

**AMENDMENT 9 TO ADDENDUM #13  
BP-S139, SOUTH TERMINAL C, PHASE 1 - LANDSIDE SITE UTILITIES  
AND BALANCE OF SITEWORK (GMP#5-S.2)**

This Amendment is effective this 20 day of October, 2022, by and between the **Greater Orlando Aviation Authority** ("Owner") and **Turner-Kiewit Joint Venture** ("CM@R").

WHEREAS, by Agreement dated January 11, 2017, the Owner and the CM@R entered into an agreement for Construction Management at Risk Services for the South Airport Terminal C, Phase 1 ("Program"); and

WHEREAS, on June 5, 2018, the parties entered into Addendum 13 in the amount of \$37,185,724.00 to provide for the award of BP-S139, South Terminal C, Phase 1 - Landside Site Utilities and Balance of Sitework (GMP#5-S.2); and

WHEREAS, on May 28, 2019, the parties entered into Amendment 1 to Addendum 13 in the amount of \$9,038,017.00 to provide for GMP revisions to BP-S139, South Terminal C, Phase 1 - Landside Site Utilities and Balance of Sitework (GMP#5-S.2); and

WHEREAS, on October 4, 2019, the parties entered into Amendment 2 to Addendum 13 in the amount of \$18,037,180.00 to provide for GMP revisions to BP-S139, South Terminal C, Phase 1 - Landside Site Utilities and Balance of Sitework (GMP#5-S.2); and

WHEREAS, on February 27, 2020, the parties entered into Amendment 3 to Addendum 13 in the amount of \$2,755,459.00 to provide for GMP revisions to BP-S139, South Terminal C, Phase 1 - Landside Site Utilities and Balance of Sitework (GMP#5-S.2); and

WHEREAS, on December 21, 2020, the parties entered into Amendment 4 to Addendum 13 in the amount of \$2,893,690.00 to provide for GMP revisions to BP-S139, South Terminal C, Phase 1 - Landside Site Utilities and Balance of Sitework (GMP#5-S.2); and

WHEREAS, on September 28, 2021, the parties entered into Amendment 5 to Addendum 13 in the amount of \$2,443,771.00 to provide for GMP revisions to BP-S139, South Terminal C, Phase 1 - Landside Site Utilities and Balance of Sitework (GMP#5-S.2); and

WHEREAS, on February 2, 2022, the parties entered into Amendment 6 to Addendum 13 in the amount of \$420,356.00 to provide for GMP revisions to BP-S139, South Terminal C, Phase 1 - Landside Site Utilities and Balance of Sitework (GMP#5-S.2); and

WHEREAS, on May 23, 2022, the parties entered into Amendment 7 to Addendum 13 in the amount of (\$2,000,000.00) to provide for GMP revisions to BP-S139, South Terminal C, Phase 1 - Landside Site Utilities and Balance of Sitework (GMP#5-S.2); and

WHEREAS, on June 22, 2022, the parties entered into Amendment 8 to Addendum 13 in the amount of \$382,845.21 to provide for GMP revisions to BP-S139, South Terminal C, Phase 1 - Landside Site Utilities and Balance of Sitework (GMP#5-S.2); and

WHEREAS, the parties desire to enter into this Amendment 9 to Addendum 13 for BP-S139, South Terminal C, Phase 1 - Landside Site Utilities and Balance of Sitework (GMP#5-S.2) as more fully described below.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, the Owner and the CM@R do hereby agree as follows:

1. The Guaranteed Maximum Price as more fully described in Exhibit A is hereby revised to the following:

<b>GMP</b>	<b>Original GMP Budget*</b>	<b>Current GMP Budget**</b>	<b>Proposed GMP Amendment</b>	<b>Proposed GMP Total</b>
Direct Cost of Work	\$28,018,598.00	\$67,494,223.72	\$0.00	\$67,494,223.72
General Requirements	\$0.00	\$264,437.00	\$0.00	\$264,437.00
Unbought Scope	\$1,545,314.00	\$0.00	\$0.00	\$0.00
Allowances	\$3,400,000.00	\$0.00	\$0.00	\$0.00
CM@R Contingency	\$1,848,195.00	\$0.00	\$0.00	\$0.00
Owner Contingency	\$824,098.00	\$47,812.03	\$333,284.21	\$380,896.24
P&P Bond	\$246,913.00	\$475,425.30	\$2,572.85	\$477,998.15
Fee (4.211%)	\$1,502,818.00	\$2,875,344.18	\$14,142.94	\$2,889,487.10
<b>Total</b>	<b>\$37,188,724.00</b>	<b>\$71,157,042.21</b>	<b>\$350,000.00</b>	<b>\$71,507,042.21</b>

2. The Consent of Surety that reflects the current cumulative contract value is attached hereto and incorporated herein as Exhibit B.
3. Except as expressly modified herein, the terms and conditions of the Agreement and Addendum #13 remain unchanged. In the event of a conflict between the terms of this Amendment and those of the Agreement or Addendum #13, the terms of this Amendment shall prevail and control.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment the day and year first written above.

**CMAR  
Turner-Kiewit Joint Venture**

By: 

Print Name: Daniel Lomax

Title: VP/General Manager

**OWNER  
Greater Orlando Aviation Authority**

By: 

Kevin J. Thibault, P.E.  
Chief Executive Officer

Approved as to Form and Legality (for the benefit of GOAA only)

this 20 day of Oct, 2020

By: 

NELSON MULLINS BROAD AND CASSEL  
Legal Counsel  
Greater Orlando Aviation Authority

TURNER BOND NUMBERS: Liberty Bond No.: 015055170; Travelers Bond No.: 106646473; F&D/Zurich Bond No.: 9247702; Federal Bond No.: 8245-16-65; Continental Bond No.: 30001393; BH Bond No.: 47-SUR-300033-01-0097

KIEWIT BOND NUMBER: Travelers Bond No. : 106674142

**SOUTH AIRPORT TERMINAL C, PHASE 1  
CONSENT OF SURETY TO INCREASE THE PENAL SUM OF THE BONDS**

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, TURNER-KIEWIT JOINT VENTURE, as Principal, and LIBERTY MUTUAL INSURANCE COMPANY, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, FIDELITY AND DEPOSIT COMPANY OF MARYLAND, ZURICH AMERICAN INSURANCE COMPANY, FEDERAL INSURANCE COMPANY, THE CONTINENTAL INSURANCE COMPANY AND BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, as Surety, hereby acknowledge that the Payment and Performance Bonds, dated effective June 15, 2017, that were executed by the Principal and Surety and submitted to the GREATER ORLANDO AVIATION AUTHORITY remain in effect and the Cumulative Contract Value is hereby increased to reflect the execution of Amendment 4 to Addendum 16, Amendment 9 to Addendum 13 and Amendment 5 to Addendum 11 which are hereby referenced and incorporated into the Bonds, and, therefore, the Penal Sum for each Bond is hereby increased to ONE BILLION FOUR HUNDRED FOUR MILLION SIX HUNDRED TWENTY-NINE THOUSAND SEVENTY-NINE AND 85/100 DOLLARS (\$1,404,629,079.85). All other terms of the Bonds shall remain unchanged.

SIGNED THIS 15th DAY OF September, 2022.

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, on the date set forth above.

Signed, sealed and delivered in the presence of:


TURNER-KIEWIT JOINT VENTURE, Principal

By: 

Daniel R. Lamorte, Vice President & General Manager  
Name and Title

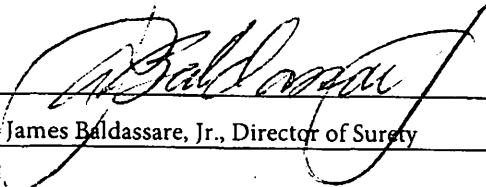
\_\_\_\_\_  
(SEAL)

LIBERTY MUTUAL INSURANCE COMPANY, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, FIDELITY AND DEPOSIT COMPANY OF MARYLAND, ZURICH AMERICAN INSURANCE COMPANY, FEDERAL INSURANCE COMPANY, THE CONTINENTAL INSURANCE COMPANY AND BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, Surety

By: 

John F. Surano, Attorney-in-Fact  
Name and Title

Turner Surety and Insurance Brokerage, Inc.  
Agency  
250 Pehle Avenue, Suite 311, Saddle Brook, NJ 07663  
Address

  
James Baldassare, Jr., Director of Surety

(SEAL)  
N/A  
(Countersignature by a Florida Licensed Agent)

Florida License # W027019

\_\_\_\_\_  
Name and Title  
\_\_\_\_\_  
Agency  
\_\_\_\_\_  
Address

NOTE: The respective corporate seals should be affixed. Additionally, a certified copy of a Power-of-Attorney appointing the individual Attorney-in-Fact for the Surety, as well as the Power-of-Attorney appointing the Florida licensed agent, should be attached.

**ACKNOWLEDGMENT**

STATE OF

COUNTY OF

On this 19 day of September, 2022, before me personally appeared Daniel Lamotte to me known, who by me being duly sworn, did depose and say: that he is a member or manager of the joint venture

Tucker Krewitt and that he is authorized to execute the attached surety bond in the name of and for the joint venture above named, and that he acknowledged to me that he signed the attached instrument pursuant to such authority.

Felicia A. Cordle  
Notary Public Felicia A. Cordle



Felicia A. Cordle  
Comm.: HH 159724  
Expires: Nov. 16, 2025  
Notary Public - State of Florida

My commission expires: November 16, 2025

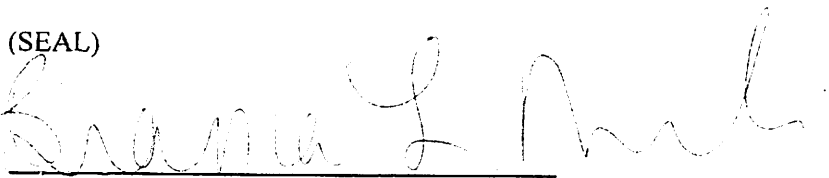
**CORPORATE ACKNOWLEDGMENT**

Form 152

STATE OF NEW JERSEY  
COUNTY OF BERGEN

On this 15<sup>th</sup> day of September, 2022 before me personally came John F. Surano to me known, who, being by me duly sworn, did depose and say that she/he resides in Basking Ridge, New Jersey that she/he is the ATTORNEY IN FACT of the LIBERTY MUTUAL INSURANCE COMPANY, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, FIDELITY AND DEPOSIT COMPANY OF MARYLAND, ZURICH AMERICAN INSURANCE COMPANY, FEDERAL INSURANCE COMPANY, THE CONTINENTAL INSURANCE COMPANY, BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, the corporation described in and which executed the above instrument that she/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 she/he signed her/his name thereto by like order.

(SEAL)



**BIANCA L. MELI**  
**NOTARY PUBLIC, STATE OF NEW JERSEY**  
**MY COMMISSION EXPIRES**  
**SEPTEMBER 30, 2024**



LIBERTY MUTUAL INSURANCE COMPANY  
FINANCIAL STATEMENT — DECEMBER 31, 2021

<b>Assets</b>	<b>Liabilities</b>
Cash and Bank Deposits.....	Unearned Premiums.....
\$2,234,770,744	\$9,106,965,847
*Bonds — U.S Government.....	Reserve for Claims and Claims Expense .....
4,250,615,811	25,279,158,493
*Other Bonds.....	Funds Held Under Reinsurance Treaties.....
16,983,165,862	315,537,902
*Stocks .....	Reserve for Dividends to Policyholders.....
20,075,458,019	1,726,291
Real Estate.....	Additional Statutory Reserve .....
182,250,567	139,634,000
Agents' Balances or Uncollected Premiums.....	Reserve for Commissions, Taxes and
7,607,687,836	Other Liabilities .....
Accrued Interest and Rents.....	8,638,106,801
120,173,987	<b>Total .....</b>
Other Admitted Assets.....	<b>\$43,481,129,334</b>
14,076,622,575	Special Surplus Funds.....
	\$178,192,363
	Capital Stock.....
	10,000,075
	Paid in Surplus .....
	11,804,736,755
	Unassigned Surplus.....
	10,056,686,874
	<b>Surplus to Policyholders .....</b>
	<b>22,049,616,067</b>
<b>Total Admitted Assets .....</b>	<b>Total Liabilities and Surplus.....</b>
<b><u>\$65,530,745,401</u></b>	<b><u>\$65,530,745,401</u></b>



\* 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, 2021, 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 8<sup>th</sup> day of March, 2022.

*T. Mikolajewski*

\_\_\_\_\_  
Assistant Secretary



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.

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

Certificate No: 8207358-974450

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation 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, Bianca L. Meli; Charo J. Rosemond; Elliott W. Wolfe; James Baldassare Jr, John F. Surano; Krista A. Burke; Lisa M. Scavetta; Maria L. Spadaccini; Nicholas F. Walsh; Sherryanne M. DePirro

all of the city of Saddle Brook state of NJ 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 17th day of February, 2022.



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

By: David M. Carey

David M. Carey, Assistant Secretary

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

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 17th day of February, 2022 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of 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 King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member: Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of 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 David M. Carey, 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, Renee C. Llewellyn, the undersigned, Assistant Secretary, 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.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 15th day of September, 2022.



By: Renee C. Llewellyn

Renee C. Llewellyn, Assistant Secretary

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.



# LIBERTY MUTUAL INSURANCE COMPANY

Is hereby authorized to transact  
insurance in the State of Florida.

This certificate signifies that the company  
has satisfied all requirements of the  
Florida Insurance Code for the issuance  
of a license and remains subject to  
all applicable laws of Florida.

Date of Issuance: October 11, 1918  
No. 91-04-1543470



**Florida  
Department  
of Insurance**

A handwritten signature in cursive script that reads "Tom Gallagher".

Tom Gallagher  
Treasurer and Insurance Commissioner

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

HARTFORD, CONNECTICUT 06183

FINANCIAL STATEMENT AS OF DECEMBER 31, 2021

CAPITAL STOCK \$ 6,480,000

ASSETS		LIABILITIES & SURPLUS	
BONDS	\$ 4,427,088,873	LOSSES	\$ 1,224,258,147
STOCKS	90,882,083	LOSS ADJUSTMENT EXPENSES	157,266,812
CASH AND INVESTED CASH	3,976,380	COMMISSIONS	49,977,844
OTHER INVESTED ASSETS	4,809,133	OTHER EXPENSES	46,807,590
SECURITIES LENDING REINVESTED COLLATERAL ASSETS	7,433,088	TAXES, LICENSES AND FEES	16,655,025
INVESTMENT INCOME DUE AND ACCRUED	37,877,324	CURRENT FEDERAL AND FOREIGN INCOME TAXES	1,972,277
PREMIUM BALANCES	294,081,729	UNEARNED PREMIUMS	1,212,347,829
REINSURANCE RECOVERABLE	70,677,846	ADVANCE PREMIUM	1,824,313
NET DEFERRED TAX ASSET	60,156,980	POLICYHOLDER DIVIDENDS	14,258,052
OTHER ASSETS	3,286,703	CEDED REINSURANCE NET PREMIUMS PAYABLE	47,473,819
		AMOUNTS WITHHELD / RETAINED BY COMPANY FOR OTHERS	42,087,038
		REMITTANCES AND ITEMS NOT ALLOCATED	10,579,448
		PROVISION FOR REINSURANCE	6,873,132
		PAYABLE TO PARENT, SUBSIDIARIES AND AFFILIATES	40,373,235
		PAYABLE FOR SECURITIES LENDING	7,433,088
		ESCHEAT LIABILITY	537,132
		RETROACTIVE REINSURANCE RESERVE ASSUMED	816,092
		OTHER ACCRUED EXPENSES AND LIABILITIES	250,005
		<b>TOTAL LIABILITIES</b>	<b>\$ 2,881,588,277</b>
		CAPITAL STOCK	\$ 6,480,000
		PAID IN SURPLUS	433,803,760
		OTHER SURPLUS	1,678,177,878
		<b>TOTAL SURPLUS TO POLICYHOLDERS</b>	<b>\$ 2,118,461,638</b>
<b>TOTAL ASSETS</b>	<b>\$ 5,000,059,915</b>	<b>TOTAL LIABILITIES &amp; SURPLUS</b>	<b>\$ 5,000,059,915</b>

STATE OF CONNECTICUT )  
 COUNTY OF HARTFORD ) SS.  
 CITY OF HARTFORD )

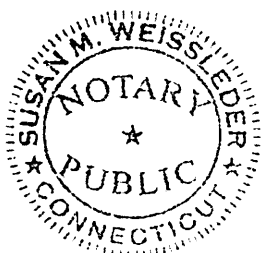
MICHAEL J. DOODY, BEING DULY SWORN, SAYS THAT HE IS VICE PRESIDENT - FINANCE, OF TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, AND THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE FOREGOING IS A TRUE AND CORRECT STATEMENT OF THE FINANCIAL CONDITION OF SAID COMPANY AS OF THE 31ST DAY OF DECEMBER, 2021.

*Michael J. Doody*  
 VICE PRESIDENT - FINANCE

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
 17TH DAY OF MARCH, 2022

NOTARY PUBLIC

SUSAN M. WEISSLEDER  
 Notary Public  
 My Commission Expires November 30, 2022





**Travelers Casualty and Surety Company of America  
Travelers Casualty and Surety Company  
St. Paul Fire and Marine Insurance Company**

**POWER OF ATTORNEY**

**KNOW ALL MEN BY THESE PRESENTS:** That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **John F Surano** of **SADDLE BROOK**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

**IN WITNESS WHEREOF**, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 21st day of April, 2021.



State of Connecticut

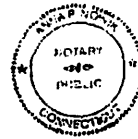
City of Hartford ss.

By:   
Robert L. Raney, Senior Vice President

On this the 21st day of April, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2026



Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 15th day of September, 2022.



Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.  
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.**

# **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**

**Is hereby authorized to transact  
insurance in the State of Florida.**

**This certificate signifies that the company  
has satisfied all requirements of the  
Florida Insurance Code for the issuance  
of a license and remains subject to  
all applicable laws of Florida.**

**Date of Issuance: October 23, 1985  
No. 97-06-0907370**



**Florida  
Department  
of Insurance**

A handwritten signature in cursive script that reads "Bill Nelson".

**Bill Nelson  
Treasurer and Insurance Commissioner**

# THE FIDELITY AND DEPOSIT COMPANY

OF MARYLAND

1299 Zurich Way Schaumburg, IL 60196

## Statement of Financial Condition

As Of December 31, 2021

### ASSETS

Bonds.....	\$ 237,467,504
Stocks.....	18,985,762
Cash and Short-Term Investments.....	7,415,852
Reinsurance Recoverable.....	25,735,324
Federal Income Tax Recoverable.....	0
Other Accounts Receivable.....	24,479,233
<b>TOTAL ADMITTED ASSETS.....</b>	<b>\$ 314,083,675</b>

### LIABILITIES, SURPLUS AND OTHER FUNDS

Reserve for Taxes and Expenses.....	\$ 378,101
Ceded Reinsurance Premiums Payable.....	48,876,599
Remittances and Items Unallocated.....	0
Payable to parents, subs and affiliates.....	0
Securities Lending Collateral Liability.....	0
<b>TOTAL LIABILITIES.....</b>	<b>\$ 49,254,700</b>
Capital Stock, Paid Up.....	\$ 5,000,000
Surplus.....	264,828,975
Surplus as regards Policyholders.....	264,828,975
<b>TOTAL.....</b>	<b>\$ 314,083,675</b>

Securities carried at \$78,561,855 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, 2021 would be \$319,561,762 and surplus as regards policyholders \$270,307,062.

I, LAURA J. LAZARCZYK, 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, 2021.

DocuSigned by:

Laura J. Lazarczyk

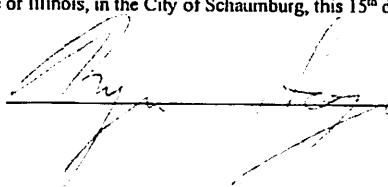
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Corporate Secretary

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 15<sup>th</sup> day of March, 2022.

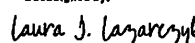


  
Notary Public

**ZURICH AMERICAN INSURANCE COMPANY**  
**COMPARATIVE BALANCE SHEET**  
**4 WORLD TRADE CENTER, 150 GREENWICH STREET, NEW YORK, NY 10007**  
**As of December 31, 2021 and December 31, 2020**

	12/31/2021	12/31/2020
<b><u>Assets</u></b>		
Bonds	\$ 16,632,198,754	\$ 15,696,060,158
Preferred Stock	-	-
Common Stock	2,938,741,320	2,964,630,407
Real Estate	1,195,108,770	1,294,160,876
Other Invested Assets	1,511,224,849	1,435,120,966
Derivatives	4,892,042	178,175
Short-term Investments	562,958	285,002
Receivable for securities	22,712,596	809,339
Cash and cash equivalents	157,712,608	526,475,686
Securities lending reinvested collateral assets	-	105,614,095
Employee Trust for Deferred Compensation Plan	114,975,842	122,225,149
Total Cash and Invested Assets	\$ 22,578,129,739	\$ 22,145,559,853
Premiums Receivable	\$ 5,896,173,688	\$ 5,318,928,254
Funds Held with Reinsurers	-	99,875
Reinsurance Recoverable	1,288,549,705	1,248,855,148
Accrued Investment Income	118,060,365	118,531,136
Federal Income Tax Recoverable	471,599,585	507,200,404
Duc from Affiliates	129,012,120	92,277,523
Other Assets	538,603,889	559,476,243
Total Assets	\$ 31,020,129,090	\$ 29,990,928,434
<b><u>Liabilities and Policyholders' Surplus</u></b>		
<b>Liabilities:</b>		
Loss and L.A.E. Reserves	\$ 12,244,569,908	\$ 12,295,705,961
Unearned Premium Reserve	4,276,836,095	3,952,940,831
Funds Held with Reinsurers	674,404,810	554,226,440
Loss In Course of Payment	1,673,061,383	1,351,312,377
Commission Reserve	160,324,275	119,930,116
Federal Income Tax Payable	10,641,098	34,772,832
Remittances and Items Unallocated	336,655,509	432,727,110
Payable to parent, subs and affiliates	353,084,887	273,601,687
Provision for Reinsurance	89,554,951	175,327,995
Ceded Reinsurance Premiums Payable	1,525,470,381	1,591,358,027
Securities Lending Collateral Liability	-	105,614,095
Other Liabilities	1,789,130,300	1,922,304,215
Total Liabilities	\$ 23,133,733,598	\$ 22,809,821,689
<b>Policyholders' Surplus:</b>		
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	3,996,000	9,672,000
Cumulative Unrealized Gain	172,586,977	192,450,057
Unassigned Surplus	3,310,681,195	2,579,853,368
Total Policyholders' Surplus	\$ 7,886,395,493	\$ 7,181,106,746
Total Liabilities and Policyholders' Surplus	\$ 31,020,129,090	\$ 29,990,928,434

I, LAURA J. LAZARCZYK, 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, 2021, according to the best of my information, knowledge and belief.

DocuSigned by:  
  
42DF6DB471374B0... 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, 2022.



*Notary public*

**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 Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, 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 Krista A. BURKE, Charo J. ROSEMOND, Maria L. SPADACCINI, Sherryanne M. DEPIRRO, Nicholas F. WALSH, Lisa M. SCAVETTA, Elliott W. WOLFFE, James BALDASSARE, JR., John F. SURANO, Bianca L. MELI of **Saddle Brook, New Jersey**, 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 14th day of March, A.D. 2022.



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

By: *Robert D. Murray*  
Vice President

By: *Dawn E. Brown*  
Secretary

**State of Maryland  
County of Baltimore**

On this 14th day of March, A.D. 2022, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, 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.



Constance A. Dunn, Notary Public  
My Commission Expires: July 9, 2023

**Authenticity of this bond can be confirmed at [bondvalidator.zurichna.com](http://bondvalidator.zurichna.com) or 410-559-8790**

**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 15th day of September, 2022.



*MJ Pethick*  
By: Mary Jean Pethick  
Vice President

**TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:**

Zurich Surety Claims  
1299 Zurich Way  
Schaumburg, IL 60196-1056  
Ph: 800-626-4577

If your jurisdiction allows for electronic reporting of surety claims, please submit to:  
[reports@claims.zurichna.com](mailto:reports@claims.zurichna.com)

Authenticity of this bond can be confirmed at [bondvalidator.zurichna.com](http://bondvalidator.zurichna.com) or 410-559-8790





**Florida  
Department  
of Insurance**

## **FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

**Is hereby authorized to transact  
insurance in the State of Florida.**

**This certificate signifies that the company  
has satisfied all requirements of the  
Florida Insurance Code for the issuance  
of a license and remains subject to  
all applicable laws of Florida.**

**Date of Issuance: September 1, 1991  
No. 91-13-3046577**

A handwritten signature in cursive script that reads "Tom Gallagher".

---

**Tom Gallagher  
Treasurer and Insurance Commissioner**

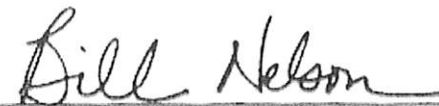
# ZURICH AMERICAN INSURANCE COMPANY

is hereby authorized to transact  
insurance in the state of Florida.

This certificate signifies that the company  
has satisfied all requirements of the  
Florida Insurance Code for the issuance  
of a license and remains subject to  
all applicable laws of Florida.

Date of Issuance: August 01, 1924

No. 99-36-4233459



Bill Nelson  
Treasurer and Insurance Commissioner



Florida  
Department  
of Insurance

**FEDERAL INSURANCE COMPANY**  
**STATEMENT OF ASSETS, LIABILITIES AND SURPLUS TO POLICYHOLDERS**

Statutory Basis  
 December 31, 2021  
 (in thousands)


<b>ASSETS</b>		<b>LIABILITIES AND SURPLUS TO POLICYHOLDERS</b>	
Cash and Short Term Investments	\$ (587,308)	Outstanding Losses and Loss Expenses	\$ 8,701,383
United States Government, State and Municipal Bonds	4,271,534	Reinsurance Payable on Losses and Expenses	1,484,198
Other Bonds	5,984,873	Unearned Premiums	2,400,711
Stocks	875,588	Ceded Reinsurance Premiums Payable	388,332
Other Invested Assets	<u>1,647,712</u>	Other Liabilities	<u>488,472</u>
<b>TOTAL INVESTMENTS</b>	<u><b>12,022,201</b></u>	<b>TOTAL LIABILITIES</b>	<u><b>13,451,084</b></u>
Investments in Affiliates:		Capital Stock	20,880
Great Northern Ins. Co.	414,838	Paid-In Surplus	2,711,474
Vigilant Ins. Co.	354,888	Unassigned Funds	<u>1,903,522</u>
Chubb Indemnity Ins. Co.	183,242	<b>SURPLUS TO POLICYHOLDERS</b>	<u><b>4,635,978</b></u>
Chubb National Ins. Co.	190,801		
Other Affiliates	118,373		
Premiums Receivable	1,728,853		
Other Assets	<u>3,078,466</u>		
 		<b>TOTAL LIABILITIES AND SURPLUS</b>	<u><b>\$ 18,087,070</b></u>
<b>TOTAL ADMITTED ASSETS</b>	<u><b>\$ 18,087,070</b></u>		

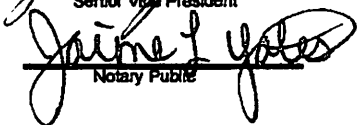
Investments are valued in accordance with requirements of the National Association of Insurance Commissioners. At December 31, 2021, investments with a carrying value of \$508,085,182 were deposited with government authorities as required by law.

STATE OF PENNSYLVANIA  
 COUNTY OF PHILADELPHIA

John Taylor, being duly sworn, says that he is Senior Vice President of Federal Insurance Company and that to the best of his knowledge and belief the foregoing is a true and correct statement of the said Company's financial condition as of the 31 st day of December, 2021.

Sworn before me on this March 16, 2022

  
 Senior Vice President

  
 Notary Public

September 19, 2023  
 My commission expires

Commonwealth of Pennsylvania - Notary Seal  
 Jaime L. Yates, Notary Public  
 Philadelphia County  
 My commission expires September 19, 2023  
 Commission number 1357070  
 Member, Pennsylvania Association of Notaries

# CHUBB

## Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company  
Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint James Baldassare Jr., Krista A. Burke, Sherryanne M. DePirro, Bianca L. Meli, Charo J. Rosemond, Lisa M. Scavetta, Maria L. Spadaccini, John F. Surano, Nicholas F. Walsh and Elliott W. Wolffe of Saddle Brook, New Jersey -----

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY have each executed and attested these presents and affixed their corporate seals on this 28<sup>th</sup> day of February, 2022.

*Dawn M. Chloros*

Dawn M. Chloros, Assistant Secretary

*Stephen M. Haney*

Stephen M. Haney, Vice President



STATE OF NEW JERSEY  
County of Hunterdon

SS.

On this 28<sup>th</sup> day of February, 2022, before me, a Notary Public of New Jersey, personally came Dawn M. Chloros and Stephen M. Haney, to me known to be Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros and Stephen M. Haney, being by me duly sworn, severally and each for herself and himself did depose and say that they are Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY and know the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that their signatures as such officers were duly affixed and subscribed by like authority.

Notarial Seal



KATHERINE J. ADELAAR  
NOTARY PUBLIC OF NEW JERSEY  
No. 2316685  
Commission Expires July 16, 2024

*Katherine J. Adelaar*

Notary Public

### CERTIFICATION

Resolutions adopted by the Boards of Directors of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY on August 30, 2016; WESTCHESTER FIRE INSURANCE COMPANY on December 11, 2006; and ACE AMERICAN INSURANCE COMPANY on March 20, 2009:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect,
- (ii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this 15<sup>th</sup> September 2022



*Dawn M. Chloros*

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:  
Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com



**Florida  
Department  
of Insurance**

## **FEDERAL INSURANCE COMPANY**

**Is hereby authorized to transact  
insurance in the State of Florida.**

**This certificate signifies that the company  
has satisfied all requirements of the  
Florida Insurance Code for the issuance  
of a license and remains subject to  
all applicable laws of Florida.**

**Date of Issuance: May 1, 1920  
No. 91-13-1963496**

A handwritten signature in cursive script, reading "Tom Gallagher", written over a horizontal line.

**Tom Gallagher  
Treasurer and Insurance Commissioner**

**THE CONTINENTAL INSURANCE COMPANY**  
**Radnor, Pennsylvania**  
**Statement of Net Admitted Assets and Liabilities**  
**December 31, 2021**

ASSETS

Bonds	\$	1,572,724,833
Stocks		150,045,249
Cash and short-term investments		61,182,427
Receivables for securities		225,982
Investment income due and accrued		15,250,861
Amounts recoverable from reinsurers		66,552,237
Funds held by or deposited with reinsured companies		1,516,010
Current federal and foreign income tax recoverable and interest thereon		125
Net deferred tax asset		45,133,624
Premiums and considerations		67,900,494
Other assets		7,961,311
Total Assets		\$ 1,988,493,153

LIABILITIES AND SURPLUS

Losses	\$	542,200,023
Loss adjustment expense		35,284,859
Unearned premiums		-
Other expenses		-
Federal and foreign income taxes payable		-
Ceded reinsurance premiums payable (net of ceding commissions)		57,149,295
Funds held by company under reinsurance treaties		5,172,467
Provision for reinsurance		26,200,000
Other liabilities		(489,610,082)
Total Liabilities		\$ 176,396,562

Surplus Account:

Capital paid up	\$	53,566,360
Gross paid in and contributed surplus		1,423,436,994
Special Surplus		329,535,224
Unassigned funds		5,558,013
Surplus as regards policyholders		\$ 1,812,096,591
Total Liabilities and Capital		\$ 1,988,493,153

I, Julie Lee, Assistant Vice President of Continental Insurance Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2021, as filed with the various Insurance Departments and is a true and correct statement of the condition of Continental Insurance Company as of that date.



THE CONTINENTAL INSURANCE COMPANY

By Julie Lee  
Assistant Vice President, External Reporting

Subscribed and sworn to me this 14th day of March, 2022.

My commission expires: 
"OFFICIAL SEAL"  
CHRISTOPHER LOPATOWSKI  
Notary Public, State of Illinois  
My Commission Expires 01/14/2024

By Christopher Lopatowski  
Notary Public

**POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT**

Know All Men By These Presents, That The Continental Insurance Company, a Pennsylvania insurance company, is a duly organized and existing insurance company having its principal office in the City of Chicago, and State of Illinois, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Elliott Wolffe, Maria L Spadaccini, James Baldassare Jr, Michael Dugan, Krista A Burke, Charo J Rosemond, Sherryanne M DePirro, John F Surano, Bianca L Meli, Lisa M Scavetta, Nicholas F Walsh, Individually**

of Saddle Brook, NJ, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the insurance company and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Board of Directors of the insurance company.

In Witness Whereof, The Continental Insurance Company has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 2nd day of April, 2022.



The Continental Insurance Company

*Paul T. Bruflat*  
Paul T. Bruflat Vice President

State of South Dakota, County of Minnehaha, ss:

On this 2nd day of April, 2022, before me personally came Paul T. Bruflat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of The Continental Insurance Company, a Pennsylvania insurance company, described in and which executed the above instrument; that he knows the seal of said insurance company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said insurance company and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance company.



My Commission Expires March 2, 2026

*M. Bent*  
M. Bent Notary Public

**CERTIFICATE**

I, D. Johnson, Assistant Secretary of The Continental Insurance Company, a Pennsylvania insurance company, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance company printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance company this 15th day of September .2022



The Continental Insurance Company

*D. Johnson*  
D. Johnson Assistant Secretary

Form F6850-4/2012

## **Authorizing By-Laws and Resolutions**

ADOPTED BY THE BOARD OF DIRECTORS OF THE CONTINENTAL INSURANCE COMPANY:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company at a meeting held on May 10, 1995.

“RESOLVED: That any Group Vice President may authorize an officer to sign specific documents, agreements and instruments on behalf of the Company provided that the name of such authorized officer and a description of the documents, agreements or instruments that such officer may sign will be provided in writing by the Group Vice President to the Secretary of the Company prior to such execution becoming effective.

This Power of Attorney is signed by Paul T. Bruflat, Vice President, who has been authorized pursuant to the above resolution to execution power of attorneys on behalf of The Continental Insurance Company.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 25<sup>th</sup> day of April, 2012.

“Whereas, the bylaws of the Company or specific resolution of the Board of Directors has authorized various officers (the “Authorized Officers”) to execute various policies, bonds, undertakings and other obligatory instruments of like nature; and

Whereas, from time to time, the signature of the Authorized Officers, in addition to being provided in original, hard copy format, may be provided via facsimile or otherwise in an electronic format (collectively, “Electronic Signatures”), Now therefore be it resolved: that the Electronic Signature of any Authorized Officer shall be valid and binding on the Company.”





**Florida  
Department  
of Insurance**

## **CONTINENTAL INSURANCE COMPANY**

**Is hereby authorized to transact  
insurance in the State of Florida.**

**This certificate signifies that the company  
has satisfied all requirements of the  
Florida Insurance Code for the issuance  
of a license and remains subject to  
all applicable laws of Florida.**

**Date of Issuance: September 15, 1915  
No. 91-13-5010440**

A handwritten signature in cursive script that reads "Tom Gallagher".

**Tom Gallagher  
Treasurer and Insurance Commissioner**

# BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY

1314 Douglas Street, Suite 1400, Omaha, Nebraska 68102-1944

## ADMITTED ASSETS\*

		<u>12/31/2021</u>		<u>12/31/2020</u>		<u>12/31/2019</u>
Total invested assets	\$	6,504,184,299	\$	5,475,240,588	\$	5,172,183,338
Premium & agent balances (n		552,510,359		603,615,506		368,086,012
All other assets		142,765,038		157,897,676		127,524,677
<b>Admitted Assets</b>	<b>\$</b>	<b><u>7,199,459,696</u></b>	<b>\$</b>	<b><u>6,236,753,770</u></b>	<b>\$</b>	<b><u>5,667,794,027</u></b>

## LIABILITIES & SURPLUS\*

		<u>12/31/2021</u>		<u>12/31/2020</u>		<u>12/31/2019</u>
Loss & loss exp. unpaid	\$	1,142,116,028	\$	921,923,948	\$	634,745,558
Unearned premiums		484,660,143		372,836,160		314,117,549
All other liabilities		1,163,007,684		1,054,922,210		744,738,458
<b>Total Liabilities</b>		<b><u>2,789,783,855</u></b>		<b><u>2,349,682,318</u></b>		<b><u>1,693,601,565</u></b>
<b>Total Policyholders' Surplus</b>		<b><u>4,409,675,842</u></b>		<b><u>3,887,071,452</u></b>		<b><u>3,974,192,463</u></b>
<b>Total Liabilities &amp; Surplus</b>	<b>\$</b>	<b><u>7,199,459,697</u></b>	<b>\$</b>	<b><u>6,236,753,770</u></b>	<b>\$</b>	<b><u>5,667,794,028</u></b>

\* Assets, liabilities and surplus are presented on a Statutory Accounting Basis as promulgated by the NAIC and/or the laws of the company's domiciliary state.



Power Of Attorney

BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY NATIONAL INDEMNITY COMPANY / NATIONAL LIABILITY & FIRE INSURANCE COMPANY

Know all men by these presents, that BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, a corporation existing under and by virtue of the laws of the State of Nebraska and having an office at One Lincoln Street, 23rd Floor, Boston, Massachusetts 02111, NATIONAL INDEMNITY COMPANY, a corporation existing under and by virtue of the laws of the State of Nebraska and having an office at 3024 Harney Street, Omaha, Nebraska 68131 and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, a corporation existing under and by virtue of the laws of the State of Connecticut and having an office at 100 First Stamford Place, Stamford, Connecticut 06902 (hereinafter collectively the "Companies"), pursuant to and by the authority granted as set forth herein, do hereby name, constitute and appoint: John F. Surano, Lisa M. Scavetta, Sherryanne M. DePirro, Maria L. Spadaccini, Nicholas F. Walsh, James Baldassare, Jr., Krista A. Burke, Charo J. Rosemond, Bianca L. Meli, 250 Pehle Avenue, Suite 311 of the city of Saddle Brook, State of New Jersey, their true and lawful attorney(s)-in-fact to make, execute, seal, acknowledge, and deliver, for and on their behalf as surety and as their act and deed, any and all undertakings, bonds, or other such writings obligatory in the nature thereof, in pursuance of these presents, the execution of which shall be as binding upon the Companies as if it has been duly signed and executed by their regularly elected officers in their own proper persons. This authority for the Attorney-in-Fact shall be limited to the execution of the attached bond(s) or other such writings obligatory in the nature thereof.

In witness whereof, this Power of Attorney has been subscribed by an authorized officer of the Companies, and the corporate seals of the Companies have been affixed hereto this date of December 20, 2018. This Power of Attorney is made and executed pursuant to and by authority of the Bylaws, Resolutions of the Board of Directors, and other Authorizations of BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, which are in full force and effect, each reading as appears on the back page of this Power of Attorney, respectively. The following signature by an authorized officer of the Company may be a facsimile, which shall be deemed the equivalent of and constitute the written signature of such officer of the Company for all purposes regarding this Power of Attorney, including satisfaction of any signature requirements on any and all undertakings, bonds, or other such writings obligatory in the nature thereof, to which this Power of Attorney applies.

BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY,

NATIONAL INDEMNITY COMPANY, NATIONAL LIABILITY & FIRE INSURANCE COMPANY,

[Signature of David Fields]

[Signature of David Fields]

By: David Fields, Executive Vice President

By: David Fields, Vice President

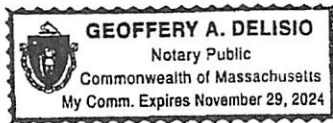


NOTARY

State of Massachusetts, County of Suffolk, ss:

On this 20th day of December, 2018, before me appeared David Fields, Executive Vice President of BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY and Vice President of NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, who being duly sworn, says that his capacity is as designated above for such Companies; that he knows the corporate seals of the Companies; that the seals affixed to the foregoing instrument are such corporate seals; that they were affixed by order of the board of directors or other governing body of said Companies pursuant to its Bylaws, Resolutions and other Authorizations, and that he signed said instrument in that capacity of said Companies.

[Notary Seal]



[Signature of Geoffrey A. Delisio]
Notary Public

I, Ralph Tortorella, the undersigned, Officer of BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies which is in full force and effect and has not been revoked. IN TESTIMONY WHEREOF, see hereunto affixed the seals of said Companies this September 15, 2022.



[Signature of Ralph Tortorella]
Officer

To verify the authenticity of this Power of Attorney please contact us at: BHSI Surety Department, Berkshire Hathaway Specialty Insurance Company, One Lincoln Street, 23rd Floor Boston, MA 02111 | (770) 625-2516 or by email at Jennifer.Porter@bhspecialty.com THIS POWER OF ATTORNEY IS VOID IF ALTERED To notify us of a claim please contact us on our 24-hour toll free number at (855) 453-9675, via email at claims@bhspecialty.com, via fax to (617) 507-8259, or via mail.

**BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY (BYLAWS)**

ARTICLE V.

CORPORATE ACTIONS

....

EXECUTION OF DOCUMENTS:

....

Section 6.(b) The President, any Vice President or the Secretary, shall have the power and authority:

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company bonds and other undertakings, and
- (2) To remove at any time any such Attorney-in-fact and revoke the authority given him.

**NATIONAL INDEMNITY COMPANY (BY-LAWS)**

Section 4. Officers, Agents, and Employees:

A. The officers shall be a President, one or more Vice Presidents, a Secretary, one or more Assistant Secretaries, a Treasurer, and one or more Assistant Treasurers none of whom shall be required to be shareholders or Directors and each of whom shall be elected annually by the Board of Directors at each annual meeting to serve a term of office of one year or until a successor has been elected and qualified; may serve successive terms of office, may be removed from office at any time for or without cause by a vote of a majority of the Board of Directors, and shall have such powers and rights and be charged with such duties and obligations as usually are vested in and pertain to such office or as may be directed from time to time by the Board of Directors; and the Board of Directors or the officers may from time to time appoint, discharge, engage, or remove such agents and employees as may be appropriate, convenient, or necessary to the affairs and business of the corporation.

**NATIONAL INDEMNITY COMPANY (BOARD RESOLUTION ADOPTED AUGUST 6, 2014)**

RESOLVED, That the President, any Vice President or the Secretary, shall have the power and authority to (1) appoint Attorneys-in-fact, and to authorize them to execute on behalf of this Company bonds and other undertakings and (2) remove at any time any such Attorney-in-fact and revoke the authority given.

**NATIONAL LIABILITY & FIRE INSURANCE COMPANY (BY-LAWS)**

ARTICLE IV

Officers

Section 1. Officers, Agents and Employees:

A. The officers shall be a president, one or more vice presidents, one or more assistant vice presidents, a secretary, one or more assistant secretaries, a treasurer, and one or more assistant treasurers, none of whom shall be required to be shareholders or directors, and each of whom shall be elected annually by the board of directors at each annual meeting to serve a term of office of one year or until a successor has been elected and qualified, may serve successive terms of office, may be removed from office at any time for or without cause by a vote of a majority of the board of directors. The president and secretary shall be different individuals. Election or appointment of an officer or agent shall not create contract rights. The officers of the Corporation shall have such powers and rights and be charged with such duties and obligations as usually are vested in and pertain to such office or as may be directed from time to time by the board of directors; and the board of directors or the officers may from time to time appoint, discharge, engage, or remove such agents and employees as may be appropriate, convenient, or necessary to the affairs and business of the Corporation.

**NATIONAL LIABILITY & FIRE INSURANCE COMPANY (BOARD RESOLUTION ADOPTED AUGUST 6, 2014)**

RESOLVED, That the President, any Vice President or the Secretary, shall have the power and authority to (1) appoint Attorneys-in-fact, and to authorize them to execute on behalf of this Company bonds and other undertakings and (2) remove at any time any such Attorney-in-fact and revoke the authority given.

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# FLORIDA OFFICE OF INSURANCE REGULATION

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## BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY

Is hereby authorized to transact insurance in the State of Florida.

This certificate signifies that the company has satisfied all requirements of the Florida Insurance Code for the issuance of a **PROPERTY AND CASUALTY INSURER CERTIFICATE OF AUTHORITY** and remains subject to the laws of Florida.

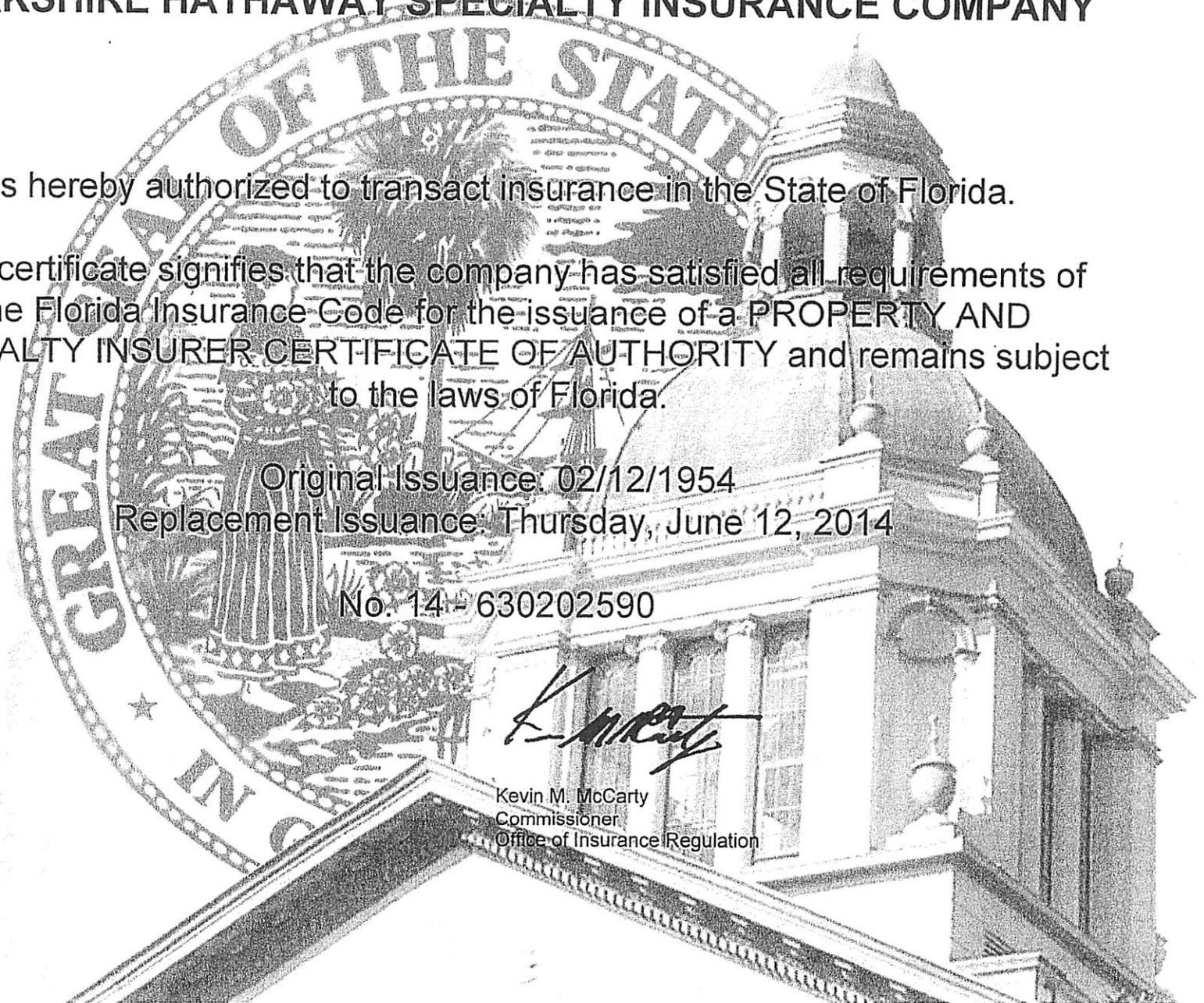
Original Issuance: 02/12/1954

Replacement Issuance: Thursday, June 12, 2014

No. 14-630202590



Kevin M. McCarty  
Commissioner  
Office of Insurance Regulation





Orlando International Airport  
One Jeff Fuqua Boulevard  
Orlando, Florida, 32827-4392  
(407) 825-2001

# Memorandum

To: Members of the Construction Committee

From: Davin Ruohomaki, Senior Director of Engineering & Construction  
(As prepared by Ross Spence, OAR)

Date: September 13, 2022

Re: Request for Recommendation of Approval of an Amendment to Addendum No. 13 to the Construction Management at Risk (CM@R) Entity Services for the South Terminal C, Phase 1 Agreement with Turner-Kiewit Joint Venture for BP-S139, South Terminal C, Phase 1 – Landside Site Utilities and Balance of Sitework (GMP No. 5-S.2), at the Orlando International Airport.

The STC Program Team has evaluated the budget for the above referenced GMP and determined it appropriated to revise the GMP value as follows:

GMP	Original GMP Budget*	Current GMP Budget**	Proposed GMP Amendment	Proposed GMP Total
Direct Cost of Work	\$28,018,588.00	\$67,494,223.72	\$0.00	\$67,494,223.72
General Requirements	\$0.00	\$264,437.00	\$0.00	\$264,437.00
Unbought Scope	\$1,545,314.00	\$0.00	\$0.00	\$0.00
Allowances	\$3,400,000.00	\$0.00	\$0.00	\$0.00
CM@R Contingency	\$1,648,195.00	\$0.00	\$0.00	\$0.00
Owner Contingency	\$824,098.00	\$47,812.03	\$333,284.21	\$380,896.24
P&P Bond	\$246,913.00	\$475,425.30	\$2,572.85	\$477,998.15
Fee (4.211%)	\$1,502,616.00	\$2,875,344.16	\$14,142.94	\$2,889,487.10
<b>Total</b>	<b>\$37,186,724.00</b>	<b>\$71,167,042.21</b>	<b>\$360,000.00</b>	<b>\$71,607,042.21</b>

GMP – P1	Original GMP Budget	Current GMP Budget	Proposed GMP Amendment	Proposed GMP Total
Direct Cost of Work	\$28,018,588.00	\$40,440,106.90	\$0.00	\$40,440,106.90
General Requirements	\$0.00	\$264,437.00	\$0.00	\$264,437.00
Unbought Scope	\$1,545,314.00	\$0.00	\$0.00	\$0.00
Allowances	\$3,400,000.00	\$0.00	\$0.00	\$0.00
CM@R Contingency	\$1,648,195.00	\$0.00	\$0.00	\$0.00
Owner Contingency	\$824,098.00	\$34,628.00	\$242,397.61	\$277,025.61
P&P Bond	\$246,913.00	\$281,523.42	\$1,871.23	\$283,394.65
Fee (4.211%)	\$1,502,616.00	\$1,727,381.77	\$10,288.16	\$1,737,667.93
<b>Total</b>	<b>\$37,186,724.00</b>	<b>\$42,748,077.09</b>	<b>\$264,666.00</b>	<b>\$43,002,632.09</b>

GMP – P1X	Original GMP Budget	Current GMP Budget	Proposed GMP Amendment	Proposed GMP Total
Direct Cost of Work	\$0.00	\$27,054,116.82	\$0.00	\$27,054,116.82
General Requirements	\$0.00	\$0.00	\$0.00	\$0.00
Unbought Scope	\$0.00	\$0.00	\$0.00	\$0.00
Allowances	\$0.00	\$0.00	\$0.00	\$0.00
CM@R Contingency	\$0.00	\$0.00	\$0.00	\$0.00
Owner Contingency	\$0.00	\$12,984.03	\$80,886.60	\$103,870.63
P&P Bond	\$0.00	\$193,901.88	\$701.62	\$194,603.50
Fee (4.211%)	\$0.00	\$1,147,962.39	\$3,856.78	\$1,151,819.17
<b>Total</b>	<b>\$0.00</b>	<b>\$28,408,965.12</b>	<b>\$85,445.00</b>	<b>\$28,504,410.12</b>

\*Approved at CC No. 2018.05.04.005  
 \*\*Current GMP Budget as of CCM 2022.08.26

Funding is from General Airport Revenue Bonds  
 Funding source verified by \_\_\_\_\_ of Construction Finance on \_\_\_/\_\_\_/\_\_\_ as correct and available.

It is respectfully requested that the Construction Committee recommend to the Authority Board approval of an Amendment to Addendum No. 13 to the Construction Management at Risk (CM@R) Agreement for the South Terminal C, Phase 1 Complex with Turner-Kiewit Joint Venture for BP-S139, Landside Site Utilities and Balance of Sitework (GMP No. 5-S.2) at the Orlando International Airport, in the amount of **\$350,000.00** for a revised GMP total amount of **\$71,507,042.21** as detailed above.

<b>Direct Cost of Work</b>	<b>\$67,494,223.72</b>
<b>General Requirements</b>	<b>\$0.00</b>
<b>Unbought Scope</b>	<b>\$0.00</b>
<b>Allowances</b>	<b>\$0.00</b>
<b>CM@R Contingency</b>	<b>\$0.00</b>
<b>Owner Contingency</b>	<b>\$380,896.24</b>
<b>Payment and Performance Bond</b>	<b>\$477,998.15</b>
<b>Fee (4.211%)</b>	<b>\$2,889,487.10</b>
<b>TOTAL</b>	<b>\$71,507,042.21</b>
<b>ANSER</b>	<i>LAQ</i>
<b>LEGAL</b>	<i>KMR</i>





August 30, 2022

Torie Brooks  
GOAA  
11064 Canal Road  
Orlando, Florida 32824

GMP: 5S.2 (BP-S139)  
Subject: GMP 5S.2 Amendment 9

Ms. Brooks:

In accordance with our Agreement, attached please find this request for approval to amend GMP 5S.2 as defined in the attached GMP 5S.2 Amendment 9 SOV dated 08/30/2022.

Details for funding of this amendment are as follows:

- 1. Additional Owner Contingency      \$333,284.21

Please note the values indicated do not include TK fee and bond costs, these items are identified separately in the SOV.

**GMP 5S.2 (BP-S139) – Contingencies**

Owner Contingency P1	\$242,397.61
Owner Contingency P1X	\$90,886.60

Should there be any questions or comments regarding the above items, please do not hesitate to contact the undersigned.

Sincerely,

Wende Morgan-Elliott  
Project Controls Manager

Attachments: GMP 5S.2 Amendment 9 SOV dated 08/30/2022







Schedule of Values

Report Date: 8/30/22

GMP and Amendments

#	Calculation	Bid Package	Description	GMP Amendment Total	GMP Amendment Base	GMP Amendment Phase 1 Expansion	GMP 5-S.2 4/30/18 rev 4b	Amendments 1 to 8	Total GMP & Amendments	MWBE	LDB
			<b>Subcontracted Direct Work</b>								
1		31.0.0	Sitework				\$28,018,568	\$2,505,768	\$30,524,356	\$ 9,255,732	\$ 3,634,333
2			<b>Estimated Direct Work</b>								
3		26.0.1	Topsoil Stockpile Screening and Hauling				\$811,597		\$811,597		
4		31.0.0	Slewside piping system for management of dewatering discharge				\$733,717		\$733,717		
5		31.0.0	GTF site logistics cost					\$327,075	\$327,075		
6		31.0.0	OTA North Road								
7			McGeo					\$38,582	\$38,582		
8			The Middlesex Corporation					\$441,599	\$441,599	TBD	TBD
9			Kiewit Infrastructure South Co.					\$1,158,722	\$1,158,722	TBD	TBD
10			Tierra					\$15,000	\$15,000	\$15,000	
11			TSI					\$424,850	\$424,850		
12											
13											
19		=(1)+...+(12)	<b>Subtotal Subcontracted Direct Work</b>				\$29,563,902	\$24,828,383	\$54,492,285	\$9,250,732	\$3,634,333
14			<b>TKJV CMAR Staff &amp; General Requirements</b>								
15			TKJV CMAR Staff and Benefits								
15			TKJV General Requirements								
16		=(14)+(15)	<b>Subtotal TKJV CMAR Cost</b>								
17			<b>Allowances</b>								
17			Temporary shoring and support of utilities for ductbank coordination				\$300,000	(\$300,000)			
18			Bulletin 4 and Bulletin 5 civil work only				\$2,500,000		\$2,500,000		
19			Site Water Management				\$600,000		\$600,000		
20			Phasing cost TMC					\$1,660,858	\$1,660,858		
21			Generator for trailer relocation					\$21,850	\$21,850		
22			Maintenance of Traffic					\$280,000	\$280,000		
23			Landscape, Irrigation and Hardscape								
24		=(17)+(23)	<b>Subtotal Allowances</b>				\$3,400,000	\$1,662,709	\$5,062,709		
25		=(13)+(16)+(24)	<b>Subtotal Direct Cost of the Work</b>				\$32,963,902	\$26,891,182	\$59,855,084	\$9,250,732	\$3,634,333
26			<b>Contingencies</b>								
26			CMAR Contingency				\$1,848,195	\$854,711	\$2,502,906		
27			Owners Contingency	\$333,284.21	\$242,397.61	\$90,886.60	\$824,098	\$3,057,263	\$4,214,645		
28			Additional CMAR Contingency					\$1,619,400	\$1,619,400		
29			Additional Owner Contingency					\$47,612	\$47,612		
30		=(26)+(29)	<b>CMAR and Owner's Contingency Total</b>	\$333,284.21	\$242,397.61	\$90,886.60	\$2,472,293	\$5,778,986	\$8,564,563		
31		=(25)+(30)	<b>Subtotal Direct Cost &amp; Contingencies</b>	\$333,284.21	\$242,397.61	\$90,886.60	\$35,436,195	\$32,370,078	\$68,139,557	\$9,250,732	\$3,634,333
32			<b>Insurance and Bonds</b>								
32		=0.7351%*(38)	Payment and Performance Bond	\$2,572.85	\$1,871.23	\$701.62	\$246,913	\$228,512	\$477,998		
33		=(32)	<b>Total Insurance and Bonds</b>	\$2,572.85	\$1,871.23	\$701.62	\$246,913	\$228,512	\$477,998		
34		=(31)+(33)	<b>Subtotal</b>	\$335,857.06	\$244,268.84	\$91,588.22	\$35,683,108	\$32,598,590	\$68,617,555	\$9,250,732	\$3,634,333
35		=4.211%*(34)	CMAR Fee	\$14,142.94	\$10,288.16	\$3,856.78	\$1,502,616	\$1,372,728	\$2,889,487		
36		=(34)+(35)	<b>TOTAL PROPOSED GMP AMENDMENT</b>	\$350,000.00	\$254,556.00	\$95,445.00	\$37,185,724	\$33,971,319	\$71,507,043	\$9,250,732	\$3,634,333

**CONSTRUCTION MANAGEMENT AT RISK (CM@R) GUARANTEED MAXIMUM PRICE (GMP) BUDGET, BUYOUT, AND CONTINGENCY MANAGEMENT REQUESTS AGENDA**

3. The following GMP Budget, Buyout, and Contingency Management requests (related to the Terminal C, Phase 1 Project) were presented for consideration:

Mr. Corthell noted that all BBC items being presented today take into consideration scope reductions, maintain current budget and schedule, and all are needed to complete the Terminal C phases.

- A. **Subcontract Modification for BP-S00148 (GMP No. 7-S.2) with Turner Construction Company for CR2585-LST-7S.2-CBP Podium Walk- Stanchion Rental Setup.** Mr. Corthell presented the GMP BBC request. Discussion ensued.

Upon motion of Mr. Gilliam, second by Mr. Hunt, vote carried to approve Turner-Kiewit Joint Venture to issue a Subcontract Modification to Turner Construction Company on BP-S00148, South Terminal C, Phase 1 – Landside Terminal Finishes (GMP No. 7-S.2), for the total lump sum amount of \$2,936.00, with funding from General Airport Revenue Bonds.

- B. **Subcontract Modification for BP-S00173 (GMP No. 7-S.3) with Kirlin Florida, LLC for CR2555-7S.3-LST-RFI 7442- Elevator Control Room Additional Drip Pans.** Mr. Corthell presented the GMP BBC request. Discussion ensued.

Upon motion of Mr. Hunt, second by Mr. Gilliam, vote carried to approve Turner-Kiewit Joint Venture to issue a subcontract modification to Kirlin Florida, LLC on BP-S00173, South Terminal C, Phase 1 – Landside Terminal, MEP Systems - FDOT (GMP No. 7-S.3), for the total lump sum amount of \$35,285.00, with funding from General Airport Revenue Bonds.

**TERMINAL C**

**REQUEST FOR RECOMMENDATION OF APPROVAL OF AN AMENDMENT TO ADDENDUM NO. 13 TO THE CONSTRUCTION MANAGEMENT AT RISK (CM@R) ENTITY SERVICES FOR THE SOUTH TERMINAL C, PHASE 1 AGREEMENT WITH TURNER-KIEWIT JOINT VENTURE FOR BP-S00139, SOUTH TERMINAL C, PHASE 1 –LANDSIDE SITE UTILITIES AND BALANCE OF SITEWORK (GMP NO. 5-S.2), AT THE ORLANDO INTERNATIONAL AIRPORT.**

4. Mr. Corthell presented the memorandum, dated September 13, 2022. Discussion ensued.

Upon motion of Mr. Gilliam, second by Mr. Pelletier, vote carried to recommend to the Aviation Authority Board approval of an Amendment to Addendum No. 13 to the Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement with Turner-Kiewit Joint Venture for BP-S00139, Terminal C, Phase 1, Landside Site Utilities and Balance of Sitework (GMP No. 5-S.2), for the total negotiated GMP Amendment amount of \$350,000.00, which includes \$333,284.21 for Owner Contingency, \$2,572.85 for Performance and Payment Bonds, and \$14,142.94 for CM@R Fee (4.211%), resulting in a revised GMP amount of \$71,507,042.21, with funding from General Airport Revenue Bonds.

**REQUEST FOR RECOMMENDATION OF APPROVAL OF AN AMENDMENT TO ADDENDUM NO. 11 TO THE CONSTRUCTION MANAGEMENT AT RISK (CM@R) ENTITY SERVICES FOR THE SOUTH TERMINAL C, PHASE 1 AGREEMENT WITH TURNER-KIEWIT JOINT VENTURE FOR BP-S00141, SOUTH TERMINAL C, PHASE 1 –LANDSIDE CONVEYING EQUIPMENT JOINT PROCUREMENT (GMP NO. 5-S.4), AT THE ORLANDO INTERNATIONAL AIRPORT.**

5. Mr. Corthell presented the memorandum, dated September 13, 2022. Discussion ensued.

Ms. Sharman stated that the memorandum should be revised to remove “Customer Facility Charges and Line of Credit to be Reimbursed by Future General Airport Revenue Funds” from the funding source, and requested that an Information Item be provided to reflect the revision.

Upon motion of Mr. Hunt, second by Mr. Pelletier, vote carried to recommend to the Aviation Authority Board approval of an Amendment to Addendum No. 11 to the Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement with Turner-Kiewit Joint Venture, for BP-S00141, South Terminal C, Phase 1, Landside Conveying Equipment (GMP No. 5-S.4), for a total negotiated GMP Amendment amount of \$326,073.05,





## GREATER ORLANDO AVIATION AUTHORITY

Orlando International Airport  
One Jeff Fuqua Boulevard  
Orlando, Florida 32827-4392

### MEMORANDUM

TO: Members of the Aviation Authority

FROM: Kathleen M. Sharman, Vice Chair, Construction Committee

DATE: October 19, 2022

### ITEM DESCRIPTION

Recommendation of the Construction Committee to Approve an Amendment to Addendum No. 13 to the Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement with Turner-Kiewit Joint Venture, for Project Bid Package (BP) No. S00139, Terminal C, Phase 1, Landside Site Utilities and Balance of Sitework (Guaranteed Maximum Price (GMP) No. 5-S.2) at the Orlando International Airport

### BACKGROUND

The Terminal C, Phase 1, Program provides for a world-class domestic and international airport terminal building, consisting of a new airside terminal with up to 15 airline gates and a landside terminal with both secure and non-secure areas, and may include, but is not limited to, all associated improvements and infrastructure required or related thereto, such as sitework, roadways, aprons, runways, taxiways, other airfield work, utilities, landscaping, lighting, walkways, pedestrian bridges, expansion of the parking garage, a new and/or expanded chiller plant, aircraft loading bridges, and all interior design, such as concessions planning, ticketing, and security improvements, and baggage handling systems.

On May 18, 2016, the Aviation Authority Board approved the award of a Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement to Turner-Kiewit Joint Venture.

Under the CM@R Agreement, the CM@R is entitled to reimbursement and compensation for the following, upon acceptable performance:

- Direct cost of the work is the actual cost for the subcontractor costs, direct labor, materials, and equipment required to construct the work,
- Allowances are estimated dollar amounts that are separately identified in a GMP for the purpose of encumbering funds to cover certain costs that are not completely defined when the GMP is approved, but may be necessary to complete the Project. An allowance means that the scope is not fully known or additional review is needed to determine whether the item is reimbursable,
- General condition expenses, such as CM@R management staff, limited to those set forth in the CM@R Agreement,
- CM@R Contingency is the negotiated amount or percentage of the Cost of the Work to be utilized for over-budget buyout of the work and for increases in the cost due to unforeseen circumstances relating to construction of the project, except when deemed the responsibility of the Owner in accordance with the Agreement,

- Owner Contingency is an amount or percentage of the Cost of the Work to be utilized by the Owner for items deemed the responsibility of the Owner in accordance with the Agreement,
- Performance and Payment Bond rate set forth in the CM@R Contract is 0.664%, and
- The CM@R Fee covers the CM@R's overhead, profit and all other costs not reimbursable under the CM@R Contract. For Turner-Kiewit Joint Venture, the CM@R Fee is 4.211%.

Cost of allowances, contingencies and insurance will not be incurred until approved by the Aviation Authority.

On May 16, 2018, the Aviation Authority Board approved Addendum No. 13 to the Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement with Turner-Kiewit Joint Venture for Project BP No. S00139, Terminal C, Phase 1, Landside Site Utilities and Balance of Sitework (GMP No. 5-S.2), at the Orlando International Airport, for a total negotiated GMP amount of \$37,185,724.

Since 2018, the Aviation Authority Board has approved amendments to Addendum No. 13, resulting in a revised GMP amount of \$71,157,042.21, as follows:

Amendment No.	Board Date	Amount of GMP Amendment	Revised GMP Amount
1	May 15, 2019	\$ 9,038,017.00	\$46,223,741.00
2	September 18, 2019	\$18,037,180.00	\$64,260,921.00
3	February 19, 2020	\$ 2,755,459.00	\$67,016,380.00
4	December 9, 2020	\$ 2,893,690.00	\$69,910,070.00
5	September 15, 2021	\$ 2,443,771.00	\$72,353,841.00
6	January 19, 2022	\$ 420,356.00	\$72,774,197.00
7	May 18, 2022	(\$ 2,000,000.00)	\$70,774,197.00
8	June 15, 2022	\$ 382,845.21	\$71,157,042.21
<b>Total</b>		<b>\$33,971,318.21</b>	

The scope of BP No. S00139 includes the Landside site utilities for storm, water, sanitary, fiber infrastructures, and communications systems for Terminal C, Phase 1. The sitework scope provides necessary site improvements, construction logistics support, roadways and flatwork.

## ISSUES

On June 15, 2022, the Aviation Authority Board approved a net increase of \$40 million to the Capital Improvement Plan (CIP) for the Orlando International Airport, which is directly related to the budget and funding plan for the Terminal C Program. The fees for this New Business Agenda Item B are part of this \$40 million.

This amendment increases Owner Contingency for use on pending and anticipated subcontractor contingency requests for sitework, such as sidewalks and pavement, for the area of refuge and egress issues.

The Terminal C Program Team and Turner-Kiewit Joint Venture have reviewed the current financial status and progress of the work in BP No. S00139, and have determined that, in accordance with the contract documents, it is appropriate at this time to increase the Owner Contingency, and Performance and Payment Bonds, including the associated CM@R fee amount, as shown below.

GMP	Original GMP Budget (A)	Current GMP Budget (B)	Proposed GMP Amendment (C)	Proposed Revised GMP (D) = (B) + (C)
Direct Cost of Work	\$28,018,588	\$67,494,223.72	\$ 0.00	\$67,494,223.72
General Requirements	\$ 0	\$ 264,437.00	\$ 0.00	\$ 264,437.00
Unbought Scope	\$ 1,545,314	\$ 0.00	\$ 0.00	\$ 0.00
Allowances	\$ 3,400,000	\$ 0.00	\$ 0.00	\$ 0.00
CM@R Contingency	\$ 1,648,195	\$ 0.00	\$ 0.00	\$ 0.00
Owner Contingency	\$ 824,098	\$ 47,612.03	\$333,284.21	\$ 380,896.24

SUBTOTAL:	\$35,436,195	\$67,806,272.75	\$333,284.21	\$68,139,556.96
Perf. & Payment Bonds	\$ 246,913	\$ 475,425.30	\$ 2,572.85	\$ 477,998.15
Fee (4.211%)	\$ 1,502,616	\$ 2,875,344.16	\$ 14,142.94	\$ 2,889,487.10
<b>Total GMP Addendum Cost:</b>	<b>\$37,185,724</b>	<b>\$71,157,042.21</b>	<b>\$350,000.00</b>	<b>\$71,507,042.21</b>

Turner-Kiewit Joint Venture is committed to 20% Minority and Women Business Enterprise (MWBE) and 4% Local Developing Business (LDB) participation goals for Construction Services. The proposed GMP Amendment for BP No. S00139 does not have any impact on the small business participation. Currently, Turner-Kiewit Joint Venture's estimated cumulative participation for BP No. S00139 is 20% MWBE and 9% LDB/Veteran Business Enterprise (VBE) for Construction Services.

On September 13, 2022, the Construction Committee recommended approval of an Amendment to Addendum No. 13 to the Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement with Turner-Kiewit Joint Venture for BP No. S00139, Terminal C, Phase 1, Landside Site Utilities and Balance of Sitework (GMP No. 5-S.2) at the Orlando International Airport, as outlined in the memorandum.

### ALTERNATIVES

None.

### FISCAL IMPACT

There is no fiscal impact to the Terminal C Program budget.

### RECOMMENDED ACTION

It is respectfully requested that the Aviation Authority Board resolve to accept the recommendation of the Construction Committee and approve an Amendment to Addendum No. 13 to the Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement with Turner-Kiewit Joint Venture for BP No. S00139, Terminal C, Phase 1, Landside Site Utilities and Balance of Sitework (GMP No. 5-S.2), at the Orlando International Airport, for the total negotiated GMP Amendment amount of \$350,000, which includes \$333,284.21 for Owner Contingency, \$2,572.85 for Performance and Payment Bonds, and \$14,142.95 for CM@R Fee (4.211%), resulting in a revised GMP amount of \$71,507,042.21, with funding from General Airport Revenue Bonds; and authorize an Aviation Authority Officer or the Chief Executive Officer to execute the necessary documents following satisfactory review by legal counsel.