrey M. Hafter  
Senior Vice President

**WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.**

STATE OF CONNECTICUT )

COUNTY OF FAIRFIELD )

) ss:

Sworn to before me, a Notary Public in the State of Connecticut, this 26<sup>th</sup> day of January, 2015, by Ira S. Lederman and Jeffrey M. Hafter who are sworn to me to be the Senior Vice President and Secretary, and the Senior Vice President, respectively, of Berkley Insurance Company.

**MARIA C. RUNDBAKEN**  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
APRIL 30, 2019

Maria C. Rundbaker  
Notary Public, State of Connecticut

**CERTIFICATE**

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 22<sup>nd</sup> day of December, 2015.

(Seal)

Andrew M. Fuma

WARNING - Any unauthorized reproduction or alteration of this document is prohibited. This power of attorney is void unless seals are readable and the certification seal at the bottom is embossed. The background imprint, watermark and confirmation (on reverse) must be in blue ink.



# BERKLEY INSURANCE COMPANY

## STATUTORY BALANCE SHEET DECEMBER 31, 2014 (AMOUNTS IN THOUSANDS)

### Admitted Assets

Bonds  
Common & Preferred Stocks  
Cash & Short Term Investments  
Premiums Receivable  
Other Assets

\$

### Total Admitted Assets

\$

### Liabilities & Surplus

Loss & LAE Reserves  
Unearned Premium Reserves  
Other Liabilities

\$

### Total Liabilities

Capital Stock  
Preferred Stock  
Additional Paid In Capital  
Unassigned Surplus

\$

### Total Policyholders' Surplus

\$

### Total Liabilities & Surplus

\$

### Officers:

President: W. Robert Berkley, Jr.  
Secretary: Ira Seth Lederman  
Treasurer: Eugene George Ballard

### Directors:

William Robert Berkley,  
(Chairman)  
W. Robert Berkley, Jr.  
Eugene George Ballard  
Paul James Hancock  
Carol Josephine LaPunzina  
Ira Seth Lederman  
C. Fred Madsen

**CERTIFICATE OF SOLVENCY**

**ATTENTION:** Insert the "Certificate of Solvency" after this page in with your bid submission.

**CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW  
YORK INSURANCE LAW**

STATE OF NEW YORK  
DEPARTMENT OF FINANCIAL SERVICES

It is hereby certified that

**Berkley Insurance Company**

Of Wilmington, Delaware

a corporation organized under the laws of the State of Delaware and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guaranties and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of [REDACTED] (Capital [REDACTED]) as is shown by its sworn financial statement for the third quarter ending September 30, 2014 on file in this Department, prior to audit.

The said corporation cannot lawfully expend its assets in excess of the amount provided in Section 4118 of the Insurance Law of this State, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.



In Witness Whereof, I have

unto set my hand and affixed

official seal of this Department  
in the City of Albany, this 25th  
day of February, 2015.

Benjamin M. Lawskey  
Superintendent of Insurance

By

*Jacqueline Catalfamo*

Jacqueline Catalfamo  
Special Deputy Superintendent

## INSTRUCTIONS TO BIDDERS

address furnished for such purposes) not later than five (5) working days prior to the date fixed for the opening of bids. Failure of any bidder to receive any such addenda or interpretation shall not relieve any bidder from any obligation under his bid as submitted. All addenda so issued shall become part of the Contract Document.

### H. BID SECURITY

1. The proposal must be accompanied either by a certified check of a Bank or Trust Company with its principal place of business in New York State in an amount equal to not less than 10% of the amount bid, made payable to the County of Nassau as assurance that the bid is made in good faith; or a BID BOND in an amount of not less than 10% of the amount bid. **BIDDER MUST USE THE BID BOND FORM PROVIDED HEREIN.** The American Institute of Architects or similar substitute forms **OR FORMS IDENTICAL TO THAT PROVIDED HEREIN** will **NOT** be accepted (see Form of Bid Bond immediately following the Instruction to Bidders). **The BID BOND must be affixed to the OUTSIDE of the envelope containing the BID as indicated earlier in the INSTRUCTIONS TO BIDDERS.** FAILURE TO PROVIDE SUCH BID BOND OR CERTIFIED CHECK WITH THE BID WILL RENDER THE BIDDER NON-RESPONSIVE AND THE BID WILL NOT BE ACCEPTED, OPENED OR READ ALOUD.
2. If after opening the BID, the Bid Security is found to be less than the required 10%, the BID will at that point be determined to be non-responsive and the BID will be rejected.
3. All Bonds shall be issued by a Surety Company authorized to do business in the State of New York as evidenced by either the Surety Company's most recent Certificate of Solvency under Section 1111 of the New York Insurance Law, a copy of which shall be attached to the Bond **OR** issued by a Surety Company listed in the most recent copy of the Department of Treasury's Listing of Approved Sureties (Department Circular 570). The amount of such Bond shall not exceed the limits set by the aforesaid Certificate of Solvency or Treasury Department Circular.
4. Within three days after the opening of bids, the bid security of all but the three lowest bidders will be returned. The bid security of the remaining bidders will be returned within two days after the execution of the Contract.
5. If the Bidder to whom the Contract is awarded refuses or neglects to execute it, or fails to furnish the required

Nassau DPW B.I.D.S - Summary of Bid Opening

S3p311-07G - General Contracting

Pump Station Repair & Mitigation-Inwood, Doughty Blvd, Bayview Ave & Roslyn Rd

**Bid Opening:** 12/22/2015

**Engineer:**

<b>Contractor</b>	<b>Address</b>	<b>Insurance</b>	<b>Payment</b>
Crescent Contracting Corp.	2800 Webster Avenue Bronx, NY 10458		
RJ Industries	75 East Bethpage Road Plainview, NY 11803-0349	Liberty Mutual Insurance Comp	10% Amt Bid
Philip Ross Industries, Inc.	200 Long Island Avenue Wyandanch, NY 11798	Liberty Mutual Insurance Comp	10% Amt Bid
Posillico Civil, Inc.	1750 New Highway Farmingdale, NY 11735	Liberty Mutual Insurance Comp	10% Amt Bid
John P. Picone Inc.	31 Garden Lane, PO Box 913 Lawrence, NY 11559	National Liability & Fire Insura	10% Amt Bid

The above is a review of the bids and subsequent list of all the bids that were read aloud at the public bid opening. Listed bids may be subsequent to the Department's determination of the lowest responsible bidder.