

3H-6

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: July 22, 2008 [X] Consent [] Regular
[] Workshop [] Public Hearing

Department: Facilities Development and Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) Budget transfers of \$679,746 within the 30.5 M GO 03 Library Improvement Bond Fund from remaining balances in various projects to the Royal Palm Beach Branch Library project to fund the \$679,746 in construction cost; and

B) Budget transfers of \$1,469,818 within the Library Impact Fees Fund from Reserves for Improvement Program and remaining balances in various projects to the Royal Palm Beach Branch Library project to fund \$1,469,818 in construction cost; and

C) Amendment No. 17 to the contract with Catalfumo Construction Ltd. (R2003-1543) in the amount of \$6,695,652 for construction management services for the Royal Palm Beach Library establishing a Guaranteed Maximum Price (GMP) for construction of an 12,000 sf addition and renovation of the existing 8,000 sf library.

Summary: Amendment No. 17 establishes a GMP of \$6,695,652 and 392 calendar days to complete the building construction and site work at the Royal Palm Beach Library. The GMP includes the cost of work, the construction manager's fee associated with the work, and a contingency. The SBE goal for this contract is 15% and this project participation is 26.5%.

(Capital Improvements Division) District 6 (JM)

Background and Justification: Construction Manager (CM) at Risk is a project delivery method in which the CM provides design phase assistance, evaluation of cost, schedule and implications of alternate designs, system and materials, and serves as General Contractors issuing the subcontracts for construction. Catalfumo Construction Ltd. have provided pre-construction services on this project. This Amendment establishes a GMP for the Royal Palm Beach Library. Liquidated damage are not in effect for this project. Builders Risk Insurance will be provided through the County's Master Builders Risk Insurance Program. Initial budgets were established for all projects in the FY 2004 Budget. As projects come online and budgets are set, funds must be transferred from reserve. The construction cost for this project is funded with revenue from the GO Bond Issue.

Attachments:

1. Location Map
2. Budget Availability Statement
3. Budget Transfers
4. Amendment No. 17

Recommended by: [Signature] [Signature] 7/8/08
Department Director Date

Recommended by: [Signature] [Signature] 7/24/08
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	\$6,695,652	0	0	0	0
Operating Costs		0	0	0	0
External Revenues		0	0	0	0
Program Income (County)		0	0	0	0
In-Kind Match (County)					
NET FISCAL IMPACT	\$6,695,652				

ADDITIONAL FTE

POSITIONS (Cumulative) _____

Construction	\$6,695,652
Staff Cost	95,000
Misc	61,655
Total	\$6,852,307

Is Item Included in Current Budget? Yes _____ No X

Budget Account No: Fund 3752 Dept 321 Unit Various Object Various
 Funds 3021 Dept 321 Unit Various Object Various
 Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Impact Fees will be transferred from various projects and reserves. GO Bond revenue will be transferred from various project balances.

This project Guaranteed Maximum Price is approximately \$1.3 million higher than anticipated, not including \$61,655 for Builders Risk Insurance paid by the Library. Modification of future projects may be required.

C. Departmental Fiscal Review:

Lavinia D. Gardner

Lavinia D. Gardner, Director of Library Finance & Administration

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Development and Control Comments:

7-15-08 7-18-08
OFMB 7/18/08 7/18/08

7/18/08
Contract Administrator
7/18/08

B. Legal Sufficiency:

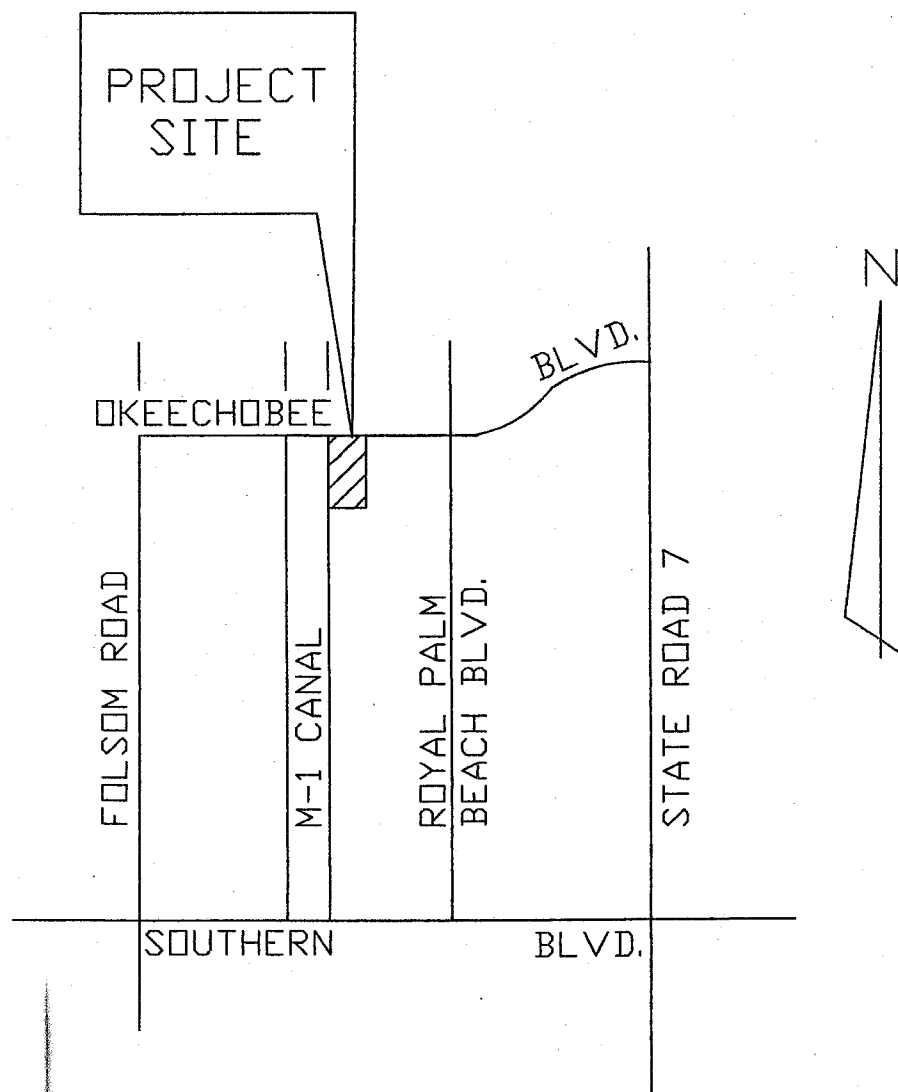
7/18/08
Monique R. Plante for
James M. Mayo
 Assistant County Attorney

This item complies with current
 County policies.

C. Other Department Review:

John Callahan III
 John Callahan III, Department Director

This summary is not to be used as a basis for payment.



ROYAL PALM BEACH LIBRARY LOCATION MAP

N.T.S.

ATTACHMENT # 1

FACILITIES DEVELOPMENT & OPERATIONS
BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 06/30/08 REQUESTED BY: Bill DeBeck PHONE: 233-0263
FAX: 233-0270

PROJECT TITLE: Royal Palm Beach Branch Library PROJECT NO.: 03206

ORIGINAL CONTRACT AMOUNT: BCC RESOLUTION#:

REQUESTED AMOUNT: \$6,695,652.11 (Revised) DATE:

CSA or CHANGE ORDER NUMBER:

CONSULTANT/CONTRACTOR: Catalfumo Construction Ltd.

PROVIDE A BRIEF STATEMENT OF THE SCOPE OF SERVICES TO BE PROVIDED BY THE
CONSULTANT/CONTRACTOR:

Cost of construction and renovations to Royal Palm Beach Library GMP with Catalfumo Construction.

CONSTRUCTION	<u>\$6,695,652</u>
PROFESSIONAL SERVICES	
STAFF COSTS** (Design/Construction Phase)	<u>\$95,000.00</u>
MISC. (permits, prints, advertising, Builders Risk)	<u>\$61,655.00</u>
TOTAL	<u>\$6,852,307.00</u>

** By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed.

BUDGET ACCOUNT NUMBER (IF KNOWN)

FUND: DEPT: UNIT: OBJ:
FUNDING SOURCE (CHECK ALL THAT APPLY): ☐ AD VALOREM ☐ OTHER
☐ FEDERAL/DAVIS BACON

BAS APPROVED BY Laminia D. Gardner DATE: 7/2/08

ENCUMBRANCE NUMBER: _____

3021- 321- L052- 6502 - \$5,382,489.00
3752- 321- L052- 6502 - \$1,469,818.00
Revised 03/30/04

ATTACHMENT # 2

08 - 1135

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BGEX - 321 - 070208 - 2977

BUDGET TRANSFER
FUND 3752 LIBRARY IMPACT FEES

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 07/02/08	REMAINING BALANCE
<u>EXPENDITURES</u>							
<u>ROYAL PALM BEACH</u>							
321-L052 6502 Building Construction - Cip	0	0	1,469,818	0	1,469,818	0	1,469,818
<u>ACREAGE BRANCH</u>							
321-L045 6601 Books, Publications Libry Mtrls	388,865	388,865	0	385,000	3,865	3,516	349
<u>WELLINGTON BRANCH EXPANSION</u>							
321-L056 6601 Books, Publications Libry Mtrls	404,945	242,257	0	184,818	57,439	57,439	(0)
<u>WEST LANTANA BRANCH (NEW)</u>							
321-L060 6502 Building Construction - Cip	4,801,128	4,801,128	0	600,000	4,201,128	4,000,600	200,528
<u>RESERVES</u>							
321-9900 9909 Res-Improvement Program	458,297	450,528	0	300,000	150,528	0	150,528
TOTAL APPROPRIATIONS & EXPENDITURES			1,469,818	1,469,818	*		


PALM BEACH COUNTY

LIBRARY SYSTEM

INITIATING DEPARTMENT/DIVISION

Administration/Budget Department Approval
OFMB Department - Posted

Signatures & Dates


Laminia D. Gardner 7-18-08
7-17-08 7-16/08

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF JULY 22, 2008

Deputy Clerk to the
Board of County Commissioners

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BGEX - 321 - 070208 - 2979

BUDGET TRANSFER
FUND 3021 30.5M GO 03, LIBRARY IMPROVEMENTS

ACCOUNT NAME AND NUMBER		ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 07/02/08	REMAINING BALANCE
<u>EXPENDITURES</u>								
<u>ROYAL PALM BEACH</u>								
321-L052	6502 Building Construction - Cip	2,336,766	180,172	679,746	0	859,918	17,429	842,489
<u>LOULA YORK (PAHOKEE) RENOVATION</u>								
321-L048	6401 Machinery & Equipment	5,347	5,347	0	5,347	0	0	0
321-L048	6502 Building Construction - Cip	7,050	7,050	0	7,050	0	0	(0)
321-L048	6505 Design/Eng/Mgmt - Cip Admin	9,363	9,257	0	2,558	6,699	6,699	0
<u>WELLINGTON BRANCH EXPANSION</u>								
321-L056	6101 Land *Sobj	1,769	1,769	0	1,769	0	0	0
321-L056	6411 Communication Equipment	170,195	130,483	0	130,483	0	0	0
321-L056	6502 Building Construction - Cip	182,535	161,219	0	104,061	57,158	57,158	0
321-L056	6505 Design/Eng/Mgmt - Cip Admin	39,433	22,454	0	20,951	1,503	1,503	0
<u>WEST LANTANA BRANCH (NEW)</u>								
321-L060	6502 Building Construction - Cip	5,086,579	10,763,704	0	407,527	10,356,178	6,846,837	3,509,341
TOTAL APPROPRIATIONS & EXPENDITURES				679,746	679,746 *			

PALM BEACH COUNTY
LIBRARY SYSTEM
INITIATING DEPARTMENT/DIVISION

Administration/Budget Department Approval
OFMB Department - Posted

[Signature]
7.17.08

[Signature]
7/16/08

Signatures & Dates

[Signature]
[Signature]
[Signature] 7-18-08

BY BOARD OF COUNTY COMMISSIONERS
AT MEETING OF JULY 22, 2008

Deputy Clerk to the
Board of County Commissioners

**AMENDMENT #17 TO CONTRACT FOR
CONSTRUCTION MANAGEMENT SERVICES
ROYAL PALM BEACH BRANCH
PROJECT NO. 03222**

WHEREAS, the Owner and Construction Manager, Catalfumo Construction Ltd. acknowledge and agree that the Contract between Owner and Construction Manager dated September 23, 2003 (R2003-1543) is in full force and effect and that this Amendment merely supplements said Contract;

WHEREAS, the parties hereto entered into a Contract between Owner and Construction Manager whereby the Construction Manager has rendered or will render construction services as specified therein; and

WHEREAS, the parties have negotiated a Guaranteed Maximum Price, including Construction Managers fees for construction and warranty services and other services as set forth herein and in the Contract;

NOW THEREFORE, in exchange for the mutual covenants and promises set forth herein and the sums of money agreed to be paid by the Owner to the Construction Manager, the parties agree as follows:

(1) **GUARANTEED MAXIMUM PRICE**

Pursuant to Article 2.2 and Article 6 of the Contract between Owner and Construction Manager, the parties have agreed to the establishment of a Guaranteed Maximum Price of **\$6,695,652** for the construction cost of the addition, renovations, parking lot, and site work for the Royal Palm Beach Library. Refer to Exhibit "A". The GMP is based on the following: drawings and specification dated March 27, 2008.

(2) **SCHEDULE OF TIME FOR COMPLETION**

Pursuant to Article 5.3, Construction Manager shall substantially complete this project within **Three Hundred Ninety Two (392)** calendar days of receiving the Notice to Proceed.

- (3) **ATTACHMENTS:** Exhibit A - GMP Proposal
Public Construction Bond
Form of Guarantee
Insurance Certificate(s)

ATTACHMENT # 4

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the COUNTY and CONSTRUCTION MANAGER has hereunto set its hand the day and year above written.

ATTEST:
SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY BOARD, FLORIDA
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
County Attorney

By: Anthony Wolf
Director - FD&O

WITNESS: FOR CONSTRUCTION MANAGER
SIGNATURE

Shannon McCarthy
Signature

Shannon McCarthy
Name (type or print)

CONSTRUCTION MANAGER:

By: Catalfumo Construction Ltd.
Corporate Name

A Florida Limited Partnership
State of Incorporation

By: Catalfumo Construction, Inc.

A Florida Corporation, its general partner

[Signature]
Signature

Daniel S. Catalfumo
Name (type or print)

President
Title

Corporate Seal)

EXHIBIT A

PBC ROYAL PALM BEACH LIBRARY
PALM BEACH COUNTY JOB NUMBER: 03208 - CATALFUMO JOB NUMBER: 07-001-01
CATALFUMO CONSTRUCTION, Ltd.

EXHIBIT 2.1.4.A

GMP ESTIMATE BASED ON ATTACHED
PLAN LIST

SUMMARY BUDGET ITEMS - GMP FORMAT

Pink colored text denotes items requiring further discussion

LINE ITEM	DESCRIPTION	LINE ITEM SUBTOTAL	LINE ITEM SUBTOTAL	PERCENT OF TOTAL GMP	SHOWN FOR REF ONLY; NOT INCLUDED IN GMP BELOW; AUTHORIZED BY SEPARATE WORK ORDER
01.0	PRECONSTRUCTION MANAGERS FEE		\$ 36,889.19	0.55%	
02.0	CONSTRUCTION MANAGERS FEE		\$ 1,027,782.40	15.35%	
	(INCLUDES OVERHEAD & PROFIT)				
02.1	OFF-SITE	\$ 73,614.18		1.10%	
02.2	ON-SITE	\$ 575,159.05		8.59%	
02.3	OVERHEAD & PROFIT	\$ 378,999.18		5.66%	
03.0	COST OF THE WORK		\$ 5,445,520.97	81.32%	
03.1	GENERAL CONDITIONS	\$ 248,457.20		3.67%	
03.2	CSI DIVISIONS 1 THROUGH 16	\$ 5,200,063.77		77.66%	
04.0	SUBTOTAL		\$ 6,473,303.35	96.68%	
05.0	BONDS		\$ 50,144.91	0.77%	
06.0	INSURANCE & BUILDERS RISK		\$ 62,899.92	0.94%	BUILDERS RISK --- TO BE PAID DIRECTLY BY COUNTY
07.0	SALES TAX RECOVERY		\$ -	0.00%	
08.0	SUBTOTAL		\$ 6,586,348.21	98.37%	
09.0	CONSTRUCTION CONTINGENCY		\$ 109,303.90	1.63%	
10.0	GUARANTEED MAXIMUM PRICE		\$ 6,695,652.11	100.00%	

SCHEDULE 1

LIST OF PROPOSED SBE-M/WBE SUBCONTRACTORS

PROJECT NAME: Royal Palm Beach Library
NAME OF PRIME BIDDER: CATALFUMO CONSTRUCTION, Ltd.
CONTACT PERSON: Joe Keating
BID OPENING DATE:

PROJECT NO: 03206
PHONE NO: 561-694-3000
DEPARTMENT:
FAX NO: 561-691-3890

PLEASE IDENTIFY ALL APPLICABLE CATEGORIES OF SUBCONTRACTORS

Name, Address and Phone Number		(Check one or both Categories)		Subcontract Amount					
		Minority Business	Small Business	Black	Hispanic	Woman	Caucasian	Other (Please Specify)	
1	Hi-Tech Roofing & Sheetmetal 2266 4th Avenue North Lake Worth, FL 33461		X		\$ -	\$ -	\$ -	\$ -	\$ 358,373.00
2	Flags Plus 1441 S Military Trail West Palm Beach, FL 33415	X	X		\$ -	\$ -	\$ 7,944.99	\$ -	\$ -
3	Palm Beach Glass 1237 Roebuck Court West Palm Beach, FL 33401	X	X		\$ -	\$ -	\$ 168,262.60	\$ -	\$ -
4	Jack Walsh Carpets & Rugs 501 Ardmore Rd West Palm Beach, FL 33401		X		\$ -	\$ -	\$ -	\$ -	\$ 261,529.61
5	Top Notch Concrete P.O. Box 7033 West Palm Beach, FL 33405		X		\$ -	\$ -	\$ -	\$ -	\$ 44,265.00
6	Knight Electric Co. 2610 Old Okeechobee Rd West Palm Beach, FL 33409		X		\$ -	\$ -	\$ -	\$ -	\$ 652,837.00
7	Alliance Curbing 2096 Reston Circle Royal Palm Beach, FL 33411		X		\$ -	\$ -	\$ -	\$ -	\$ 31,955.00
8	KMI International, Inc. 2501 Park St Lake Worth, FL 33460	X	X		\$ -	\$ 116,220.00	\$ -	\$ -	\$ -
10	Stokes Mechanical Contractors, Inc. 2001 7th Ave N Lake Worth, FL 33461		X		\$ -	\$ -	\$ -	\$ -	\$ 137,229.50
	(Please use additional sheets if necessary)		Total		\$ -	\$ 116,220.00	\$ 176,207.59	\$ -	\$ 1,486,189.

Total Bid Price: 6,695,652. Total Value of SBE Participation \$ 1,778,616.70 % SBE Participation 26.56%

Note:

1. The amounts listed on this form must be supported by the Subcontractors prices included on Schedule 2 in order to be counted toward goal attainment.
2. Firms may be certified by Palm Beach County as an SBE and/or 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.

ACORD CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 06/27/2008
PRODUCER (305)822-7800 FAX Collinsworth, Alter, Fowler, Dowling & French P. O. Box 9315 Miami Lakes, FL 33014-9315		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED Catalfumo Construction Ltd 4300 Catalfumo Way, North Palm Beach Gardens, FL 33410-4248		INSURERS AFFORDING COVERAGE INSURER A: Zurich American Ins. Co. INSURER B: INSURER C: INSURER D: INSURER E:
		NAIC #

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADD'L	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY	GL0913777002	05/15/2008	05/15/2009	EACH OCCURRENCE	\$ 1,000,000
		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
		<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$ 10,000
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	\$ 2,000,000
		<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					
A		AUTOMOBILE LIABILITY	BAP380808804	05/15/2008	05/15/2009	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
		<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
		<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
		<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
		<input checked="" type="checkbox"/> HIRED AUTOS					
<input checked="" type="checkbox"/> NON-OWNED AUTOS							
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
		<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE	\$
		<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$
							\$
		DEDUCTIBLE					\$
		RETENTION \$					\$
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WC380808904	05/15/2008	05/15/2009	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER	
		E.L. EACH ACCIDENT				\$ 500,000	
		E.L. DISEASE - EA EMPLOYEE				\$ 500,000	
		E.L. DISEASE - POLICY LIMIT				\$ 500,000	
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?					
		If yes, describe under SPECIAL PROVISIONS below					
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Job: Royal Palm Beach Librarrry, 500 Civic Center Way, Royal Plam Beach, Fl - Renovations
Palm Beach County Board of County Commissioners is named additional insured, as respects Commercial General Liability, per policy terms & conditions.
* 10 day notice of cancellaiton will apply for nonpayment

CERTIFICATE HOLDER Palm Beach County Capital Improvements Division 2633 Vista Parkway West Palm Beach, FL 33411	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30*</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE Mel Wiesel/LBR
--	--

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

PUBLIC CONSTRUCTION BOND

BOND NUMBER: 964-012-071

BOND AMOUNT: \$6,695,652.11

CONTRACT AMOUNT: \$6,695,652.11

CONTRACTOR'S NAME: Catafumo Construction, Ltd.

CONTRACTOR'S ADDRESS: 4300 Catafumo Way North

Palm Beach Gardens, FL 33410

CONTRACTOR'S PHONE: (561) 694-3000

SURETY COMPANY: Liberty Mutual Insurance Company

SURETY'S ADDRESS: 175 Berkeley Street

Boston, MA 02117

617-357-9500

OWNER'S NAME: PALM BEACH COUNTY

OWNER'S ADDRESS: 2633 Vista Parkway

West Palm Beach, FL 33411

OWNER'S PHONE: (561) 233-0263

DESCRIPTION OF WORK: Royal Palm Beach Library

Addition (12,530 sq ft) & Renovation (7,955 sq ft)

PROJECT LOCATION: 500 Civic Center Way

Royal Palm Beach, FL 33411

LEGAL DESCRIPTION: 500 Civic Center Way

Royal Palm Beach, FL 33411

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

Dollars (\$ 6,695,652.11)

(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 entered into a contract with the County for

Project Name: Royal Palm Beach Library
Project No.: 03206
Project Description: Library addition (12,530 sq ft) & renovation (7,955 sq ft)
Project Location: 500 Civic Center Way, Royal Palm Beach, FL 33411

in accordance with Design Criteria Drawings and Specifications prepared by

NAME OF ARCHITECTURAL FIRM: Slattery & Associates
LOCATION OF FIRM:
2060 NW Boca Raton Blvd, Suite 2, Boca Raton, FL 33431
PHONE: 561-392-3848
FAX: 561-392-5402

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 between Principal and County for the construction of
, 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, 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 coverages 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 255.03, Florida Statutes.

9. Any action brought under this instrument shall be brought in the court of competent jurisdiction in Palm Beach County and not elsewhere. **This bond is given to comply with section 255.05 Florida Statutes, and 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.**

Witness

Witness

Catalfumo Construction, Ltd.

By: Catalfumo Construction, Inc. Its general partner

Principal

(Seal)

Title Daniel S. Catalfumo, President

Liberty Mutual Insurance Company

Surety

(Seal)

Title Brett Rosenhaus, Attorney in Fact and Florida Resident Agent

FORM OF GUARANTEE

GUARANTEE FOR (Contractor and Surety Name) Catalfumo Construction, Ltd.
and Liberty Mutual Insurance Company

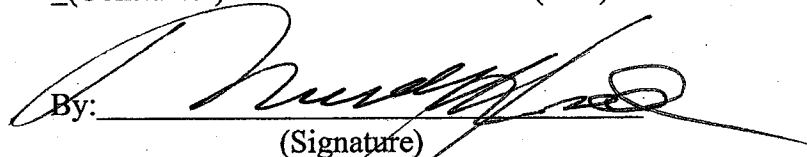
We the undersigned hereby guarantee that the (Royal Palm Beach Library, 03206) Palm Beach County, Florida, which we have constructed and bonded, has been done in accordance with the plans and specifications; that the work constructed will fulfill the requirements of the guaranties included in the Contract Documents. We agree to repair or replace any or all of our work, together with any work of others which may be damaged in so doing, that may prove to be defective in the workmanship or materials within a period of one year from the date of Substantial Completion of all of the above named work by the County of Palm Beach, State of Florida, without any expense whatsoever to said County of Palm Beach, ordinary wear and tear and unusual abuse or neglect excepted by the County. When correction work is started, it shall be carried through to completion.

In the event of our failure to acknowledge notice, and commence corrections of defective work within five (5) working days after being notified in writing by the Board of County Commissioners, Palm Beach County, Florida, we, collectively or separately, do hereby authorize Palm Beach County to proceed to have said defects repaired and made good at our expense and we will honor and pay the costs and charges therefore upon demand.

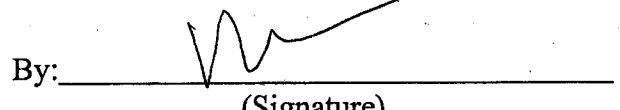
DATED: To Be Determined
(Date of substantial completion)

SEAL AND NOTARIAL ACKNOWLEDGMENT OF SURETY

Catalfumo Construction, Ltd.
By: Catalfumo Construction, Inc. Its general partner
(Contractor) (Seal)

By: 
(Signature)
Daniel S. Catalfumo, President

Liberty Mutual Insurance Company
(Surety) (Seal)

By: 
(Signature)
Brett Rosenhaus, Attorney in Fact and Florida Resident Agent

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.
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
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint **BRETT ROSENHAUS, JASON KATZ, ALL OF THE CITY OF LAKE WORTH, STATE OF FLORIDA**

, 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 the penal sum not exceeding **FIFTY MILLION AND 00/100******* DOLLARS (\$ **50,000,000.00*******) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

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.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to 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.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 30th day of April, 2008.

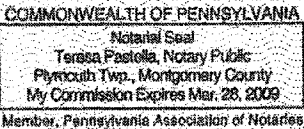
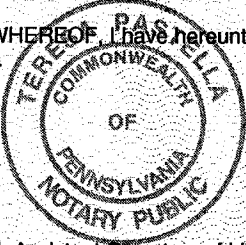
LIBERTY MUTUAL INSURANCE COMPANY

By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 30th day of April, 2008, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



By Teresa Pastella
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the 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.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 30th day of June, 2008.



By David M. Carey
David M. Carey, Assistant Secretary

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

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 06/27/2008
PRODUCER (305)822-7800 FAX Collinsworth, Alter, Fowler, Dowling & French P. O. Box 9315 Miami Lakes, FL 33014-9315		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED Catafumo Construction Ltd 4300 Catafumo Way, North Palm Beach Gardens, FL 33410-4248		INSURERS AFFORDING COVERAGE INSURER A: Zurich American Ins. Co. INSURER B: INSURER C: INSURER D: INSURER E:

COVERAGES
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	GL0913777002	05/15/2008	05/15/2009	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				X WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Job: **Royal Palm Beach Library, 500 Civic Center Way, Royal Plam Beach, FL - Renovations**
Palm Beach County Board of County Commissioners is named additional insured, as respects Commercial General Liability, per policy terms & conditions.
* 10 day notice of cancellaiton will apply for nonpayment

CERTIFICATE HOLDER Palm Beach County Capital Improvements Division 2633 Vista Parkway West Palm Beach, FL 33411	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30*</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE Mel Wiesel/LBR <i>Mel Wiesel</i>
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IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.