

**WORK AUTHORIZATION NO. 2
WATER UTILITIES DEPARTMENT
CONTINUING CONSTRUCTION CONTRACT**

Project No. WUD 06-196

District: 5

Budget Line Item No. 4011-721-W006-6545

Project Title: Ascot-Lyons & Atlantic PUD Reclaimed Water Main

THIS AUTHORIZATION # 2 to the Contract for Construction Services dated December 19, 2006 (Resolution/Document 2006-2732), by and between Palm Beach County and the Contractor identified herein, is for the Construction Services described in Item 3 of this Authorization. The Contract provides for 14.98% SBE participation overall. This Authorization includes 15.00% overall participation. The cumulative SBE participation including this work authorization, is 15.00% overall

1. CONTRACTOR: Foster Marine Contractors, Inc.
2. ADDRESS: 7313 West Port Place, West Palm Beach, FL 33413
3. Description of Services to be provided by the Contractor:

See EXHIBIT "A".

4. Services completed by the Contractor to date:

See EXHIBITS "B" and "C".

5. Contractor shall begin work promptly with the following work commencing from the notice to proceed date:
Substantial Completion **120** Calendar Days,
Final Completion **150** Calendar Days
Liquidated damages will apply in accordance with Paragraph 1.6.1 of the Contract Bid Form
6. The compensation to be paid to the Contractor for providing the requested services in accordance with the Contract Bid Prices is **\$750,982.31**
7. EXCEPT AS HEREBY AMENDED, CHANGED OR MODIFIED, all other terms, conditions and obligations of the Contract dated December 19, 2006 remain in full force and effect.

**WORK AUTHORIZATION NO. 2
WATER UTILITIES DEPARTMENT
CONTINUING CONSTRUCTION CONTRACT**

Project No. WUD 06-196

Project Title: Ascot-Lyons & Atlantic PUD Reclaimed Water Main

IN WITNESS WHEREOF, this Authorization is accepted, subject to the terms, conditions and obligations of the aforementioned Contract.

PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA

ATTEST:

Sharon R. Bock
Clerk and Comptroller

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY

Addie L. Greene, Chairperson *AG*

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Date

(County Attorney)

CONTRACTOR

Foster Marine Contractors, Inc.

ATTEST:

A Mendez

Witness

[Signature]

(Signature)

Andrea Mendez

(Name and Title)

Larry Brennen

(Name and Title)

(CORPORATE SEAL)

3-16-07

Date

EXHIBIT 'A'

**WORK AUTHORIZATION NO. 2
PALM BEACH COUNTY
WATER UTILITIES DEPARTMENT
ENGINEERING/PROFESSIONAL SERVICES**

**SCOPE OF WORK
FOR**

Ascot-Lyons & Atlantic PUD Reclaimed Water Main

INTRODUCTION

Palm Beach County (County) entered into a Contract for Construction Services date December 19, 2006 (Resolution/Document 2006-2732), by and between Palm Beach County and Foster Marine Contractors, Inc., for the Construction Services of this Authorization.

This Contract for Construction Services encompasses providing services related to installation of reclaimed water pipeline and appurtenances.

SCOPE OF SERVICES

The Contractor shall provide and install 3,960 linear feet of 20-inch reclaimed water main, 160 linear feet of 18-inch reclaimed water main, 16 linear feet of 12-inch reclaimed water main, 70 linear feet of 8" reclaimed water main and appurtenances, in accordance with Palm Beach County Water Utilities Department Minimum Engineering and Construction Standards, as indicated in the construction plans and contract documents.

COMPENSATION

Compensation shall be based on the Contract for Construction Services dated December 19, 2006 (Resolution/Document 2006-2732) as approved by the Board of County Commissioners.

SBE- M/WBE PARTICIPATION

As described in Section 7.5 of the Contract, SBE participation is included in Attachment B and Attachment C under this Authorization. The attached Schedule 1 defines the SBE -M/WBE applied to this Contract.

ATTACHMENT – A

Public Construction Bond

ATTACHMENT – B

Work Authorization Schedule of Bid Items

ATTACHMENT – C

SBE Schedule 1

ATTACHMENT – D

SBE Schedule 2

ATTACHMENT – E

Location Map

PUBLIC CONSTRUCTION BOND

BOND NUMBER: 08832342

BOND AMOUNT: \$8,441,819.00

CONTRACT AMOUNT: \$8,441,819.00

CONTRACTOR'S NAME: Foster Marine Contractors, Inc.

CONTRACTOR'S ADDRESS: 7313 Westport Place
West Palm Beach, FL 33413

CONTRACTOR'S PHONE: (561) 683-0034

SURETY COMPANY: Fidelity & Deposit Company of Maryland

SURETY'S ADDRESS: 26957 Northwestern Hwy
Suite 120
Southfield, MI 48034

OWNER'S NAME: PALM BEACH COUNTY

OWNER'S ADDRESS: 8100 Forest Hill Boulevard (P. O. Box 16097)
West Palm Beach, FL 33413

OWNER'S PHONE: (561) 493-6000

DESCRIPTION OF WORK: furnishing and installing raw water mains, potable water mains, wastewater collection, force mains, reclaimed water mains, lift station wetwells, wastewater manholes, submersible pumps and related appurtenances at the Owner's discretion through multiple Work Authorizations, to be issued on an as-needed basis for a twelve month period

PROJECT LOCATION: Systemwide

LEGAL DESCRIPTION: Continuing Construction Contract
Project No. WUD-06-144

PUBLIC CONSTRUCTION BOND

Bond #08832342

This Bond is issued in favor of the County conditioned on the full and faithful performance of the Contract.

KNOW ALL MEN BY THESE PRESENTS: that Contractor and Surety, are held and firmly bound unto
Palm Beach County Board of County Commissioners
301 N. Olive Avenue
West Palm Beach, Florida 33401

as Obligee, herein called County, for the use and benefit of claimant as herein below defined, in the amount of Eight Million Four Hundred Forty-one Thousand Eight Hundred Nineteen and NO/100----- Dollars (\$8,441,819.00)

(Here insert a sum equal to the Contract Price)

for the payment whereof Principal and Surety bind themselves, their heirs, personal representatives, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS,

Principal has by written agreement dated DEC 19 2006, 200_, entered into a contract with the County for

Project Name: Water Utilities Department Continuing Construction Contract
Project No.: WUD 06-144
Project Description: furnishing and installing raw water mains, potable water mains, wastewater collection, force mains, reclaimed water mains, lift station wetwells, wastewater manholes, submersible pumps and related appurtenances at the Owner's discretion through multiple Work Authorizations, to be issued on an as-needed basis for a twelve month period
Project Location: systemwide

in accordance with Design Criteria Drawings and Specifications prepared by

Name of Design Firm: PBC Water Utilities Department
Location of Firm: West Palm Beach, FL 33411
Phone: 561/493-6116
Fax: 561/493-6113

which contract is by reference made a part hereof in its entirety, and is hereinafter referred to as the Contract.

THE CONDITION OF THIS BOND is that if Principal:

1. Performs the contract dated DEC 19 2006, 200_, between Principal and County for the design and construction of *SEE BELOW, the contract being made a part of this bond by reference, at the times and in the manner prescribed in the contract; and

2. Promptly makes payments to all claimants, as defined in Section 255.05, Florida Statutes,

*Continuing Construction Contract - Project No. WUD 06-144

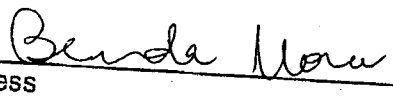
PROJECT NO. WUD 06-144

BOND - 2

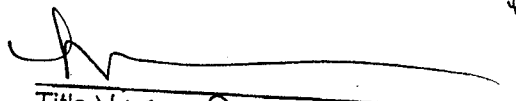
supplying Principal with labor, materials, or supplies, used directly or indirectly by Principal in the prosecution of the work provided for in the contract; and


3. Pays County all losses, damages (including liquidated damages), expenses, costs, and attorneys' fees, including appellate proceedings, that County sustains because of a default by Principal under the contract; and
4. Performs the guarantee of all work and materials furnished under the contract for the time specified in the contract, then this bond is void; otherwise it remains in full force.
5. Any changes in or under the contract documents and compliance or noncompliance with any formalities connected with the contract or the changes does not affect Surety's obligation under this bond and Surety waives notice of such changes.
6. The amount of this bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety of construction liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against the bond.
7. Principal and Surety expressly acknowledge that any and all provisions relating to consequential, delay and liquidated damages contained in the contract are expressly covered by and made a part of this Performance, Labor and Material Payment Bond. Principal and Surety acknowledge that any such provisions lie within their obligations and within the policy coverage's and limitations of this instrument.
8. Section 255.05, Florida Statutes, as amended, together with all notice and time provisions contained therein, is incorporated herein, by reference, in its entirety. Any action instituted by a claimant under this bond for payment must be in accordance with the notice and time limitation provisions in Section 255.05(2), Florida Statutes. This instrument regardless of its form, shall be construed and deemed a statutory bond issued in accordance with Section 255.05, Florida Statutes.
9. Any action brought under this instrument shall be brought in the state court of competent jurisdiction in Palm Beach County, Florida and not elsewhere.


Witness


Witness

FOSTER MARINE CONTRACTORS, INC.
Principal \$eal)


Title *Vice President*
FIDELITY & DEPOSIT COMPANY OF MARYLAND
Surety \$eal)


Title Holly Nichols, Attorney-in-fact

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by PAUL C. ROGERS, Vice President, and T. E. SMITH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **John G. GROWNEY, Barry L. HUNT, Kathleen O'LAUGHLIN, Marla KOWALSKI and Holly NICHOLS, all of Troy, Michigan, 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 Company, 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 Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of John G. GROWNEY, Barry L. HUNT, Kathleen O'LAUGHLIN, Marla KOWALSKI, Karen BRODE, Holly NICHOLS, Stephen E. SCHURR, dated May 24, 2002.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 5th day of May, A.D. 2003.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



T. E. Smith

T. E. Smith

Assistant Secretary

By: *Paul C. Rogers*

Paul C. Rogers

Vice President

State of Maryland }
City of Baltimore } ss:

On this 5th day of May, A.D. 2003, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came PAUL C. ROGERS, Vice President, and T. E. SMITH, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Sandra Lynn Mooney

Sandra Lynn Mooney

Notary Public

My Commission Expires: January 1, 2004

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

I, the undersigned, Assistant Secretary of 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 the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

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 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 seal of the said Company,

this 6 day of December, 2006.


Assistant Secretary

ATTACHMENT C

SCHEDULE #1

LIST OF PROPOSED SBE-M/WBE PRIME/SUBCONTRACTORS

PROJECT NAME: Ascot-Lyons & Atlantic PUD Reclaimed Water Mains PROJECT NUMBER: WUD 06-196
 NAME OF PRIME BIDDER: Foster Marine Contractor, Inc. ADDRESS: 7313 West Port Place, West Palm Beach, Florida 33413
 CONTACT PERSON: Larry Brennen, V.P. PHONE NO. _____ FAX NO. _____
 BID OPENING DATE: _____

PLEASE IDENTIFY ALL APPLICABLE CATEGORIES

Name, Address and Telephone Number of Minority Contractor	(Check one or both Categories)		Dollar Amount				
	Minority Business	Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
L & L Worldwide Inc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$ 107,364.30	\$	\$
Birdseye View	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$1,640.00	\$	\$
Odums Sod	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$3,643.05	\$	\$	\$	\$
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$	\$	\$	\$	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$	\$	\$
PRIME CONTRACTOR TO COMPLETE:	TOTAL		\$ 3,643.05	\$ -	\$ 109,004.30	\$ -	\$ -

BID PRICE: \$ 750,982.31 Total Value of SBE Participation: \$ 112,647.35

- NOTE:
1. The amount listed on this form for a Subcontractor must be supported by price or percentage included on Schedule 2 or a proposal from each Subcontractor listed in order to be counted toward goal attainment.
 2. Firms may be certified by Palm Beach County as an SBE and/or an M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount under the appropriate category.
 3. M/WBE information is being collected for tracking purposes only.

EXHIBIT -C

**CONTINUING CONSTRUCTION CONTRACT
SUMMARY OF SMALL BUSINESS ENTERPRISE TRACKING SYSTEM**

Work Authorization No. 2

	TOTAL	BLACK	HISPANIC	OTHER	WOMAN
Current Proposal					
Value of Authorization No. 1	\$750,982.31				
Value of SBE Letters of Intent	\$112,647.35	\$3,643.05			\$109,004.30
Actual Percentage	15.00%	0.485105%	0.00%	0.00%	14.514896%
Signed Authorizations					
Total Value of Authorizations (1)					
Total Value of SBE Signed Subcontracts	\$0.00	\$0.00		\$0.00	\$0.00
Actual Percentage	#DIV/0!	#DIV/0!	0.00%		
Signed Authorizatons plus Current Proposal					
Total Value of Authorizations	\$750,982.31				
Total Value of Subcontracts & Letters of Intent	\$112,647.35	\$3,643.05			\$109,004.30
Actual Percentage	15.00%	0.485105%	0.00%	0.00%	14.514896%
GOAL	15.00%	2.67%	0.00%	2.40%	9.93%

ATTACHMENT C

SCHEDULE 2

LETTER OF INTENT TO PERFORM AS AN SBE OR MWBE SUBCONTRACTOR

PROJECT NO. WUD 06-196
Main

PROJECT NAME: Ascot-Lyons & Atlantic PUD Reclaimed Water

TO: FOSTER MARINE CONTRACTOR'S INC.
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a(n) - (check one or more, as applicable):

Small Business Enterprise _____ Minority Business Enterprise _____

Black _____ Hispanic _____ Women X _____ Caucasian _____ Other (Please Specify) _____

Date of Palm Beach County Certification: _____

The undersigned is prepared to perform the following described work in connection with the above project
(Specify in detail, particular work items or parts thereof to be performed):

Line Item/Lot No.	Item Description	Qty / Units	Unit Price	Total Price
1-244	Supply Pipe Fitting Valves, etc.	1		\$ 107,364.30

at the following price
\$178,940.50x60%=\$107,364.30
(Subcontractor's quote)

And will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If undersigned intends to sub-subcontract any portion of this subcontract to a non-certified SBE subcontractor, the amount of any such subcontract must be stated: \$ 0.00

The undersigned subcontractor understands that the provision of this form to prime bidder does not prevent subcontractor from providing quotations to other bidders

L & L Worldwide Inc
(Print Name of SBE-MWBE Subcontractor)

By: [Signature]
(Signature)

Lula Steck Pres
(Print name/title of person executing on behalf of SBE-MWBE Subcontractor)

Date: 3/13/07

TOTAL P.02

ATTACHMENT C

SCHEDULE 2

LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE SUBCONTRACTOR

PROJECT NO. WUD 06-106
Water Main

PROJECT NAME: Ascot-Lyons & Attentic PUD Reclaimed

TO: FOSTER MARINE CONTRACTOR'S INC.

(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a(n) - (check one or more, as applicable):

Small Business Enterprise _____

Minority Business Enterprise _____

Black _____ Hispanic _____ Women _____ Caucasian _____ Other (Please Specify) _____

Date of Palm Beach County Certification: _____

The undersigned is prepared to perform the following described work in connection with the above project (Specify in detail, particular work items or parts thereof to be performed):

Line Item/Lot No.	Item Description	Qty / Units	Unit Price	Total Price
232	Pre-Construction Video	1	\$1,640.00	\$ 1,640.00

at the following price
\$ 1,640.00

(Subcontractor's quote)

And will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If undersigned intends to sub-subcontract any portion of this subcontract to a non-certified SBE subcontractor, the amount of any such subcontract must be stated: \$ 0.00

The undersigned subcontractor understands that the provision of this form to prime bidder does not prevent subcontractor from providing quotations to other bidders

Bird's Eye View
(Print Name of SBE/M/WBE Subcontractor)

By: [Signature]
(Signature)

Kathy A Robinson Owner
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 3-13-07

ATTACHMENT C

SCHEDULE 2

LETTER OF INTENT TO PERFORM AS AN SBE OR MWBE SUBCONTRACTOR

PROJECT NO. WUD 06-196
Water Main

PROJECT NAME: Ascot-Lyons & Atlantic PUD Reclaimed

TO: FOSTER MARINE CONTRACTOR'S INC.
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a(n) - (check one or more, as applicable):

Small Business Enterprise _____ Minority Business Enterprise _____

Black _____ Hispanic _____ Women _____ Caucasian _____ Other (Please Specify) _____

Date of Palm Beach County Certification: _____

The undersigned is prepared to perform the following described work in connection with the above project
(Specify in detail, particular work items or parts thereof to be performed):

Line Item/Lot No.	Item Description	Qty / Units	Unit Price	Total Price
226	Floritam Sod	sy	2.48	\$
227	Bahia Sod	sy	1.48	\$3,643.05

at the following price
\$ 3,643.05

(Subcontractor's quote)

And will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If undersigned intends to sub-subcontract any portion of this subcontract to a non-certified SBE subcontractor, the amount of any such subcontract must be stated: \$ _____

The undersigned subcontractor understands that the provision of this form to prime bidder does not prevent subcontractor from providing quotations to other bidders

Odum's Sod
(Print Name of SBE-MWBE Subcontractor)

By [Signature]
(Signature)

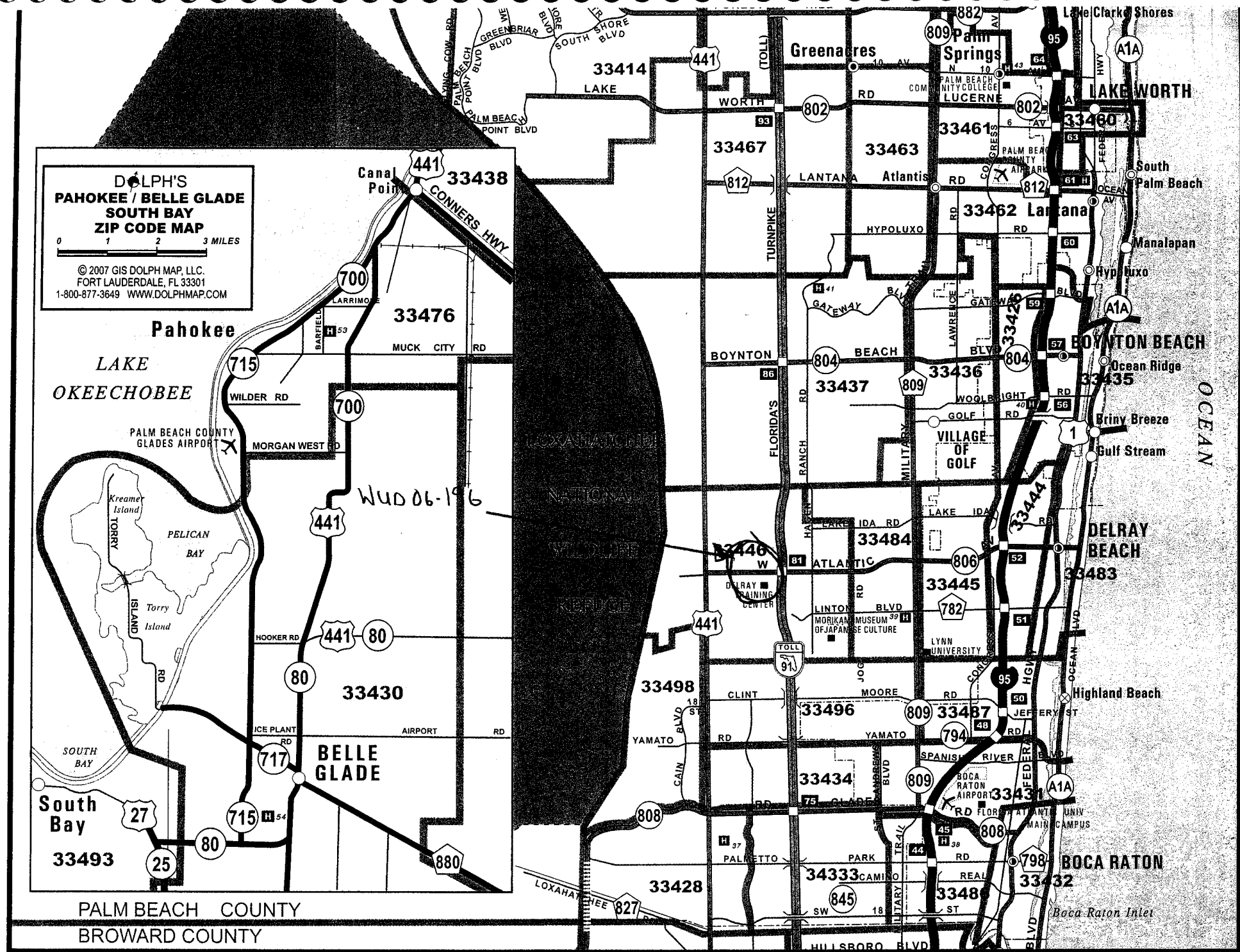
James W. Hammond Odum's Sod
(Print name/title of person executing on behalf of SBE-MWBE Subcontractor) General Mgr.

Date: 3-15-07

**DOLPH'S
PAHOKEE / BELLE GLADE
SOUTH BAY
ZIP CODE MAP**

0 1 2 3 MILES

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FORT LAUDERDALE, FL 33301
1-800-877-3649 WWW.DOLPHMAP.COM



WUD 06-196

PALM BEACH COUNTY
BROWARD COUNTY