

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date:	June 21, 2011	Consent [X]	Regular [ ]
		Public Hearing [ ]	
Submitted By:	Water Utilities Department		
Submitted For:	Water Utilities Department		

=====

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Work Authorization No. 5 to the Pipeline Continuing Construction Contract between the County and Johnson-Davis, Inc. (R2010-1423) for the construction of the South County Water Services Replacement Project – Phase I in the amount of \$974,715.10.

**Summary:** On September 14, 2010, the Board of County Commissioners approved the Water Utilities Department Pipeline Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423). This Work Authorization No. 5 provides for the replacement of 536 potable water services and associated meters in the Palmetto Pines Residential Area in southwest Boca Raton (located west of State Road 7 and just south of Palmetto Park Road). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Johnson Davis, Inc. provides for SBE participation of 15.00% overall. This Authorization includes 15.32% overall participation. The cumulative SBE participation, including this Authorization, is 16.26% overall. Johnson-Davis, Inc. is a local Palm Beach County Company. (WUD Project No. 06-175) District 5 (MJ)

**Background and Justification:** The Palm Beach County Water Utilities Department (WUD) serves potable water to the Palmetto Pines Residential Area in southwest Boca Raton. The existing water service lines to the individual residences are over 30 years old and are composed of old polyethylene (PE) pipe which is currently failing or leaking, thus causing interruption of service to customers. The scope of this project is to replace these old PE water service lines with new Polyvinyl Chloride (PVC) service lines and replace the existing direct read water meters with radio read meters, therefore greatly improving the reliability of water service to customers and providing a more efficient means of meter reading for the Department’s operation staff.

**Attachments:**

1. Location Map
2. Two (2) Original Work Authorizations No. 5

Recommended By: \_\_\_\_\_ Ben Beamer \_\_\_\_\_ 6/1/11 \_\_\_\_\_  
 Department Director Date

Approved By: \_\_\_\_\_ Sharon R. [Signature] \_\_\_\_\_ 6/9/11 \_\_\_\_\_  
 Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Capital Expenditures	<u>\$974,715.</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
CCRT Funds	<u>0</u>				
NET FISCAL IMPACT	<u>\$974,715.</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
 # ADDITIONAL FTE POSITIONS (Cumulative)	 <u>0</u>	 <u>0</u>	 <u>0</u>	 <u>0</u>	 <u>0</u>

**Budget Account No.:** Fund 4011 Dept 721 Unit W006 Object 6543

Is Item Included in Current Budget? Yes X No     

Reporting Category N/A

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

One (1) time capital expenditure from the user fees and balance brought forward.

**C. Department Fiscal Review:** Selma M West

**III. REVIEW COMMENTS**

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

[Signature] 6/2/11  
OFMB  
6/2/11  
6/2/11

[Signature] 6/6/11  
Contract Development and Control  
E. Davis 6/3/11

**B. Legal Sufficiency:**

[Signature] 6/7/11  
Assistant County Attorney

This item complies with current County policies.

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

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

**ATTACHMENT – E**

**Project Name WUD # 06-175**

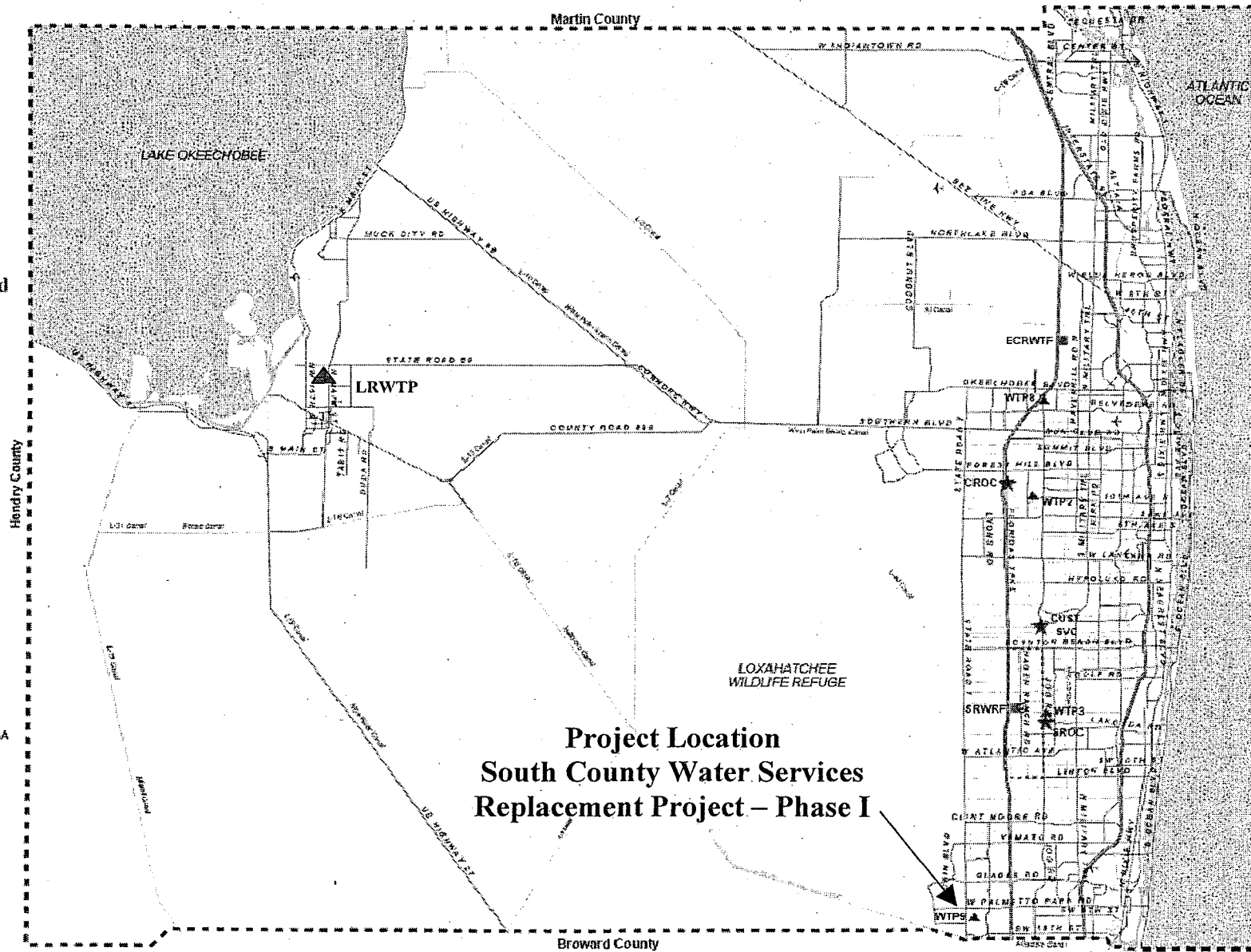


**Palm Beach County  
Water Utilities  
Department  
Service Area (SA) and  
Major Facilities**

Attachment 1

**Legend**

- P.B.C.W.U.D. SA
- - - MANDATORY RECLAIMED SA
- - - COUNTY LIMITS
- ★ Administration
- Water Reclamation Plant
- ▲ Water Treatment Plant
- ⊙ Wetlands



**Project Location  
South County Water Services  
Replacement Project – Phase I**

WORK AUTHORIZATION NO. 5  
WATER UTILITIES DEPARTMENT  
PIPELINE CONTINUING CONSTRUCTION CONTRACT (WUD 10-046)

Project No. WUD 06-175

Budget Line Item No. 4011-721-W006-6543

District No.: 5

Project Title: South County Water Services Replacement Project – Phase I

**THIS AUTHORIZATION #5** to the Contract for Construction Services dated September 14, 2010 (Resolution/Document R2010-1423), by and between Palm Beach County and the Contractor identified herein, is for the Construction Services of this Work Authorization. The Contract provides for 15% SBE participation overall. This Work Authorization includes 15.32% overall participation. The cumulative SBE participation, including this authorization is 16.26% overall. Additional authorization will be utilized to meet or exceed the stated overall participation goal.

1. CONTRACTOR: JOHNSON-DAVIS, INC.
2. ADDRESS: 604 Hillbrath Drive, Lantana, FL 33462
3. Description of Services to be provided by the Contractor:  
  
**See EXHIBIT "A".**
4. Services completed by the Contractor to date:  
  
**See EXHIBIT "B" and "C".**
5. Contractor shall begin work promptly with the following work commencing from the notice to proceed date:  
Substantial Completion **90** Calendar days  
Final Completion **120** 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 **\$974,715.10**
7. EXCEPT AS HEREBY AMENDED, CHANGED OR MODIFIED, all other terms, conditions and obligations of the Contract dated September 14, 2010 with an effective date of September 14, 2010 remain in full force and effect.

WORK AUTHORIZATION NO. 5  
PROJECT NO. WUD 06-175  
SOUTH COUNTY WATER SERVICES REPLACEMENT PROJECT – PHASE I

IN WITNESS WHEREOF, this Work 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:

Signed: \_\_\_\_\_

Typed Name: \_\_\_\_\_  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY

Signed: \_\_\_\_\_ *KTM*

Typed Name: Karen T. Marcus, Chair

Date: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

Signed: \_\_\_\_\_

Typed Name: \_\_\_\_\_  
County Attorney

ATTEST:

Witness: \_\_\_\_\_ *CJ*

Name and Title: CHRIS JOHNSON, SECY. TREAS.

CONTRACTOR: JOHNSON-DAVIS, INC.

Signed: \_\_\_\_\_ *Scott Johnson*

Name and Title: SCOTT JOHNSON, PRESIDENT

Date: 5/19/11

(CORPORATE SEAL)

## EXHIBIT A

### WORK AUTHORIZATION NO. 5 PROJECT NO. WUD 06-175 SOUTH COUNTY WATER SERVICES REPLACEMENT PROJECT – PHASE I

#### PALM BEACH COUNTY WATER UTILITIES DEPARTMENT PIPELINE CONTINUING CONSTRUCTION CONTRACT

#### SCOPE OF WORK

##### INTRODUCTION

Palm Beach County (COUNTY) entered into an agreement entitled Contract for Pipeline Continuing Construction Services - Palm Beach County Utilities Department Project No. WUD 10-046 (CONTRACT) with Johnson-Davis, Inc. (CONTRACTOR) to provide construction services for various general activities on the Pipeline Continuing Construction Contract dated September 14, 2010, (R-2010-1423). This Work Authorization will be performed under that CONTRACT.

This Work Authorization encompasses providing services related to the South County Water Services Improvements –Phase 1

##### SCOPE OF SERVICES

CONTRACTOR shall perform the engineering Scope of Services as described herein.

Provide 1-1/2" PVC replacement service lines to 536 existing potable water services, including meter boxes and connections (taps) to existing potable water main(s). All potable water services shall be constructed 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 not exceed **\$974,715.10** in accordance with the unit prices established in the Contract and this Work Authorization.

## **M/WBE PARTICIPATION**

As prescribed under Section 7.5 of the CONTRACT, M/WBE participation is included in Attachment B under this Authorization. The attached Schedule 1 defines the M/WBE participation.

<b>ATTACHMENT – A</b>	<b>Public construction Bond</b>
<b>ATTACHMENT – B</b>	<b>Work Authorization Schedule of Bid items</b>
<b>ATTACHMENT – C</b>	<b>SBE Schedules 1</b>
<b>ATTACHMENT – D</b>	<b>SBE Schedules 2</b>
<b>ATTACHMENT – E</b>	<b>Location Map</b>

**ATTACHMENT - A**

**Public construction Bond**



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 limitations provisions in Section 255.05 (2) Florida Statutes

**PUBLIC CONSTRUCTION BOND**

BOND NUMBER: 6629317

BOND AMOUNT: \$974,715.10

CONTRACT AMOUNT: \$974,715.10

CONTRACTOR'S NAME: Johnson-Davis, Inc.

CONTRACTOR'S ADDRESS: 604 Hillbrath Dr  
Lantana FL 33462  
\_\_\_\_\_  
\_\_\_\_\_

CONTRACTOR'S PHONE: 561-588-1170

SURETY COMPANY: Safeco Insurance Company of America

SURETY'S ADDRESS: 1001 Fourth Ave, Safeco Plaza  
Seattle WA 98154  
\_\_\_\_\_  
PHONE: 206-545-5000

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: Installing raw water mains, potable water mains, wastewater collection, force mains, reclaimed

PROJECT LOCATION: System-wide

LEGAL DESCRIPTION: Work Authorization No. 5, South County Water Services Replacement  
Phase 1, Budget line item #4011-721-W006-6543; provide 1-1/2" PVC replacement service lines to 536 existing potable water services including meter boxes and connections (taps) to existing potable water main (s)

PROJECT NO. «PROJECT\_NUMBER»

BOND - 1

EXPERIENCE the POWER of PARTNERSHIP



**PUBLIC CONSTRUCTION BOND**

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 Nine Hundred Seventy-four Thousand Seven Hundred Fifteen and 10/100-----  
-----Dollars (\$ 974,715.10--)

(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 September 14, 2010, ~~200~~, entered into a contract with the County for

Project Name: Pipeline Continuing Construction Project  
Project No.: WUD 10-046  
Project Description: Installing raw water mains, potable water mains, wastewater collection, force mains, reclaimed  
Project Location: System-wide

in accordance with Design Criteria Drawings and Specifications prepared by

Name of Design Firm: Palm Beach County Water Utilities Department  
Location of Firm: West Palm Beach, FL 33413  
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 Sept 14, 2010, ~~200~~, between Principal and County for the design and construction of <sup>Work Authorization</sup> ~~No. 5\*\*~~, the contract being made a part of this bond by reference, at the times and in the manner prescribed in the contract; and <sup>\*\*South County Water Services Replacement Project, Phase 1</sup> ~~Budget Line Item No. 4011-721-W006-6543~~
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

PROJECT NO. «PROJECT\_NUMBER»

BOND - 2

EXPERIENCE the POWER of PARTNERSHIP



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.

Jarvis A. Perry  
Witness LARISA ZITA PELLEY

M. Langley  
Witness MARY LANGLEY

Johnson-Davis, Inc.  
Principal (Seal)  
[Signature]  
Title SCOTT JOHNSON, PRESIDENT  
Surety (Seal)  
Safeco Insurance Company of America  
[Signature]  
Title Eileen C. Heard, Attorney-in-fact and Florida Licensed Resident Agent

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.

SAFECO INSURANCE COMPANY OF AMERICA  
SEATTLE, WASHINGTON  
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Safeco Insurance Company of America (the "Company"), a Washington stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint **EILEEN C. HEARD, MEGAN L. MANNING, RICHARD P. RUSSO, JR, TANYA L. RUSSO, PETER A. THOMSON, ALL OF THE CITY OF TAMPA, 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 IV - Execution of Contracts: Section 12. Surety Bonds and Undertakings.

Any officer or other official of the Corporation 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 Corporation 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 Corporation by their signature and 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 IV, Section 12 of the By-laws, Garnet W. Elliott, Assistant Secretary of Safeco Insurance Company of America, is authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Corporation 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 Safeco Insurance Company of America has been affixed thereto in Plymouth Meeting, Pennsylvania this 8th day of February, 2011.



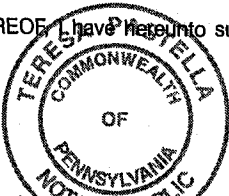
SAFECO INSURANCE COMPANY OF AMERICA

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

COMMONWEALTH OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 8th day of February, 2011, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Safeco Insurance Company of America; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Safeco Insurance Company of America 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.



Notarial Seal  
Teresa Pastella, Notary Public  
Plymouth Twp., Montgomery County  
My Commission Expires Mar. 28, 2013  
Member, Pennsylvania Association of Notaries

By Teresa Pastella  
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Safeco Insurance Company of America, 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 IV, Section 12 of the By-laws of Safeco Insurance Company of America.

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 Safeco Insurance Company of America at a meeting duly called and held on the 18th day of September, 2009.

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 \_\_\_\_\_ day of \_\_\_\_\_.



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.

**FORM OF GUARANTEE**

Work Authorization No. 5 \*\*

**GUARANTEE FOR (Contractor and Surety Name)** Johnson-Davis, Inc., as Principal (Contractor)  
and Safeco Insurance Company of America, as Surety

We the undersigned hereby guarantee that the **Pipeline Continuing Construction Project, Project Number WUD 10-046**, 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) calendar 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 \_\_\_\_\_  
(notice of completion filing date)

**SEAL AND NOTARIAL ACKNOWLEDGMENT OF SURETY**

Countersigned Resident Agent in Florida:

Eileen C. Heard, LIC#A114909  
(Agent)

By N/A  
(Signature)

Johnson-Davis, Inc. (Seal)  
(Contractor)

By: *Scott Johnson* (Signature)  
*SCOTT JOHNSON, PRES.*

Safeco Insurance Company of America (Seal)  
(Surety)

By: *Eileen C. Heard*  
(Signature)

Eileen C. Heard, Attorney-in-fact and Florida Licensed Resident Agent

**END OF SECTION**

\*\* South County Water Services Replacement Project, Phase 1  
Budget Line Item No. 4011-721-W006-6543



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.

SAFECO INSURANCE COMPANY OF AMERICA  
SEATTLE, WASHINGTON  
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Safeco Insurance Company of America (the "Company"), a Washington stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint **EILEEN C. HEARD, MEGAN L. MANNING, RICHARD P. RUSSO, JR, TANYA L. RUSSO, PETER A. THOMSON, ALL OF THE CITY OF TAMPA, 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 IV - Execution of Contracts: Section 12. Surety Bonds and Undertakings.

Any officer or other official of the Corporation 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 Corporation 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 Corporation by their signature and 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 IV, Section 12 of the By-laws, Garnet W. Elliott, Assistant Secretary of Safeco Insurance Company of America, is authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Corporation 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 Safeco Insurance Company of America has been affixed thereto in Plymouth Meeting, Pennsylvania this 8th day of February, 2011.



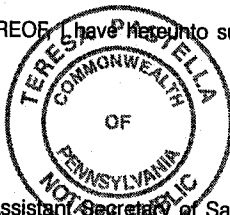
SAFECO INSURANCE COMPANY OF AMERICA

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

COMMONWEALTH OF PENNSYLVANIA      SS  
COUNTY OF MONTGOMERY

On this 8th day of February, 2011, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Safeco Insurance Company of America; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Safeco Insurance Company of America 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.



Notarial Seal  
Teresa Pastella, Notary Public  
Plymouth Twp., Montgomery County  
My Commission Expires Mar. 28, 2013  
Member, Pennsylvania Association of Notaries

By Teresa Pastella  
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Safeco Insurance Company of America, 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 IV, Section 12 of the By-laws of Safeco Insurance Company of America.

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 Safeco Insurance Company of America at a meeting duly called and held on the 18th day of September, 2009.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2011.



David M. Carey  
David M. Carey, Assistant Secretary

THE VALUE OF MESSAGES, INQUIRIES, FEES, AND CHARGES, INCLUDING THE VALUE 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.



Experience the Power of Partnership.

May 18, 2011

Johnson-Davis, Inc.  
604 Hillbrath Dr  
Lantana, FL 33462

RE: Board of County Commissioners of Palm Beach County FL , as Obligee  
Work Authorization No. 5, South County Water Services , as Project  
6629317, Bond Number

Dear Ladies and Gentlemen:

Please supply us with the following information for the above captioned final bond:

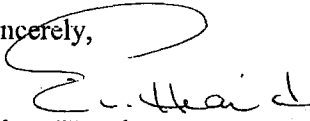
Executed Contract with Date: X

This letter is also giving **Johnson-Davis, Inc., as Principal and/or Board of County Commissioners of Palm Beach County FL as Obligee**, the authority to complete these bonds by dating the bonds with the contract date, execution and Power of Attorney dates. **The contract date MUST BE THE SAME date as the execution of the bond or PRIOR to the execution date of the bonds.**

We will forward this information onto your surety company upon our receipt. Please return as soon as possible.

Thank you for your cooperation.

Sincerely,

  
Eileen Heard  
Sr. Surety Account Executive

enclosures

# ATTACHMENT - B

## Work Authorization Schedule of Bid items



**Palm Beach County Water Utility Department  
 Pipeline Continuing Construction Contract WUD 10-046  
 REVISED MAY 16, 2011**

**SOUTH COUNTY WATER IMPROVEMENTS PH. 1**

**JOHNSON-DAVIS, INC.**

<u>NO.</u>	<u>BID ITEM (Furnish and Install with Appurtenances)</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
174	Short Single 5/8" Meter Service (1-1/2" PVC) (up to 10' long)	131.00	Each	\$ 700.00	\$ 91,700.00
178	Short Double 5/8" Meter Service (1-1/2" PVC) (up to 10' long)	86.00	Each	\$ 1,000.00	\$ 86,000.00
187	Long Single 5/8" Meter Service (1-1/2" PVC with 3" Casing up to 40' long)	61.00	Each	\$ 1,100.00	\$ 67,100.00
190	Long Double 5/8" Meter Service (1-1/2" PVC with 3" Casing up to 40' long)	85.00	Each	\$ 1,300.00	\$ 110,500.00
209	Additional Cost to Wet Tap any Water Service 2" or less	363.00	Each	\$ 250.00	\$ 90,750.00
224	Dewatering with wellpoints or sock	5,280.00	LF	\$ 10.00	\$ 52,800.00
286	Asphalt Roadway Removal and Restoration (2.5" thick)	973.00	Sq. Yd.	\$ 50.00	\$ 48,650.00
288	Concrete Driveway Removal and Restoration	950.00	Sq. Yd.	\$ 45.00	\$ 42,750.00
289	Stamped Concrete Driveway Removal and Restoration	120.00	Sq. Yd.	\$ 70.00	\$ 8,400.00
290	Concrete Paver Brick Driveway Removal and Restoration	150.00	Sq. Yd.	\$ 50.00	\$ 7,500.00
291	Painted Concrete Driveway Removal and Restoration	300.00	Sq. Yd.	\$ 60.00	\$ 18,000.00
292	Lime Rock Driveway or Roadway Removal and Restoration	730.00	Tons	\$ 20.00	\$ 14,600.00
294	Concrete Sidewalk Removal & Restoration ♦♦	963.00	Sq. Yd.	\$ 35.00	\$ 33,705.00
295	Concrete Curb & Gutter Removal & Restoration	210.00	L.F.	\$ 25.00	\$ 5,250.00
296	Concrete Flush Header Curb Removal & Restoration	20.00	L.F.	\$ 30.00	\$ 600.00
297	Floritam Sod	3,015.00	Sq. Yd.	\$ 4.00	\$ 12,060.00
300	Remove and Reinstall Trees up to 4" diameter or Palm Trees up to 12" diameter	2.00	Each	\$ 250.00	\$ 500.00
301	Record Drawing	28,555.00	L.F.	\$ 2.00	\$ 57,110.00
302	Construction Survey	28,555.00	L.F.	\$ 1.50	\$ 42,832.50
303	Preconstruction Video Taping	28,555.00	L.F.	\$ 0.32	\$ 9,137.60
304	Mail Box Removal and Reinstallation	5.00	Each	\$ 150.00	\$ 750.00
305	Maintenance of Traffic Residential Street	28,555.00	L.F.	\$ 0.40	\$ 11,422.00
308	Density Tests	123.00	Each	\$ 20.00	\$ 2,460.00
309	Proctor Tests	2.00	Each	\$ 90.00	\$ 180.00
310	Concrete 12"x6" Cylinder Tests	10.00	Each	\$ 80.00	\$ 800.00
313	Additional work not included in Bid Items (Allowance)	0.5637	Lump Sum	\$ 200,000.00	\$ 112,743.00
<b>SUB - TOTAL</b>					<b>\$ 928,300.10</b>
	Mobilization 5% as per contract	1.00	Lump Sum		\$ 46,415.00
<b>TOTAL BID</b>					<b>\$ 974,715.10</b>

Palm Beach County Water Utility Department  
 Pipeline Continuing Construction Contract WUD 10-046  
 REVISED MAY 16, 2011

SOUTH COUNTY WATER IMPROVEMENTS PH. 1

JOHNSON-DAVIS, INC.

NO.	BID ITEM (Furnish and Install with Appurtenances)	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>MISC. ITEMS - BID ITEM # 313</b>					
301/302	CREDIT - MODIFIED Record Drawings & Survey	(1.00)	LS	\$ 56,598.00	\$ (56,598.00)
303	CREDIT - MODIFIED Preconstruction taping	(1.00)	LS	\$ 8,100.00	\$ (8,100.00)
305	CREDIT - MODIFIED Maintenance of traffic residential street	(1.00)	LS	\$ 6,312.00	\$ (6,312.00)
286	CREDIT - Asphalt Roadway Removal and Restoration (2.5" thick)	(973.00)	SY	\$ 50.00	\$ (48,650.00)
292	CREDIT - Lime Rock Driveway Removal and Restoration	(730.00)	TONS	\$ 20.00	\$ (14,600.00)
224	CREDIT - Dewatering with wellpoints or sock	(5,280.00)	LF	\$ 10.00	\$ (52,800.00)
294	CREDIT - Mole under sidewalk where possible ♦♦	(563.00)	SY	\$ 35.00	\$ (19,705.00)
<b>NEW 1</b>	DEWATERING OPEN PUMP	503.00	LOCS	\$ 90.00	\$ 45,270.00
<b>NEW 2</b>	FLOWABLE FILL BACKFILL	146.00	LOCS	\$ 328.00	\$ 47,888.00
<b>NEW 3</b>	LOCATE, REMOVE CORP. STOP & DSS. BAND EXIST. HOLE & ABANDON EXIT. WATER SERVICE	503.00	EA	\$ 450.00	\$ 226,350.00
<b>SUB TOTAL</b>					<b>\$ 112,743.00</b>

IN ORDER FOR THIS NUMBER TO WORK FOR US, FOR EACH **NEW ITEM # 3**, WE MUST ALSO NEED TO BE PAID FOR **NEW ITEM # 1**, COMPLETED OR NOT.

**ATTACHMENT C**

SCHEDULE #1

LIST OF PROPOSED SBE-M/WBE PRIME/SUBCONTRACTORS

PROJECT NAME: South County Water Services Replacement - Phase 1 PROJECT NUMBER: WUD 06 - 175  
 NAME OF PRIME BIDDER: Johnson - Davis Inc. ADDRESS: 604 Hillbush Dr. LANTANA FL 33462  
 CONTACT PERSON: Scott Johnson PHONE NO: (561) 588-1170 FAX NO: (561) 585-5252  
 BID OPENING DATE: \_\_\_\_\_ DEPARTMENT: \_\_\_\_\_

**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)
Michael B. Schorah & Assoc. 1850 Forest Hill Blvd. # 206 W.P.B., FL 33406 Ph: 968-0080	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$	\$	\$	\$36,100 <sup>00</sup>	\$
Pathway Enterprises Inc. 7526 Westport Place W.P.B., FL 33413	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$	\$	\$62,715 <sup>00</sup>	\$	\$
ODUM'S Sub inc. Ph: 983-7416 13961 Okaloosa Blvd. Loxahatchee, FL 33470	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$6512 <sup>40</sup>	\$	\$	\$	\$
ITA Trucking Inc. Ph: 953-6417 14689 21 <sup>st</sup> road Loxahatchee, FL 33470	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$	\$15,000 <sup>00</sup>	\$	\$	\$
Pipe Con Corporation Ph: 319-6952 2417 Quantum Blvd. Boynton Beach FL 33467	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$	\$	\$	\$29,000 <sup>00</sup>	\$
PRIME CONTRACTOR TO COMPLETE:	TOTAL		\$6512 <sup>40</sup>	\$15,000 <sup>00</sup>	\$62,715 <sup>00</sup>	\$65,100 <sup>00</sup>	\$

BID PRICE: 974,715<sup>10</sup> Total Value of SBE Participation: 149,327<sup>40</sup>

- 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.

### ATTACHMENT D

#### SCHEDULE 2

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

PROJECT NO. WUD 06-175 PROJECT NAME: South County Water Services Replacement project-Phase 1

TO: JOHNSON-DAVIS 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: 6/22/09 - 6/22/12

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
<del>301</del>	<del>RECORD DRAWINGS</del>	<del>48</del>	<del>1.68</del>	
<del>302</del>	<del>CONSTRUCTION SURVEY</del>	<del>18</del>	<del>1.92</del>	

at the following price \$ 36,100<sup>00</sup> LUMP SUM PER PROPOSAL DATED 5, MAY 2011  
(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

MICHAEL B. SCHORAH & ASSOC. INC.  
(Print Name of SBE-M/WBE Subcontractor)

By: Michael B. Schorah  
(Signature)

MICHAEL B. SCHORAH, PRESIDENT  
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 17, MAY 2011

## ATTACHMENT D

### SCHEDULE 2 LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE SUBCONTRACTOR

PROJECT NO. WUD 08-175 PROJECT NAME: South County Water Services Replacement project-Phase 1

TO: JOHNSON-DAVIS 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: 2-16-10

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
<u>288</u>	<u>CONC. DRIVE W/S</u>	<u>950 SF</u>	<u>31.50</u>	<u>29925</u>
<u>289</u>	<u>STAMPED CONC. "</u>	<u>110 SF</u>	<u>52</u>	<u>5840</u>
<u>291</u>	<u>PAVING "</u>	<u>800 SF</u>	<u>16.25</u>	<u>12150</u>
<u>294</u>	<u>CONC. SEDAWALK</u>	<u>400 SF</u>	<u>23</u>	<u>9200</u>
<u>295</u>	<u>" CURB &amp; GUTTER</u>	<u>210 LF</u>	<u>20</u>	<u>4200</u>
<u>296</u>	<u>" HANDER CURB</u>	<u>20 LF</u>	<u>20</u>	<u>400</u>

at the following price \$ 62,715  
(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

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

JATHUSY ENTERPRISES, INC.  
(Print name of SBE-M/WBE Subcontractor)

By: [Signature]  
(Signature)

JOSE LUIS KIRKLAND, PRESIDENT  
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 5-17-11

### ATTACHMENT D

#### SCHEDULE 2 LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE SUBCONTRACTOR

PROJECT NO. WUD 06-175 PROJECT NAME: South County Water Services Replacement project-Phase 1

TO: JOHNSON-DAVIS 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: 12/13/10

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
<u>297</u>	<u>FLORITAM SOD</u>	<u>301558</u>	<u>2.16</u>	<u>\$6512.40</u>

at the following price \$6512.40  
\$ \_\_\_\_\_  
(Subcontractor's quote)

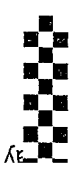
And will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

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

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

Ockins' Sod Inc  
(Print Name of SBE-M/WBE Subcontractor)  
By: Charles H. Faulkner  
(Signature)  
Charles H. Faulkner  
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 5/17/11



### ATTACHMENT D

#### SCHEDULE 2 LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE SUBCONTRACTOR

PROJECT NO. WUD 06-175 PROJECT NAME: South County Water Services Replacement project-Phase 1

TO: JOHNSON-DAVIS 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
<u>SEVERAL</u>	<u>Hourly TRUCK RENTAL</u>	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

at the following price  
\$ 15,000 -  
(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

TRU TRUCKING, INC.  
(Print Name of SBE-M/WBE Subcontractor)

By: [Signature]  
(Signature)

Cayida Trajillo  
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 5/17/11

RECEIVED 05/16/2011 21:46 954-971-6329  
May 17, 2011 9:45AM Johnson-Davis Inc.

PIPECON  
No. 3209 P. 2

**ATTACHMENT D**

**SCHEDULE 2  
LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE SUBCONTRACTOR**

PROJECT NO. WUD 05-175 PROJECT NAME: South County Water Services Replacement project-Phase 1

TO: JOHNSON-DAVIS 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 X 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
<u>VARIOUS 174</u>	<u>WATER SERVICES</u>	_____	_____	_____
<u>178</u>	_____	_____	_____	_____
<u>187</u>	_____	_____	_____	_____
<u>190</u>	_____	_____	_____	_____

at the following price  
\$ 29,000  
(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

PIPECON CORPORATION INC.  
(Print Name of SBE-M/WBE Subcontractor)

By: [Signature]  
(Signature)

Samuel Pucisci, Controller  
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 5-17-11





# EXHIBIT - C

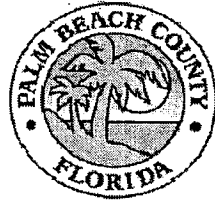
## AUTHORIZATION STATUS REPORT TELEMETRY, RECLAIMED WATER AND WASTEWATER TREATMENT

### SUMMARY OF SBE / MINORITY BUSINESS TRACKING SYSTEM

	Total	SBE
<b>Current Proposal</b>		
Value of Authorization No.5	\$974,715.10	
Value of MWBE Letters of Intent	\$149,327.40	\$149,327.40
Actual Percentage	15.32%	15.32%
<b>Signed Authorizations</b>		
Total Value of Authorizations	\$918,051.74	
Total Value of MWBE Signed Subcontracts	\$158,572.75	\$158,572.75
Actual Percentage	17.27%	17.27%
<b>Signed Authorizations Plus Current Proposal</b>		
Total Value of Authorizations	\$1,892,766.84	
Total Value of Subcontracts & Letters of Intent	\$307,900.15	\$307,900.15
Actual Percentage	16.26%	16.26%
<b>GOAL</b>	15.00%	16.26%

**ATTACHMENT – E**

**Project Name WUD # 06-175**



**Palm Beach County  
Water Utilities  
Department  
Service Area (SA) and  
Major Facilities**

**Legend**

- P.B.C.W.U.D. SA
- - - - MANDATORY RECLAIMED SA
- ▬ COUNTY LIMITS
- ★ Administration
- Water Reclamation Plant
- ▲ Water Treatment Plant
- ⊙ Wetlands

