

State of Rhode Island and Providence Plantations
Department of Administration
Division of Purchases

RIVIP BIDDER CERTIFICATION COVER FORM

SECTION 1 - BIDDER INFORMATION

Bidder must be registered as a vendor on the RIVIP system at www.purchasing.ri.gov to submit a bid proposal.

Solicitation Number: 7548943A1
Solicitation Title: TEMPORARY STABILIZATION-FRANCIS STREET PARCELS-FRANCIS ST. PROVIDENCE, RI - ADDENDUM 1 (2 PGS)
Bid Proposal Submission Deadline Date & Time: 11/25/2014 1:30 PM
RIVIP Vendor ID #: 6124
Bidder Name: East Coast Landscaping & Construction, Inc.
Address: 202 Chase Road
Portsmouth , RI 02871
USA
Telephone: (401) 683-5656
Fax: (401) 683-5662
Contact Name: Billy Reed
Contact Title: Chief Estimator
Contact Email: billyreed@eastcoastconstruction.com

SECTION 2 —DISCLOSURES

Bidders must respond to every statement. Bid proposals submitted without a complete response may be deemed nonresponsive.

Indicate "Y" (Yes) or "N" (No) for Disclosures 1-3, and if "Yes," provide details below. Complete Disclosure 4.

- N 1. State whether the Bidder, or any officer, director, manager, stockholder, member, partner, or other owner or principal of the Bidder or any parent, subsidiary, or affiliate has been subject to suspension or debarment by any federal, state, or municipal governmental authority, or the subject of criminal prosecution, or convicted of a criminal offense within the previous 5 years. If "Yes," provide details below.
- N 2. State whether the Bidder, or any officer, director, manager, stockholder, member, partner, or other owner or principal of the Bidder or any parent, subsidiary, or affiliate has had any contracts with a federal, state, or municipal governmental authority terminated for any reason within the previous 5 years. If "Yes," provide details below.
- N 3. State whether the Bidder, or any officer, director, manager, stockholder, member, partner, or other owner or principal of the Bidder or any parent, subsidiary, or affiliate has been fined more than \$5000 for violation(s) of any Rhode Island environmental law(s) by the Rhode Island Department of Environmental Management within the previous 5 years. If "Yes," provide details below.
4. List each officer, director, manager, stockholder, member, partner, or other owner or principal of the Bidder, and each intermediate parent company and the ultimate parent company of the Bidder. For each individual, provide his or her name, business address,

principal occupation, position with the Bidder, and the percentage of ownership, if any, he or she holds in the Bidder, and each intermediate parent company and the ultimate parent company of the Bidder.

Disclosure details (continue on additional sheet if necessary):

~~KURT HOUTON, PRESIDENT~~
~~MAX JENYER, VICE PRESIDENT~~ → 202 CHASE ROAD, PORTSMOUTH, RI 02871
~~WILLIAM REED, SECRETARY~~

SECTION 3 — CERTIFICATIONS

Bidders must respond to every statement. Bid proposals submitted without a complete response may be deemed nonresponsive.

Indicate "Y" (Yes) or "N" (No), and if "No," provide details below.

THE BIDDER CERTIFIES THAT:

- Y 1. The Bidder will immediately disclose, in writing, to the State Purchasing Agent any potential conflict of interest which may occur during the term of any contract awarded pursuant to this solicitation.
- Y 2. The Bidder possesses all licenses and anyone who will perform any work will possess all licenses required by applicable federal, state, and local law necessary to perform the requirements of any contract awarded pursuant to this solicitation. In the event that any required license shall lapse or be restricted or suspended, the Bidder shall immediately notify the State Purchasing Agent in writing.
- Y 3. The Bidder will maintain all required insurance during the term of any contract pursuant to this solicitation. In the event that any required insurance shall lapse or be canceled, the Bidder will immediately notify the State Purchasing Agent in writing.
- Y 4. The Bidder understands that falsification of any information in this bid proposal or failure to notify the State Purchasing Agent of any changes in any disclosures or certifications in this Bidder Certification may be grounds for suspension, debarment, and/or prosecution for fraud.
- Y 5. The Bidder has not paid and will not pay any bonus, commission, fee, gratuity, or other remuneration to any employee or official of the State of Rhode Island or any subdivision of the State of Rhode Island or other governmental authority for the purpose of obtaining an award of a contract pursuant to this solicitation. The Bidder further certifies that no bonus, commission, fee, gratuity, or other remuneration has been or will be received from any third party or paid to any third party contingent on the award of a contract pursuant to this solicitation.
- Y 6. This bid proposal is not a collusive bid proposal. Neither the Bidder, nor any of its owners, stockholders, members, partners, principals, directors, managers, officers, employees, or agents has in any way colluded, conspired, or agreed, directly or indirectly, with any other bidder or person to submit a collusive bid proposal in response to the solicitation or to refrain from submitting a bid proposal in response to the solicitation, or has in any manner, directly or indirectly, sought by agreement or collusion or other communication with any other bidder or person to fix the price or prices in the bid proposal or the bid proposal of any other bidder, or to fix any overhead, profit, or cost component of the bid price in the bid proposal or the bid proposal of any other bidder, or to secure through any collusion, conspiracy, or unlawful agreement any advantage against the State of Rhode Island or any person with an interest in the contract awarded pursuant to this solicitation. The bid price in the bid proposal is fair and proper and is not tainted by any collusion, conspiracy, or unlawful agreement on the part of the Bidder, its owners, stockholders, members, partners, principals, directors, managers, officers, employees, or agents.
- Y 7. The Bidder: (i) is not identified on the General Treasurer's list created pursuant to R.I. Gen. Laws § 37-2.5-3 as a person or entity engaging in investment activities in Iran described in § 37-2.5-2(b); and (ii) is not engaging in any such investment activities in Iran.
- Y 8. The Bidder will comply with all of the laws that are incorporated into and/or applicable to any contract with the State of Rhode Island.

Certification details (continue on additional sheet if necessary):

N/A

Solicitation #: 7548943

Solicitation Title: TEMPORARY STABILIZATION-FRANCIS STREET
PARCELS-FRANCIS ST, PROVIDENCE, RI

BID FORM

To: The State of Rhode Island Department of Administration
Division of Purchases, 2nd Floor
One Capitol Hill, Providence, RI 02908-5855

Bidder: EAST COAST LANDSCAPING & CONSTRUCTION, INC.
Legal name of entity
202 CHASE RD. POLISTWOUTH, RI 02871
Address (street/city/state/zip)
WILLIAM KEEN info@eastcoastconstruction.com
Contact name Contact email
401-683-5656 401-683-5662
Contact telephone Contact fax

1. BASE BID PRICE

The Bidder submits this bid proposal to perform all of the work (including labor and materials) described in the solicitation for this Base Bid Price (*including the costs for all Allowances, Bonds, and Addenda*):

\$ 149,028.00
(base bid price in figures printed electronically, typed, or handwritten legibly in ink)
ONE HUNDRED AND FORTY NINE THOUSAND AND TWENTY EIGHT DOLLARS
(base bid price in words printed electronically, typed, or handwritten legibly in ink)

• **Allowances**

There are no Allowances for this project.

• **Bonds**

The Base Bid Price ***includes*** the costs for all Bid and Payment and Performance Bonds required by the solicitation.

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• **Addenda**

The Bidder has examined the entire solicitation (including the following Addenda), and the Base Bid Price **includes** the costs of any modifications required by the Addenda.

All Addenda must be acknowledged.

Addendum No. 1 dated: 11/19/14 (LISTED 3/19/14 ON ADDENDUM No. 1)

Addendum No. 2 dated: _____

Addendum No. 3 dated: _____

Addendum No. 4 dated: _____

Addendum No. 5 dated: _____

Addendum No. 6 dated: _____

2. **ALTERNATES** (Additions/Subtractions to Base Bid Price)

The Bidder offers to: (i) perform the work described in these Alternates as selected by the State in the order of priority specified below, based on the availability of funds and the best interest of the State; and (ii) increase or reduce the Base Bid Price by the amount set forth below for each Alternate selected.

Check "Add" or "Subtract."

Add Alternate No. 1: Additional Excavation of Contaminated Soil/Material, Temporary Stockpiling and Covering, Removal and Disposal, (Including Trucking and Disposal Fees, Backfill and Compaction) as directed by Owner or Engineer during the construction operations. Price shall be per Cubic Yard.

\$ 75.00
(amount in figures printed electronically, typed, or handwritten legibly in ink)
SEVENTY FIVE DOLLARS
(amount in words printed electronically, typed, or handwritten legibly in ink)

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Add Alternate No. 2: Furnish, Install and Grading of Sand Backfill (ASTM C-33), (Including Compaction), as directed by Owner or Engineer during the construction operations. Price shall be per Cubic Yard.

\$ 60.00
(amount in figures printed electronically, typed, or handwritten legibly in ink)
SIXTY DOLLARS
(amount in words printed electronically, typed, or handwritten legibly in ink)

Add Alternate No. 3: Furnish, Install and Grading of Bank Run Gravel Borrow, (Including Compaction), as directed by Owner or Engineer during the construction operations. Price shall be per Cubic Yard.

\$ 45.00
(alternate amount in figures printed electronically, typed, or handwritten legibly in ink)
FORTY FIVE DOLLARS
(alternate amount in words printed electronically, typed, or handwritten legibly in ink)

3. UNIT PRICES

The Bidder submits these predetermined Unit Prices as the basis for any change orders approved in advance by the State. These Unit Prices include all costs, including labor, materials, services, regulatory compliance, overhead, and profit.

DESCRIPTION OF SERVICES	CONTRACTORS UNIT COST
Unit Price No. 1 Earth Excavation, Backfill and Compaction (placement or grading of soil requires compaction in 8" to 12"lifts)	
Unit of Measurement: per Cubic Yard	\$ <u>20.00</u>
Unit Price No. 2 Remove and Dispose Organic Soils and Fill Soils, including Disposal Fees	
Unit of Measurement: per Cubic Yard	\$ <u>12.00</u>

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- Unit Price No. 3 Remove and Dispose Bollards
Unit of Measurement: per Lump Sum \$ 75.00

- Unit Price No. 4 Remove and Dispose Trees, Shrubs, Stumps and Root Systems
Unit of Measurement: per Lump Sum \$ 1,000.00

- Unit Price No. 5 Remove, Stockpile and Reset Jersey Barriers
Unit of Measurement: per Lump Sum \$ 250.00

- Unit Price No. 6 Remove and Dispose Fence, Posts, Signs and Miscellaneous
Items
Unit of Measurement: per Lump Sum \$ 100.00

- Unit Price No. 7 Furnish and Install New Jersey Barriers
Unit of Measurement: per Linear Each \$ 550.00

- Unit Price No. 8 Excavation of Contaminated Soil/Material, Temporary Stockpiling
and Covering, Removal and Disposal, (Including Trucking and
Disposal Fees, Backfill and Compaction)
Unit of Measurement: per Cubic Yard \$ 75.00

- Unit Price No. 9 Trimming and Fine Grading (placement or grading of soil requires
compaction in 8" to 12"lifts)
Unit of Measurement: per Cubic Yard \$ 10.00

- Unit Price No. 10 Maintenance and Protection of Site, Excavation and Remediation
Areas (Including nights and weekends)
Unit of Measurement: per Lump Sum \$ 3,500.00

- Unit Price No. 11 Furnish and Installation of Crushed Stone Surface Course
Unit of Measurement: per Cubic Yard \$ 75.00

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Unit Price No. 12	Staked Haybales Erosion Control, or approved equal	
	Unit of Measurement: per Linear Foot	\$ <u>7.00</u>
Unit Price No. 13	Mobilization	
	Unit of Measurement: per Lump Sum	\$ <u>4,500.00</u>
Unit Price No. 14	Construction Entrance	
	Unit of Measurement: per Each	\$ <u>2,000.00</u>
Unit Price No. 15	Furnish and Install Temporary Signs and Permanent Signs, Removal of Temporary Signs	
	Unit of Measurement: per Each	\$ <u>250.00</u>

4. CONTRACT TIME

The Bidder offers to perform the work in accordance with the timeline specified below:

- Start of construction: As enumerated in AIA Contract Document
- Substantial completion: As enumerated in AIA Contract Document
- Final completion: As enumerated in AIA Contract Document

The Final Completion date for Work shall be within 30 calendar days of the Purchase Order from the Division of Purchases.

5. LIQUIDATED DAMAGES

The successful bidder awarded a contract pursuant to this solicitation shall be liable for and pay the State, as liquidated damages and not as a penalty, the following amount for each calendar day of delay beyond the date for substantial completion, as

Solicitation #: 7548943
Solicitation Title: TEMPORARY STABILIZATION-FRANCIS STREET
PARCELS-FRANCIS ST, PROVIDENCE, RI

This bid proposal is irrevocable for 60 days from the bid proposal submission deadline.

If the Bidder is determined to be the successful bidder pursuant to this solicitation, the Bidder will promptly: (i) comply with each of the requirements of the Tentative Letter of Award; and (ii) commence and diligently pursue the work upon issuance and receipt of the purchase order from the State and authorization from the user agency.

The person signing below certifies that he or she has been duly authorized to execute and submit this bid proposal on behalf of the Bidder.

Date: NOVEMBER 25, 2014

BIDDER

EAST COAST LANDSCAPING &
CONSTRUCTION, INC.

Name of Bidder

Signature in Ink

WILLIAM REED, SECRETARY

Printed name and title of person signing on behalf of Bidder

8333

Bidder's Contractor Registration Number

State of Rhode Island
PAYER'S REQUEST FOR TAXPAYER
IDENTIFICATION NUMBER AND CERTIFICATION

THE IRS REQUIRES THAT YOU FURNISH YOUR TAXPAYER IDENTIFICATION NUMBER TO US. FAILURE TO PROVIDE THIS INFORMATION CAN RESULT IN A \$50 PENALTY BY THE IRS. IF YOU ARE AN INDIVIDUAL, PLEASE PROVIDE US WITH YOUR SOCIAL SECURITY NUMBER (SSN) IN THE SPACE INDICATED BELOW. IF YOU ARE A COMPANY OR A CORPORATION, PLEASE PROVIDE US WITH YOUR EMPLOYER IDENTIFICATION NUMBER (EIN) WHERE INDICATED.

Taxpayer Identification Number (T.I.N.)

Enter your taxpayer identification number in the appropriate box. For most individuals, this is your social security number.

Social Security No. (SSN)

Employer ID No. (EIN)

[] [] []

05 0422596

NAME EAST COAST LANDSCAPING & CONSTRUCTION, INC.

ADDRESS 202 CHASE ROAD

(REMITTANCE ADDRESS, IF DIFFERENT) N/A

CITY, STATE AND ZIP CODE POWERSOUTH, RI 02871

CERTIFICATION: Under penalties of perjury, I certify that:

- (1) The number shown on this form is my correct Taxpayer Identification Number (or I am waiting for a number to be issued to me), and
- (2) I am not subject to backup withholding because either: (A) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (B) the IRS has notified me that I am no longer subject to backup withholding.

Certification Instructions -- You must cross out item (2) above if you have been notified by the IRS that you are subject to backup withholding because of under-reporting interest or dividends on your tax return. However, if after being notified by IRS that you were subject to backup withholding you received another notification from IRS that you are no longer subject to backup withholding, do not cross out item (2).

PLEASE SIGN HERE

SIGNATURE [Signature] TITLE SECRETARY DATE 11/25/14 TEL NO. 401-683-5656

BUSINESS DESIGNATION:

Please Check One: Individual Medical Services Corporation Government/Nonprofit Corporation
Partnership Corporation Trust/Estate Legal Services Corporation

NAME: Be sure to enter your full and correct name as listed in the IRS file for you or your business.

ADDRESS, CITY, STATE AND ZIP CODE: Enter your primary business address and remittance address if different from your primary address). If you operate a business at more than one location, adhere to the following:

- 1) Same T.I.N. with more than one location -- attach a list of location addresses with remittance address for each location and indicate to which location the year-end tax information return should be mailed.
- 2) Different T.I.N. for each different location -- submit a completed W-9 form for each T.I.N. and location. (One year-end tax information return will be reported for each T.I.N. and remittance address.)

CERTIFICATION -- Sign the certification, enter your title, date, and your telephone number (including area code and extension).

BUSINESS TYPE CHECK-OFF -- Check the appropriate box for the type of business ownership.

Mail to: Supplier Coordinator, One Capitol Hill, Providence, RI 02908

Selective Insurance Company of America
40 Wantage Avenue
Branchville, New Jersey 07890
973-948-3000

B 1152273

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That **East Coast Landscaping and Construction Inc.**

202 Chase Road Portsmouth, RI 02871

(hereinafter called the Principal)

as Principal, and the **SELECTIVE INSURANCE COMPANY OF AMERICA**, a corporation created and existing under the laws of the State of New Jersey, with its principal office in Branchville, New Jersey (hereinafter called the Surety), as Surety,

are held and firmly bound unto **State of Rhode Island**
One Capital Hill Providence, RI 02908

(hereinafter called the Obligee)

in the full and just sum of **5 % Percent of the Total Bid Amount**

(**5 %**), good and lawful money of the United States of America, to the payments of which sum of money well and truly to be made, the said Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this **24th** day of **November** A.D. **2014**.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, if the Obligee shall make any award within 60 days to the Principal for

Temporary Stabilization - Francis Street Parcels

according to the terms of the proposal or bid made by the Principal therefor, and the Principal shall duly make and enter into a contract with the Obligee in accordance with the terms of said proposal or bid and award and shall give bond for the faithful performance thereof with Surety or Sureties approved by the Obligee; or if the Principal shall, in case of failure so to do, pay to the Obligee the damages which the Obligee may suffer by reason of such failure, not exceeding the penalty of this bond, then this obligation shall be null and void; otherwise it shall be and remain in full force and effect.

In Testimony Whereof, the Principal and Surety have caused these presents to be duly signed and sealed.

WITNESS:

(If individual or Firm)

East Coast Landscaping and Construction Inc.

(SEAL)

(SEAL)

WILLIAM REED _____
(SEAL)

Principal

ATTEST:

(If Corporation)

SELECTIVE INSURANCE COMPANY OF AMERICA

By:

Paul J. Damiano

Attorney-in-Fact
Paul J. Damiano

ACKNOWLEDGMENT OF PRINCIPAL
(Individual or Partnership)

STATE OF _____ }
COUNTY OF _____ } ss:

On this _____ day of _____, _____, before me personally appeared the above named _____

to me known and known to me to be the same described in and who executed the above instrument and dully acknowledged the execution of the same.

Notary Public _____ County

(Corporation)

STATE OF RHODE ISLAND }
COUNTY OF NEWPORT } ss:

On this 25TH day of NOVEMBER, 2014, before me personally appeared WILLIAM REED

to me known, who, being by me duly sworn, did depose and say that he/she resides in PORTSMOUTH, RI

that he/she is the SECRETARY of EAST COAST LANDSCAPING & CONSTRUCTION, INC. the corporation described in and which executed the foregoing instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was affixed by order of the Board of Directors of said corporation and that he/she signed his/her name thereto by like order.

[Signature] COMMISSION EXPIRES 3/11/17
Notary Public NEWPORT County

ACKNOWLEDGMENT OF SURETY

STATE OF RHODE ISLAND }
COUNTY OF PROVIDENCE } ss:

On this 24th day of November, 2014, before me personally appeared Paul J. Damiano to me known, who, being by me

duly sworn, did depose and say that he/she resides in _____ that he/she is the Attorney-in-Fact of the

Selective Insurance Company of America

the corporation described in and which executed the foregoing instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he/she signed his/her name thereto by like order; and deponent further says that he/she is acquainted with Paul J. Damiano and knows him/her to be the

Attorney-in-Fact subscribed to the within instrument is in the genuine handwriting of the said Paul J. Damiano and was subscribed thereto by like order of the Board of Directors in the presence of deponent.

[Signature]
Notary Public PROVIDENCE County

Kim D. Morey
Notary Public
My Commission Expires 11/16/16



Selective Insurance Company of America
 40 Wantage Avenue
 Branchville, New Jersey 07890
 973-948-3000

Bond No. B 1152273

POWER OF ATTORNEY

Public Bid

SELECTIVE INSURANCE COMPANY OF AMERICA, a New Jersey corporation having its principal office at 40 Wantage Avenue, in Branchville, State of New Jersey ("SICA"), pursuant to Article VII, Section 1 of its By-Laws, which state in pertinent part:

The Chairman of the Board, President, Chief Executive Officer, any Executive Vice President, any Senior Vice President or any Corporate Secretary may, from time to time, appoint attorneys in fact, and agents to act for and on behalf of the Corporation and they may give such appointee such authority, as his/her certificate of authority may prescribe, to sign with the Corporation's name and seal with the Corporation'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 may, at any time, remove any such appointee and revoke the power and authority given him/her.

does hereby appoint **Paul J. Damiano**

, its true and lawful attorney(s)-in-fact, full authority to execute on SICA's behalf fidelity and surety bonds or undertakings and other documents of a similar character issued by SICA in the course of its business, and to bind SICA thereby as fully as if such instruments had been duly executed by SICA's regularly elected officers at its principal office, in amounts or penalties not exceeding the sum of: **Three Hundred Thousand Dollars (\$300,000.00)**

Signed this 24th day of November, 2014

SELECTIVE INSURANCE COMPANY OF AMERICA

By: 
 Brian C. Sarisky
 Its SVP, Chief U/W Officer, Commercial Lines

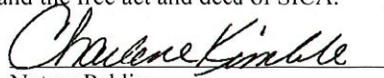


CERTIFIED COPY

STATE OF NEW JERSEY :
 :ss. Branchville
 COUNTY OF SUSSEX :

On this 24th day of November, 2014 before me, the undersigned officer, personally appeared Brian C. Sarisky, who acknowledged himself to be the Vice President of SICA, and that he, as such Vice President, being authorized to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President and that the same was his free act and deed and the free act and deed of SICA.

Charlene Kimble
 Notary Public of New Jersey
 My Commission Expires 6/2/2016


 Notary Public



The 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 SICA at a meeting duly called and held on the 6th of February 1987, to wit:

"RESOLVED, the Board of Directors of Selective Insurance Company of America authorizes and approves the use of a facsimile corporate seal, facsimile signatures of corporate officers and notarial acknowledgements thereof on powers of attorney for the execution of bonds, recognizances, contracts of indemnity and other writing obligatory in the nature of a bond, recognizance or conditional undertaking."

CERTIFICATION

I do hereby certify as SICA's Corporate Secretary that the foregoing extract of SICA's By-Laws and Resolutions are in full force and effect and this Power of Attorney issued pursuant to and in accordance with the By-Laws is valid.

Signed this 24th day of November, 2014.


 Michael H. Lanza, SICA Corporate Secretary



Important Notice: If the bond number embedded within the Notary Seal does not match the number in the upper right-hand corner of this Power of Attorney, contact us at 973-948-3000.

POLICYHOLDER DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE

The Terrorism Risk Insurance Act of 2002 establishes a program within the Department of the Treasury under which the federal government shares, with the insurance industry, the risk of loss from future terrorist attacks. The Act applies when the Secretary of the Treasury certifies that an event meets the definition of an act of terrorism. The Act provides that to be certified an act of terrorism the event must cause losses of at least five million dollars and must have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest to coerce the government or population of the United States.

Coverage for acts of terrorism is already included in your current bond. In accordance with the federal Terrorism Risk Insurance Act of 2002, we are required to provide you with a notice disclosing the portion of your premium, if any, attributable to the coverage for terrorist acts certified under that Act.

DISCLOSURE OF PREMIUM

Your current bond includes coverage for terrorist acts certified under the Act for no additional premium.

DISCLOSURE OF FEDERAL PARTICIPATION IN PAYMENT OF TERRORISM LOSSES

The United States Government, Department of the Treasury, will pay a share of terrorism losses insured under the federal program. The federal share equals 90% of that portion of the amount of such insured losses that exceeds the applicable insurer retention.