Bond No. 9315968

Attachment D

PERFORMANCE BOND

<u>JACOBS ENGINEERING GROUP INC.</u>, a corporation organized and existing under the laws of the State of <u>Delaware</u>, ("Principal"), and <u>FIDELITY AND DEPOSIT COMPANY OF MARYLAND</u>, a <u>corporation</u> organized and existing under the laws of the State of <u>Illinois</u>, ("Surety") herein, are jointly and severally bound unto the OCWUT and unto the City of Oklahoma City, its sole beneficiary, in accordance with the terms and provisions of this Performance Bond ("Bond").

WITNESSETH:

WHEREAS, the Principal has been determined to be a successful proposer for Risk and Resilience Assessments, Emergency Response Plan and Business Continuity Plan, Oklahoma City, OK (Description of the RFP and System Provider Contract/System Support Contract); and

WHEREAS, the Principal will be awarded a contract upon the provision of a properly executed the above contract ("Contract") and this Bond; and

WHEREAS, this 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 Bond shall be as follows:

This Bond shall be enforceable in an amount of up to \$500,000.00 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, charge, damages, 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 Contract, which is hereby incorporated herein by specific reference as though fully set forth.

Additionally, this Bond shall be enforceable in an amount of up to \$500,000.00 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, charges, damages, and losses incurred by the Oklahoma City Water Utilities Trust and/or the City of Oklahoma City for infringement and by enforcement of copyrights, licenses and/or patent rights or processes for products, systems, and services provided under the Contract.

It is expressly agreed and understood by the parties hereto that no changes, amendments, or alterations in said Contract 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 Contract or by law or equity to recovery for any costs, expenses, fees, charges, damages, and or caused by the Principal.

Should Principal timely and fully perform the Contract and provide all copyrights, licenses and/or patent rights or processes for products, systems, and services provided under the Contract, then this Bond obligation shall become void; otherwise, this Bond obligation shall remain in full force and effect.

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 5th day of _____ October , 20 22 by the Principal.

ATTEST: JACOBS ENGINEERING GROUP INC. Principal (Company Name) (Authorized Officer) Witness - Secretary Katus Watson, Senior Vice President EXECUTED this 5th day of ______ October ______, 20_22 by the Surety. **ATTEST:** FIDELITY AND DEPOSIT COMPANY OF MARYLAND Surety (Company Name) (Attorney-in-Fact) Salena Wood itness APPROVED by the Trustees of the Oklahoma City Water Utilities Trust this <u>8th</u> day of . 20 22 November TTEST: hairman CONCURRED in by the Courseil of the City of Oklahoma City this 22nd day of ,20 22 . November ATTEST: David Holt City Clefk Mayor AHOMA **REVIEWED** for form and legality. Assistant Municipal Counselor

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 **Susan R. SCHWARTZ, Salena WOOD, Thomas U. KRIPPENE, Catherine L. GEIMER, Eric D. SAUER, Christina BARATTI, Jennifer WILLIAMS and Barbara PANNIER, all of St. Louis, Missouri,** EACH, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

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

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 15th day of January, A.D. 2020.



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

By: Robert D. Murray Vice President

Dawn & Show

By: Dawn E. Brown Secretary

State of Maryland County of Baltimore

On this 15th day of January, A.D. 2020, 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, deposeth 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

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

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, <u>Attorneys-in-Fact</u>. 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 of revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Secretary 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 ______ day of _______ day of _______ 2022.



Burn Hodges

By: Brian M. Hodges 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 www.reportsfclaims@zurichna.com 800-626-4577