Agenda Item <u>#3K-2</u>

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date: June 18, 2013

Consent [X] Public Hearing [] Regular []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Work Authorization (WA) No. 2 to Johnson-Davis, Inc., under the Water Utilities Department (WUD) Pipeline Continuing Construction Contract (R2013-0550) for Atlantic Avenue 20" Reclaimed Water Main Extension in the amount of \$883,227.19.

Summary: On May 7, 2013, the Palm Beach County Board of County Commissioners (BCC) approved the Water Utilities Department Pipeline Continuing Construction Contract (R2013-0550) with Johnson-Davis, Inc. in the amount of \$8,339,350. This WA No. 2 provides for the construction of 3,128 ft of reclaimed watermain along the north side of Atlantic Avenue from the east side of the Florida's Turnpike to Hagen Ranch Road. This key project, approved by the BCC as part of the Department's 2013 Capital Plan, will allow reclaimed water service to the businesses along West Atlantic Avenue and the newly approved developments along the southern section of Lyons Road. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Johnson-Davis, Inc. provides for SBE participation of 20.96%. This WA includes 15.86% overall participation. The cumulative SBE participation is 15.86% overall. Johnson-Davis is a local company. (WUD Project No. 12-085) <u>District 5</u> (JM)

Background and Justification: This WA is to complete the missing section of reclaimed watermain on Atlantic Avenue, which allows properties along Atlantic Avenue from Hagen Ranch Road to Lyons Road to be served with reclaimed water. The area west of the Turnpike and north of Atlantic Avenue along Lyons Road was added to the Mandantory Reclaimed Water Zone by the BCC, in July 2006. Palm Beach County has an agreement with Delray Market Place and others to serve reclaimed water by December 31, 2013.

Attachments:

- 1. Location Map
- 2. Two (2) Original Work Authorization

| Recommended By: | Benli Beanda | 6/4-1R |
|-----------------|--|-----------------|
| , | Department Director | Date |
| Approved By: | Hann R. Ry Assistant County Administrator | 6-12-13 Date |

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|---|------------------|------------------|-------------------|------------------|
| Capital Expenditures External Revenues Operating Expenses In-Kind Match County | <u>\$883,227.19</u> <u>0</u> <u>0</u> <u>0</u> | 0 0 0 0 | | | 0 0 0 0 |
| NET FISCAL IMPACT | <u>\$883,227.19</u> | | | | |
| # ADDITIONAL FTE POSITIONS (Cumulative) | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| Budget Account No.: | Fund <u>4011</u> | Dept <u>721</u> | Unit <u>W008</u> | Object <u>654</u> | 13 |

Is Item Included in Current Budget? Yes X No

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:

Ilua m West

III. REVIEW COMMENTS

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

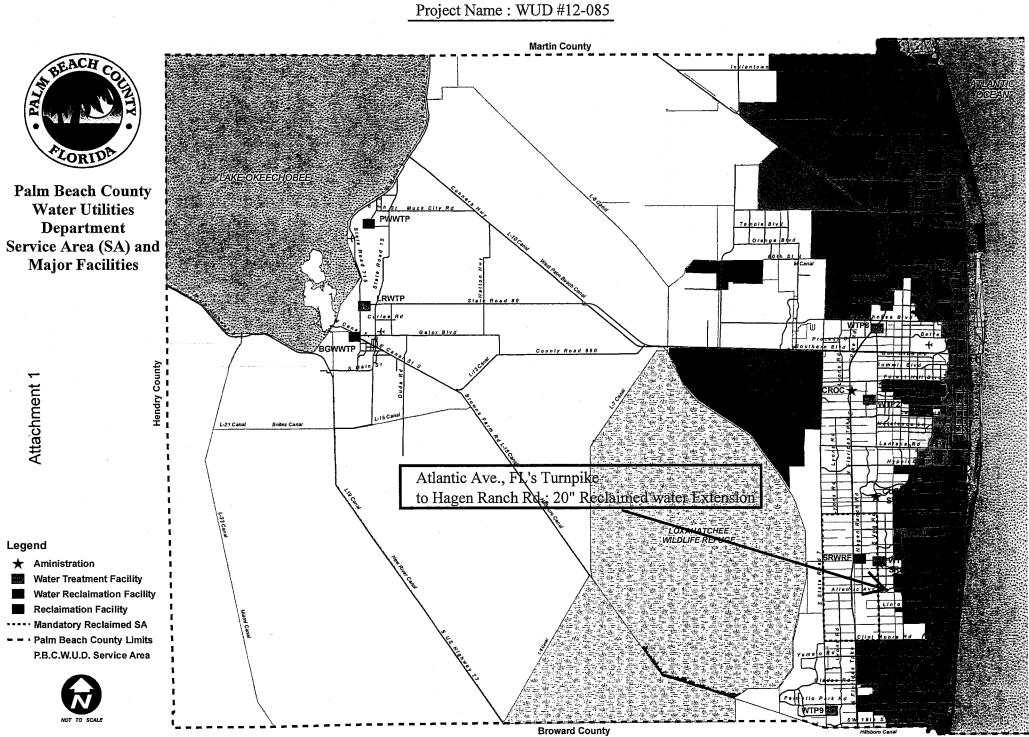
10/13 lopment and Control

Legal sufficiency: Β. Assistant Count Attor

C. Other Department Review:

Department Director

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



WORK AUTHORIZATION NO. 02

Palm Beach County Water Utilities Department Pipeline Continuing Construction Contract WUD 13-020

Project No. WUD <u>12-085</u> District: <u>05</u> Budget Line Item No. 4011 - 721 – W008 - 6543 Project Title: <u>Atlantic Ave., FL's Turnpike to Hagen Ranch Rd.; 20" Reclaimed</u> Water Extension

THIS AUTHORIZATION #2 to the Contract for Construction Services dated <u>May 7</u>, <u>2013</u> (R2013-0550), by and between Palm Beach County and the Contractor identified herein, is for the Construction Services of this Work Authorization. The Contract provides for <u>20.96</u>% SBE participation overall. This Work Authorization includes <u>15.86</u>% overall participation. The cumulative proposed SBE participation, including this authorization is <u>15.86</u>% 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 (Scope of Work) to be provided by the Contractor:

See ATTACHMENT A.

4. Services completed by the Contractor to date:

See ATTACHMENT G.

5. Contractor shall begin work promptly or deliver ordered materials within the following calendar days from the approval date of the Work Authorization:

Substantial Completion <u>150</u> Calendar Days Final Construction Completion <u>180</u> Calendar Days Liquidated damages will apply as follows: \$<u>1,500.00</u> per day past substantial completion date. \$<u>1,000.00</u> per day past final completion date. (For Liquidated Damages Rates see **ATTACHMENT B**)

- 6. The compensation to be paid to the Contractor for providing the requested services in accordance with the Contract Bid Prices is <u>\$883,227.19</u>.
- EXCEPT AS HEREBY AMENDED, CHANGED OR MODIFIED, all other terms, conditions and obligations of the Contract dated <u>May 07, 2013</u> remain in full force and effect.

WORK AUTHORIZATION NO. 02

Project No. WUD 12-085

Project Title: Atlantic Ave., FL's Turnpike to Hagen Ranch Rd.; 20" Reclaimed Water Extension

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

Sharon R. Bock, Clerk & Comptroller, Palm Beach County

ATTEST:

Signed:

Typed Name:

Signed: Steven L. Abrams, Mayor

Board of County Commissioners

Palm Beach County,

Date

Approved as to Form and Legal Sufficiency

Signed:

Deputy Clerk

Typed Name:

County Attorney

ATTEST:

Witness

CHRIS JOHNSON, SUGY TREBSURER (Name and Title)

(CORPORATE SEAL)

HNSON. DAVA CONTRACTOR (Signature)

STOPT John man (Name and Title)

Date

LIST OF ATTACHMENTS

WORK AUTHORIZATION NO. 02

Palm Beach County Water Utilities Department Pipeline Continuing Construction Contract <u>WUD 13-020</u>

| ATTACHMENT – A | Compensation Summary (Scope of Work) |
|----------------|---|
| ATTACHMENT – B | Rate for Liquidated Damages |
| ATTACHMENT – C | Public Construction Bond |
| ATTACHMENT – D | Form of Guarantee |
| ATTACHMENT – E | Work Authorization Schedule of Bid Items |
| ATTACHMENT – F | SBE Schedule 1 and Schedule 2 |
| ATTACHMENT – G | Authorization Status Report - Summary and Status of Authorizations |
| ATTACHMENT – H | Authorization Status Report - Summary of SBE/Minority Business Tracking |
| ATTACHMENT - I | Location Map |

ATTACHMENT A

WORK AUTHORIZATION NO. 02

Palm Beach County Water Utilities Department Pipeline Continuing Construction Contract WUD 13-020

SCOPE OF WORK FOR

Atlantic Ave., FL's Turnpike to Hagen Ranch Rd.; 20" Reclaimed Water Extension

INTRODUCTION

Palm Beach County (County) entered into an agreement entitled Contract for Pipeline Continuing Construction Services - Palm Beach County Water Utilities Department Project No. WUD <u>13-020</u> (CONTRACT) with <u>Johnson-Davis</u>, <u>Incorporated</u> (CONTRACTOR) to provide construction services for various general activities on the Pipeline Continuing Construction Contract dated <u>May 07, 2013</u>, (R2013-0550). This Work Authorization will be performed under that CONTRACT.

This Work Authorization encompasses providing services related to the <u>Atlantic Ave.</u>, <u>FL's Turnpike to Hagen Ranch Rd.</u>; 20" Reclaimed Water Extension

SCOPE OF SERVICES

Contractor shall perform the engineering Scope of Services as described herein. Install approximately 2, 325 If of 16", 18" & 20" DIP Reclaimed Watermain with Connections to existing mains, horizontal directional bore and the associated restoration.

COMPENSATION

Compensation shall not exceed <u>\$883,227.19</u> in accordance with the unit prices established in the Contract for construction services dated <u>May 07, 2013</u> as approved by the Board of County Commissioners.

SBE PARTICIPATION

As described in Section 3.5 of the Contract, SBE participation is included in **ATTACHMENT F** under this Authorization. The attached Schedule 1 defines the SBE applied to this Authorization/Contract and Schedule 2 establishes the SBE contribution from each subcontractor (Letter of Intent to perform as an SBE).

ATTACHMENT B

WORK AUTHORIZATION NO. 02

Palm Beach County Water Utilities Department Pipeline Continuing Construction Contract <u>WUD 13-020</u>

Rates for Liquidated Damages

Palm Beach County Water utilities Department shall establish liquidated damages rates for each Work Authorization based on the dollar amount and time sensitivity of the project. The rates shall be as follows according to a criticality rating of 1 through 3 assigned to each Work Authorization by the Department as established below:

Highly Important Project (Criticality 1): Liquidated Damages **\$1,500** per day after Substantial Completion Date **\$1,000** per day after Final Completion Date

Moderately Important Project (Criticality 2): Liquidated Damages \$1,000 per day after Substantial Completion Date \$500 per day after Final Completion Date

Low Important Project (Criticality 3): Liquidated Damages \$500 per day after Substantial Completion Date \$250 per day after Final Completion Date

ATTACHMENT C

PUBLIC CONSTRUCTION BOND

| BOND NUMBER: 0160 | 046638 |
|--|--|
| BOND AMOUNT: | 227.19 (Eight Hundred Eighty-three Thousand Two Hundred Twenty-seven and 19/100 US Dollars) |
| CONTRACT AMOUNT: \$88 | 3,227.19 (Eight Hundred Eighty-three Thousand Two Hundred Twenty-seven and 19/100 US Dollars) |
| CONTRACTOR'S NAME: | Johnson-Davis, Inc. |
| CONTRACTOR'S ADDRES | SS: <u>604 Hillbrath Drive</u> Lantana, FL 33462 |
| CONTRACTOR'S PHONE: | 561-588-1170 |
| SURETY COMPANY: | Liberty Mutual Insurance Company |
| SURETY'S ADDRESS: | 175 Berkeley Street Boston, MA 02116 |
| SURETY'S PHONE | 617-357-9500 |
| OWNER'S NAME: | PALM BEACH COUNTY |
| OWNER'S ADDRESS: | 8100 Forest Hill Boulevard West Palm Beach, FL 33413 |
| OWNER'S PHONE: | (561) 493-6000 |
| | installing raw water mains, potable water mains, fire hydrants, water forcemains, reclaimed water mains and all associated appurtenances |
| COUNTY'S PROJECT NU | MBER:WUD, Work Authorization Number |
| PROJECT LOCATION: | System-Wide |
| LEGAL DESCRIPTION: 20" Reclaimed Wa | Atlantic Ave., FL's Turnpike to Hagen Ranch Rd. ter Extension WUD 12-085 Section 35, Township 46, Range 42 |

THE PROVISIONS AND LIMITATIONS OF SECTION 255.05 FLORIDA STATUTES, INCLUDING BUT NOT LIMITED TO THE NOTICE AND TIME LIMITATIONS IN SECTIONS 255.05(2) AND 255.05(10), ARE INCORPORATED IN THIS BOND BY REFERENCE

BOND - 1C

Rev 10-5-12 **OLykes** Insurance

THE PROVISIONS AND LIMITATIONS OF SECTION 255.05 FLORIDA STATUTES, INCLUDING BUT NOT LIMITED TO THE NOTICE AND TIME LIMITATIONS IN SECTIONS 255.05(2) AND 255.05(10), ARE INCORPORATED IN THIS BOND BY REFERENCE

Bond No. 016046638

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

(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 ______, 20<u>13</u>, entered into a contract with the County for

Project Name: Pipeline Continuing Construction Contract 2013 Project No.: WUD 13-020 Project Description: installing raw water mains, potable water mains, fire hydrants, water services lines, wastewater forcemains, reclaimed water mains and all associated appurtenances

Project Location: System-Wide

in accordance with Design Criteria Drawings and Specifications prepared by

Name of Design Firm: Location of Firm: Phone: Fax:

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 $, 20\underline{13}$, between Principal and County for the design and construction of $\frac{Work Authorization 2}{Atlantic Ave}$, 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

BOND - 2C



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.

Signed and sealed this day of , 2013.

Wifness RITA Print name Witness

Mary Langley

Print name

| Johnson-Da | vis Inc. | / | 1 | |
|------------------|----------|------|--------|--------|
| Principal | 15 | Ver | | (Seal) |
| Print name | SCON | ~ Je | tonson | |
| PRESIDE Title | NT | | | |

Liberty Mutual Insurance Company (Seal) Suretv

Print name Eileen C. Heard Attorney-in-Fact and Florida Licensed Resident Agent Title

BOND - 3C



THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND. ower 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. Certificate No. 5799336 American Fire and Casualty Company Liberty Mutual Insurance Company The Ohio Casualty Insurance Company West American Insurance Company **POWER OF ATTORNEY** KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Peter A. Thomson; Eileen C. Heard; Richard P. Russo, Jr; Tanya L. Russo; Frederick M. Archerd, Jr. and appoint, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge all of the city of Tampa state of FL 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 pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 1st 2012 day of December 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 American Fire and Casualty Company The Ohio Casualty Insurance Company Liberty Mutual Insurance Company 1919 1912 1906 1001 West American Insurance Company Bugy Il Burger iregory W. Davenport, Assistant Secretary idual value guarantees. (SAM) KORÓ Gregory STATE OF WASHINGTON SS COUNTY OF KING On this <u>1st</u> day of <u>December</u>, <u>2012</u>, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer. IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written. PANN Ets KD Riley , Notary Public NOTARY PUBLIC rate or res 8. 192 - E This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows: interest ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation 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 execution of any such instruments and to attach thereto the seal of the Corporation. When so rate, Not valid for n currency rate, executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority. 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. Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that 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 I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 2th day of Man 20 13 M. Cary 1012 1991 1906 David M. Carey, Assistant Secretary (IAM) Yorshi 37 of 100 LMS 12873 092012

of credit, bank deposit,

mortgage, note, loan, letter

Bond No. 016046638

ATTACHMENT D

FORM OF GUARANTEE

GUARANTEE FOR (Contractor and Surety Name) <u>Johnson-Davis, Inc. as Principal and Liberty Mutual</u> Insurance Company as Surety

We the undersigned hereby guarantee that the **Pipeline Continuing Construction Contract 2013**, **Project Number WUD 13-020**, **Work Authorization Number <u>2</u>; WUD 12-085**, 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 <u>2013</u> (notice of completion filing date) SEAL AND NOT RIAL ACKNOWLEDGMENT OF SURETY Johnson-Da (Seal) (Contractor Bν SLOFF JOHNSON (Printed Name) (Signature) Liberty Mutual Insurance Company (Seal) (Surety)

(Surety) By: Silen (How a)

By:<u>len(</u> (Signature) Eileen C. Heard, Attorney-in-Fact and Florida Licensed Resident Agent (Printed Name)

GUARANTEE - 1D



| | 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. Certificate No. 5799333 | |
|---|---|--|
| | American Fire and Casualty CompanyLiberty Mutual Insurance CompanyThe Ohio Casualty Insurance CompanyWest American Insurance Company | |
| | POWER OF ATTORNEY | |
| | KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Peter A. Thomson; Eileen C. Heard; Richard P. Russo, Jr; Tanya L. Russo; Frederick M. Archerd, Jr. | |
| | all of the city of Tampa, state of FL each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge | |
| | all of the city of <u>Tampa</u> , state of <u>FL</u> 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 pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons. | |
| | IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 1st day of December . 2012 | × |
| bank deposit, intees. | American Fire and Casualty Company The Ohio Casualty Insurance Company Liberty Mutual Insurance Company West American Insurance Company West American Insurance Company | any business day. |
| | STATE OF WASHINGTON ss COUNTY OF KING | c |
| Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guara | On this <u>1st</u> day of <u>December</u> , <u>2012</u> , before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer. IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written. WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written. WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written. WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written. WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written. WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written. WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written. By: With With Instruments and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows: ARTICLE IV - OFFICERS - Section 12. Power of Attorney, Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such li | alidity of this Power of Attorney coetween 9:00 am and 4:30 pm EST |
| 20 | executed such instruments shall be as binding as if signed by the president and attested by the secretary. Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and | To c 1-61 |
| | other surety obligations. Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that 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. | |
| | I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked. | |
| | IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this day of, 20_13 | |
| | By: Waid M. Carey, Assistant Secretary | |
| | LMS_12873_092012 34 of 100 | |

ATTACHMENT E

SCHEDULE OF BID ITEMS

Palm Beach County Water Utility Department Pipeline Continuing Construction Contract - WUD 13-020

Work Authorization No.: 02

Contractor Name: Johnson-Davis Incorporated Project Name: Atlantic Ave., FL's Turnpike to Hagen Ranch Rd.; 20" Reclaimed Water Extension Project No.: WUD 12-085

| <u>NO.</u> | BID ITEM (Furnish and Install with Appurtenances) | QUANTITY | <u>UNIT</u> | UNIT PRICE | <u>TOTAL</u> |
|------------|--|----------|---------------|---------------------------------------|--------------|
| 26 | 16" DIP Push-On Joint Water Main/Reclaimed Water Main (36" to 60" Cover) | 10 | L.F. | \$65.00 | \$650.00 |
| 31 | 18" DIP Push-On Joint Wastewater Force Main (36" to 60" Cover) | 250 | L.F. | \$80.00 | \$20,000.00 |
| 37 | 20" DIP Push-On Joint Water Main/Reclaimed Water Main | 2,065 | L.F. | \$100.00 | \$206,500.00 |
| | (36" to 60" Cover) Ductile Iron Fittings for Water Main/Reclaimed Water Main | 4 | Tons | | |
| | 0.4% UDDE Dissettional Daily Consists with 19% UDDE Corrier Disc | | | \$3,500.00 | \$13,370.00 |
| 70.4 | 24" HDPE Directional Drill Casing with 18" HDPE Carrier Pipe for Water Main/Reclaimed Water Main/Wastewater Force | 840 | L.F. | | |
| 72A | Main. | 040 | L .1 . | \$402.00 | \$337,680.00 |
| 88 | 16" DIP x HDPE Adapter | 1 | Each | \$1,200.00 | \$1,200.00 |
| 89 | 18" DIP x HDPE Adapter | 2 | Each | \$1,300.00 | \$2,600.00 |
| 97 | 16" Mechanical Joint Restraint for DIP | 5 | Each | \$600.00 | \$3,000.00 |
| 98 | 18" Mechanical Joint Restraint for DIP | 10 | Each | \$650.00 | \$6,500.00 |
| 99 | 20" Mechanical Joint Restraint for DIP | 25 | Each | \$800.00 | \$20,000.00 |
| 116 | 18" Joint Restraint Gasket (Field Lock or Fast Grip) | 9 | Each | \$400.00 | \$3,600.00 |
| 117 | 20" Joint Restraint Gasket | 21 | Each | \$475.00 | \$9,975.00 |
| 139 | 18" Butterfly Valve & Valve Box | 1 | Each | \$3,200.00 | \$3,200.00 |
| 140 | 20" Butterfly Valve & Valve Box | 1 | Each | \$4,000.00 | \$4,000.00 |
| 164A | 24"X 20" Tapping Sleeve w/Valve & Valve Box | 1 | Each | \$32,500.00 | \$32,500.00 |
| | Fire Hydrant Assembly with Valve & Anchor Tee Assembly | | | · · · · · · · · · · · · · · · · · · · | |
| 193 | (up to 54" burial) | 1 | Each | \$4,200.00 | \$4,200.00 |
| 203 | 2" Air Release Valve W/Manhole for Water/Reclaimed Main | 1 | Each | | |
| | | | | \$7,200.00 | \$7,200.00 |
| | 16" to 20" Diameter Connection to Existing Water | · · · | | | |
| 256 | Main/Reclaimed Water Main or Force Main (Joint Restraint for | 3 | Each | | A 10 000 00 |
| | existing pipe is not included) | | | \$6,000.00 | \$18,000.00 |
| 260 | Poly-Wrap 20"-30" Pipe | 162 | LF | \$1.30 | \$210.60 |
| 270 | Milling of Asphalt (Minimum 220 Sq. Yd. per mobilization - 1.5" thick) | 1,630 | Sq. Yd. | \$20.00 | \$32,600.00 |
| 271 | Asphalt Overlay, Type S-III (20 to 150 tons per work area) | 121 | Tons | \$280.00 | \$33,880.00 |
| 272 | Asphalt Roadway Removal and Restoration (2.5" thick) | 470 | Sq. Yd. | \$60.00 | \$28,200.00 |
| 273 | Asphalt Driveway Removal and Restoration (1.5" thick) | 130 | Sq. Yd. | \$45.00 | \$5,850.00 |
| 280 | Concrete Sidewalk Removal & Restoration | 25 | Sq. Yd. | \$45.00 | \$1,125.00 |
| 281 | Concrete Curb & Gutter Removal & Restoration | 25 | L.F. | \$40.00 | \$1,000.00 |
| 283 | Floritam Sod | 4,103 | Sq. Yd. | \$5.00 | \$20,515.00 |
| 287 | Record Drawing | 2,320 | L.F. | \$2.00 | \$4,640.00 |
| 288 | Construction Survey | 2,320 | L.F. | \$2.00 | \$4,640.00 |
| 289 | Preconstruction Video Taping | 2,320 | L.F. | \$0.40 | \$928.00 |
| 293 | Maintenance of FDOT Roadway | 3,176 | L.F. | \$3.50 | \$11,116.00 |
| 29 | Density Tests | 44 | Each | \$30.00 | \$1,320.00 |

Page 1 of 2

Palm Beach County Water Utility Department Pipeline Continuing Construction Contract - WUD 13-020

Work Authorization No.: 02

Contractor Name: Johnson-Davis Incorporated Project Name: Atlantic Ave., FL's Turnpike to Hagen Ranch Rd.; 20" Reclaimed Water Extension Project No.: WUD 12-085

| <u>NO.</u> | BID ITEM (Furnish and Install with Appurtenances) | QUANTITY | <u>UNIT</u> | UNIT PRICE | <u>TOTAL</u> |
|------------|--|----------|-------------|-------------|--------------|
| 295 | Proctor Tests | 2 | Each | \$100.00 | \$200.00 |
| 296 | Concrete 12"x6" Cylinder Tests | 2 | Each | \$80.00 | \$160.00 |
| 297 | Addl.Pipe Crew Hours for Installation Greater Than 60" Cover | 32 | Each | \$400.00 | \$12,800.00 |
| 298 | Misc. Items | 0 | LS | \$50,000.00 | \$0.00 |
| 3 | | - | | | |
| | | Subto | tal | | \$853,359.60 |
| | | Mobiliza | ition | 3.50% | \$29,867.59 |
| | | Tota | | | \$883,227.19 |

Page 2 of 2

ATTACHMENT F

SCHEDULE #1

LIST OF PROPOSED SBE-M/WBE PRIME/SUBCONTRACTORS

| PROJECT NAME: | Bernie Vito | | | claimed Water | Vater PROJECT NUMBER: <u>WUD 12-085</u> | | | |
|---|----------------|-------------------|-----------------------|---|---|-------------|---------------|------------------------|
| NAME OF PRIME BIDDER: CONTACT PERSON: BID OPENING DATE: | | | | ADDRESS: <u>604 Hillbrath Dr., Lantana, FL 33462</u> PHONE NO. <u>561-588-1170</u> FAX NO. <u>561-585-5252</u> DEPARTMENT | | | | |
| | | . PLE | ASE IDENTIFY ALL | . APPLICABLE | CATEGORIE | S | | |
| Name, Address and Telepho | ne | | ooth Categories) | | | | Dollar Amo | |
| Number of Minority Contract | | Minority Business | Small Business | Black | Hispanic | Women | Caucasian | Other (Please Specify) |
| Odums Sod Inc. 561-333 | | | | | | | | |
| 13961 Okeechobee Blvd., Lo | oxahatchee, FL | | L | | • | ^ ` | | * |
| 33470 | | | | \$9,416.39 | \$ | \$ | | \$ |
| Caulfield & Wheeler, Inc. 56 | | | x | | | | | |
| 7900 Glades Rd., #100 Boc | a Raton, FL | | | \$ | \$ | \$ | \$4,408.00 | ¢ |
| 33434 | 561 402 0000 | | | φ | φ | φ | \$4,400.00 | Ψ |
| Uyility Supply Associates Inc | | | x | | | | | |
| 140 Commerce Rd., Boyntor 33426 | i beach, FL | | | \$ | \$ | \$ | \$126,309.00 | \$ |
| | | | | ····· | | | + | ····· |
| | | | | • | ¢ | ¢ | Ċ | \$ |
| <u></u> | | | | \$ | \$ | Φ | <u> </u> | Φ |
| | | | | | | | 194 | |
| | | | | \$ | \$ | \$ | \$ | \$ |
| PRIME CONTRACTOR TO | COMPLETE: | | TOTAL | \$ 9,416.39 | <u>\$ -</u> | \$ - | \$ 130,717.00 | \$ |
| BID PRICE: \$ 883,227.19 | | Total Value | of SBE Participation: | \$ 140,133.39 | | | | |

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.

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 E

SCHEDULE 2

| LETTER | OF INTENT | TO PERFORM A | S AN SBE OR | M/WBE SU | BCONTRACTOR |
|--------|-----------|--------------|-------------|----------|-------------|
| | | | | | |

| | ROJECT NAME: Atlantic Ave., FL's Turnpike to en Ranch Rd.; 20" Reclaimed Water Extension |
|--|---|
| TO <u>; JOHNSON-DAVIS INC</u> | (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 |
| | CaucasianOther (Please Specify) |
| Date of Palm Beach County Certificat | tion: Dec. 13, 2010 |
| | he following described work in connection with the above project |
| Line Item/Lot Item Description No. 283 <u>Flori Fam Soc</u> | Qty / Units Unit Price Total Price $4 - \frac{4}{03} + \frac{295}{2} + \frac{39}{94} + \frac{39}{94} + \frac{39}{16}$ |
| | TOTAL # 9416.39 |
| Palm Beach County. | r work with you conditioned upon your execution of a contract with tract any portion of this subcontract.tona non-certified SBE |

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

(Print Mame of SBE-M/WBE Subcontractor) uen B (Signature) lanaa GN 'nΥ íe (Print name/title of person executing on behalf of SBE-MWBE Subcentractor)

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ATTACHMENT F

SCHEDULE 2

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

| PROJECT N | | NAME: Atlan ch Rd.; 20" Red | | |
|--|---|----------------------------------|---------------------------------------|---------------------|
| TO <u>: JOHN</u> | SON-DAVIS INC (Name o | f Prime Bidder) | | |
| | ned is certified by Palm Beach C | county as a(n) – (c | heck one or m | ore, as applicable) |
| Sma | II Business Enterprise 🔀 | Minori | ty Business En | terprise |
| Black I | Hispanic Women Cau | casian XOthe | er (Please Spe | cify) |
| Date of Palm | Beach County Certification: | 10/6/20 | 0 | |
| The undersign | ed is prepared to perform the followi tail, particular work items or parts | ng described work i | n connection with cormed): | h the above project |
| Line Item/Lot No. | Item Description | Qty / Units | Unit Price | Total Price |
| à 87 à 88 | Record Durgs Construction Survey | <u> 23204=</u> <u>23204</u> = | 092 | 4 2,320 |
| •••••••••••••••••••••••••••••••••••••• | | Total | | \$ 4408- |
| | | | · · · · · · · · · · · · · · · · · · · | |

at the following price \$ Four thousand four hundred eight and 00/100 dollars (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

Caulfield & Wheeler, Inc. (Print Name of SBE-M/WBE Subcontractor)

By: (Signature)

David P. Lindley, Vice President (Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

ATTACHMENT F

SCHEDULE 2

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

PROJECT NO. WUD 12-085 PROJECT NAME: Atlantic Ave., FL's Turnpike to Hagen Ranch Rd.; 20" Reclaimed Water Extension 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 _ Caucasian X Other (Please Specify) Black-Hispanic Women 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 **Unit Price Total Price** Item Description Qty / Units No. 210,515 2 60% = Pior Values Filtings & 26 Huy 20 126,309 ten dollars at the following price mand intractor's quote and zero cen L 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 Q SSOCIATES 50 rint Name of SBE (F ubcontractor) -MM Βv (Signatu SE 8 1 A (Print name/title of person executing on

1

behalf of SBE-MWBE Subcontractor)

ATTACHMENT G

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AUTHORIZATION STATUS REPORT

SUMMARY AND STATUS OF AUTHORIZATIONS

| Auth. | | | Project | Date | WUD No. | Consultant's | |
|-------|---|---------|----------------|-------------------------|---------------------------------------|--------------|--|
| No. | Description | Status | Total Amount | Approved | Assigned | Project No. | |
| 1 | Temple Boulevard West of 140 th Avenue North Water Main Extension | Pending | \$121,023.59 | | 13-023 | - | |
| 2 | Main Extension Atlantic Ave., FL's Turnpike to Hagen Ranch Rd.; 20" Reclaimed Water Extension | Pending | \$883,227.19 | | 12-085 | | |
| | · · · · · · · · · · · · · · · · · · · | | | | | | |
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| | | | | | | | |
| Total | | | \$1,004,250.78 | \$1,004,250.78 | | | |

ATTACMENT H

AUTHORIZATION STATUS REPORT

SUMMARY OF

SBE / MINORITY BUSINESS TRACKING

| | | Total | SBE |
|----------------------|--|--------------|--------------|
| Current Proposal | | | |
| Value of | Authorization No. 2 | \$883,227.19 | |
| Value of | SBE - M/WBE Letters of Intent | \$140,133.39 | \$140,133.39 |
| Actual P | ercentage | 15.86% | 15.86% |
| Signed Authorization | IS STATES AND A ST | | |
| Total Va | lue of Authorizations | \$0 | |
| Total Va | lue of SBE - M/WBE Signed Subcontracts | \$0 | \$0 |
| Actual P | ercentage | #DIV/0! | #DIV/0! |
| Signed Authorization | as Plus Current Proposal | • | |
| Total Va | lue of Authorizations | \$883,227.19 | |
| Total Va | iue of Subcontracts & Letters of Intent | \$140,133.39 | \$140,133.39 |
| Actual P | ercentage | 15.86% | 15.86% |
| | | | |
| GOAL | | 20.96% | 15.86% |

ATTACHMENT - I Project Name : WUD #12-085

