

PERFORMANCE BOND

Bond # 5601145

Clifford Power Systems, Inc., a corporation organized and existing under the laws of the State of Oklahoma (“Principal”), and Great American Insurance Company, a corporation organized and existing under the laws of the State of Ohio, (“Surety”), are jointly and severally bound unto the Oklahoma City Water Utilities Trust (“OCWUT”) and its sole beneficiary, The City of Oklahoma City, in the amount of Two Hundred Thousand Dollars (\$200,000), in accordance with the terms and provisions hereof.

WITNESSETH:

WHEREAS, the Principal and OCWUT elected to enter into a five (5) year renewal for the Professional Service Agreement for emergency power generation services (hereinafter referred to as the “Agreement” which is made a part hereof); and

WHEREAS, pursuant to the Agreement, the Principal is required to provide OCWUT with a properly executed Performance Bond throughout the initial term and any renewals provided for in the Agreement; and

WHEREAS, the Principal chose to acquire this Surety for the five (5) year renewal term effective the 3rd day of December 2024 through the 2nd day of December 2029; and

WHEREAS, this Performance Bond is executed for the benefit of the Oklahoma City Water Utilities Trust and The City of Oklahoma City and is binding upon the Principal and Surety, their successors and assigns.

NOW, THEREFORE, the terms and provisions of this Performance Bond shall be as follows:

This Bond shall be enforceable in an amount of up to \$200,000. against the Principal and Surety, their successors and assigns, by Oklahoma City Water Utilities Trust and The City of Oklahoma City, for any and all costs, expenses, fees, change, damages, injuries, and losses incurred by the Oklahoma City Water Utilities Trust and/or The City of Oklahoma City for the failure of the Principal to fully and timely perform the Agreement, as solely determined by the Oklahoma City Water Utilities Trust and The City of Oklahoma City, performed by Principal as provided for in the Agreement.

It is expressly agreed and understood by the parties hereto that no changes, amendments, or alterations in said Agreement or the plan or mode of performance shall have the effect of releasing or limiting the obligations of the Principal or the Surety, or their successors and assigns, under this Bond. In addition, it is expressly agreed by the parties hereto that the rights provided by this Bond shall not limit any other right of the Oklahoma City Water Utilities Trust and The City of Oklahoma City under the Agreement or by law to recovery for any costs, fees, loss, expense, or damages caused by the Principal.

The failure of Principal to meet regulatory requirements enacted subsequent to the date of this Bond shall not give rise to liability of Surety under this Bond.

Except as otherwise provided herein, this Bond shall not be cancelable, except that Surety may cancel upon one hundred and twenty (120) days written notice delivered to OCWUT and the Principal. In the event of such cancellation, be deemed an event of default under the Agreement; provided, however, said default shall not be chargeable against the Surety of the canceled bond.

IN WITNESS WHEREOF, the Principal and the Surety have caused this Bond to be executed by its duly authorized officer and agents, respectively.

EXECUTED this 4 day of November, 2024 by the Principal.

ATTEST:

Clifford Power Systems, Inc.

Principal (Company Name)


(Witness - Secretary)


(Authorized Officer) Jeremy P. Lewis

EXECUTED this 1st day of November, 2024 by the Surety.

ATTEST:

Great American Insurance Company

Surety (Company Name)


(Witness - Secretary)


(Attorney-in-fact) Shelly Lawson

SEE ATTACHED SIGNATURE PAGE

KAY KUE
Notary Public, State of Oklahoma
Commission #23003948
My Commission Expires MARCH 21, 2027

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by this power of attorney is not more than **Three**

No. 0 21847

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

| Name | Address | Limit of Power |
|-----------------|-----------------|----------------|
| Yolanda Harless | All of | All |
| Shelly Lawson | Pryor, Oklahoma | \$100,000,000 |
| Kailey Riff | | |

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this **13th** day of **July**, **2022**

Attest

GREAT AMERICAN INSURANCE COMPANY



Stephen C. Beraha

Assistant Secretary

Mark V. Vicario

Divisional Senior Vice President

MARK VICARIO (877-377-2405)

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this **13th** day of **July**, **2022**, before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



SUSAN A KOHORST
Notary Public
State of Ohio
My Comm. Expires
May 18, 2025

Susan A. Kohorst

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this **1st** day of **November**, **2024**



Stephen C. Beraha

Assistant Secretary

OKLAHOMA CITY WATER UTILITIES TRUST

APPROVED by the Trustees and signed by the Chairman of the Oklahoma City Water Utilities Trust this 19th day of November, 2024.

ATTEST:

Amy H. Simpson
SECRETARY



Joe Cook
CHAIRMAN

CONCURRED by the Council and signed by the Mayor of The City of Oklahoma City this 3rd day of December, 2024.

ATTEST:

Amy H. Simpson
CITY CLERK



David Holt
MAYOR

REVIEWED for form and legality.

Craig Keith
Assistant Municipal Counselor