

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

Meeting Date: July 16, 2013

Consent

Regular

Workshop

Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) A budget transfer of \$1,000,000 from reserves in the 176.5M NAV 08 CTF Jail Expansion to increase the project budget expense line; and

B) Amendment No. 1 to the contract with Hedrick Brothers Construction Company, Inc. (R2012-1000) in the amount of \$2,895,480 for construction management services for the Video Visitation System located at the Main Detention Center (MDC) on Gun Club Road.

Summary: On April 25, 2006, the Board approved proceeding with the Jail Expansion Program II consisting of the expansion of the West Detention Center (WDC), the Stockade, and renovations to the Main Detention Center (MDC). Amendment No. 1 authorizes the construction of the infrastructure for video visitation at the Main Detention Center for inmate visitation. The Video Visitation System will reduce costs and enhance security associated with the operation of the detention system. The Small Business Enterprise (SBE) goal for this contract is 15%. Hedrick Brothers SBE participation for this project is 1.6%. The majority of the work in this Amendment is electrical and although two bids from SBE electrical subcontractors were received, neither bid was low and both were outside the pricing differential identified in the SBE Ordinance regarding re-ranking of bidders. Hedrick Brothers is a Palm Beach County firm and is using local subcontractors for 79% of the work. This Guaranteed Maximum Price (GMP) is funded from the Criminal Justice and Public Improvement Revenue Bond Series and the budget transfer is necessary for the project to be fully funded. (Capital Improvements Division) District 2 (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, systems and materials, and serves as General Contractors issuing the subcontracts for construction. The Central Video Visitation Facility adjacent to the stockade provides for public use to visit inmates at the three jail locations. This project will provide the infrastructure and equipment necessary to allow visits with inmates at the MDC and replaces contact visitation between inmates and the public at the MDC, similar to the WDC. The use of the video visitation at the WDC has been met with great success. Feedback from the visitors indicates they enjoy the convenience of forgoing the security check-in procedure and the reduction of contraband is markedly less at the WDC which can be attributed to the video visitation process. The full potential of staff savings has not been reached yet due to the video visitation not being utilized at the MDC.

Attachments:

- 1. Location Map
- 2. Budget Availability Statement
- 3. Budget Transfer
- 4. Amendment No. 1

Recommended by: *gac* Department Director 6/20/13 Date

Approved by: *[Signature]* County Administrator 7/9/13 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	\$ 3,426,603	0	0	0	0
Operating Costs	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income (County)	0	0	0	0	0
In-Kind Match (County)	0	0	0	0	0
NET FISCAL IMPACT	\$ 3,426,603				
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No

Budget Account No: Fund 3053 Dept 411 Unit B362 Object 6502

Construction \$ 2,895,480
 Misc. 531,123
\$ 3,426,603 Reporting Category _____

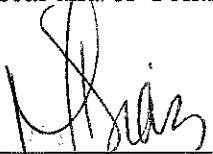
B. Recommended Sources of Funds/Summary of Fiscal Impact:

Funded from Criminal Justice and Public Improvement Revenue Bond Series 2008.


C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS:

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

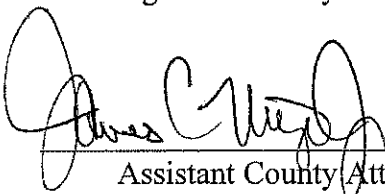


 OFMB 6/27/2013
see also 6/24



 Contract Administrator
 6-2-13 B Whelan

B. Legal Sufficiency:



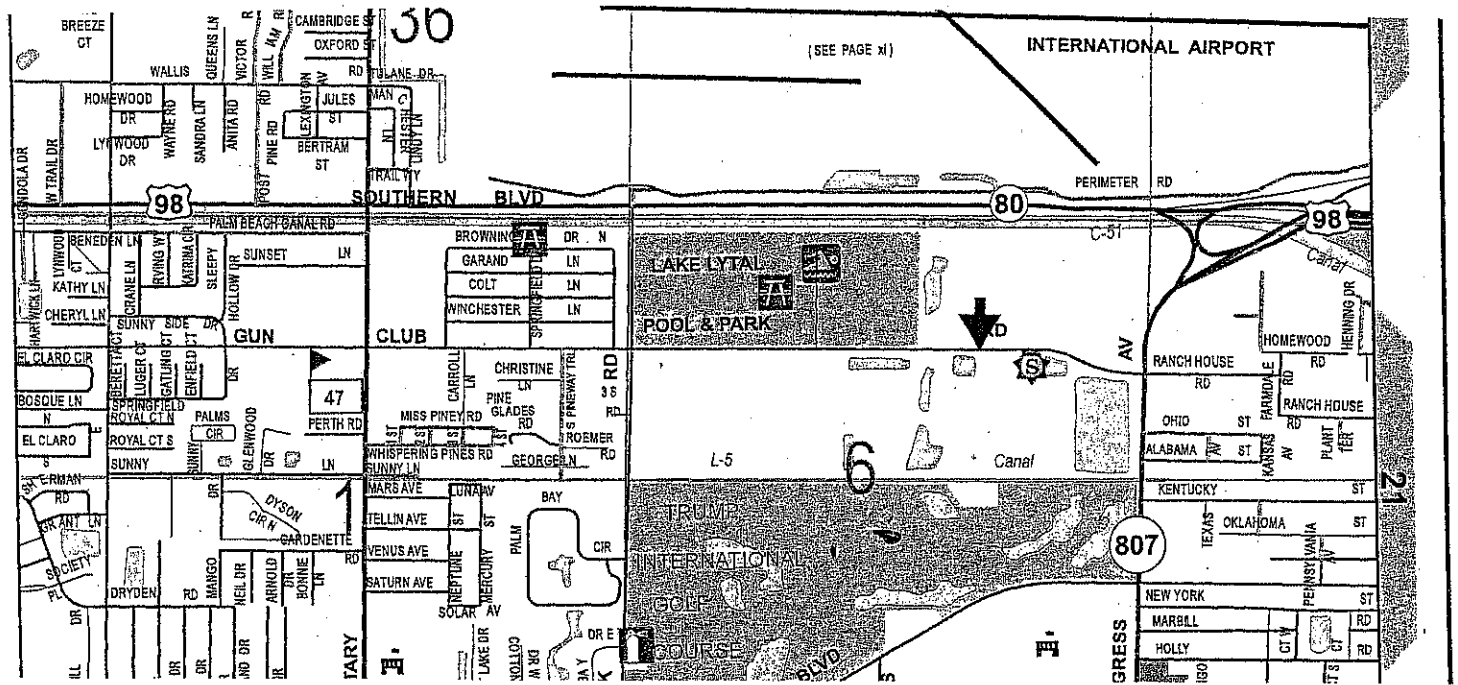
 Assistant County Attorney 7/8/13

C. Other Department Review:

 Department Director

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

T44



LOCATION MAP

PBSO MAIN DETENTION CENTER VIDEO VISITATION

FACILITIES DEVELOPMENT & OPERATIONS
BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 05/20/13 REQUESTED BY: Mike McPherson PHONE: 233-0278
FAX: 233-0270

PROJECT TITLE: Main Detention Center PROJECT NO.: 11205
Video Visitation System (MDC VVS)

ORIGINAL CONTRACT AMOUNT: N/A - Annual BCC RESOLUTION#: DATE:

REQUESTED AMOUNT: \$3,426,603

CSA or CHANGE ORDER NUMBER: Amendment #1

CONSULTANT/CONTRACTOR: Hedrick Brothers Construction

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

GMP for construction services.

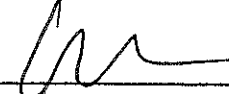
CONSTRUCTION	<u>\$2,895,480</u>
PROFESSIONAL SERVICES	<u>\$ 5,500</u>
STAFF COSTS** (Design/Construction Phase)	<u> </u>
MISC. (permits)	<u>\$ 50,000</u>
TELEPHONE (ISS)	<u>\$ 126,000</u>
CONTINGENCY	<u>\$ 349,623</u>
TOTAL	<u>\$3,426,603</u>

BUDGET ACCOUNT NUMBER (IF KNOWN)

FUND: 303 DEPT: 411 UNIT: B362 OBJ: 6502

FUNDING SOURCE (CHECK ALL THAT APPLY): AD VALOREM OTHER Bond FEDERAL/DAVIS BACON

SUBJECT TO IG FEE? NO YES

BAS APPROVED BY:  DATE: 5-21-13

ENCUMBRANCE NUMBER: Pending Budget Transfer

**BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET TRANSFER**

FUND 3053 - 176.5M NAV 08 CTF

BGEX-410-052113-1604

Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 05/20/13	REMAINING BALANCE
Reserves								
411-9900	9907 Reserve for Future Construction	641,262	1,176,112		1,000,000	176,112		176,112
Jail Expansion								
411-B362	6502 - Building Construction CIP	9,101,260	5,641,106	1,000,000		6,641,106	3,405,154	3,235,952
Total		9,742,522	6,817,218	1,000,000	1,000,000	6,817,218	3,405,154	3,412,064

Facilities Development & Operations

 INITIATING DEPARTMENT/DIVISION
 Administration/Budget Department Approval
 OFMB Department - Posted

Signatures

Date

Amy Wolf

6/25/13

By Board of County Commissioners
 At Meeting of
 6/18/2013
 Deputy Clerk to the
 Board of County Commissioners

**AMENDMENT NO. 1 TO CONTRACT FOR
CONSTRUCTION MANAGEMENT SERVICES
MAIN DETENTION CENTER VIDEO VISITATION SYSTEM
PROJECT NO. 11205**

WHEREAS, the Owner and Construction Manager (Hedrick Brothers Construction Company, Inc.) acknowledge and agree that the Contract between Owner and Construction Manager dated 07/10/12 (R2012-1000) is in full force and effect and that this 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 pre-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;

WHEREAS, the Construction Manager represents that the Construction Manager, Subcontractors, material and equipment suppliers have compared Phasing, Demolition, Architectural, Structural, Mechanical, Electrical, Plumbing, Civil and Site Drawings and Specifications and have compared and reviewed all general and specific details on the Drawings and that all conflicts, discrepancies, errors and omissions, which are within the commonly accepted knowledge based of a licensed general contractor, subcontractor, trades persons, manufacturers or other parties required to carry out the Work involved in this Amendment, have been corrected or clarified prior to execution of this GMP Amendment to the Contract, and therefore Construction Manager warrants that the GMP (exclusive of contingency) includes the cost of correcting all conflicts, discrepancies, errors, or omissions which Construction Manager identifies, or should have identified through the exercise of reasonable skill and care, during the preconstruction phase of this Contract.

WHEREAS, the Construction Manager's review and comparison of all Drawings has taken into consideration the total and complete functioning of all systems and therefore the Construction Manager represents that the GMP represents the total cost for complete and functional systems.

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 **\$2,895,480** for the construction costs of a video visitation system at the Main Detention Center. Refer to Exhibit A.

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

Pursuant to Article 5.3, Construction Manager shall substantially complete the project within **695** calendar days of receiving the Notice to Proceed with construction work from the Owner. Liquidated Damages are **\$510.00/day** for failure to complete within the contract time or approved extension thereof.

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

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: _____
Steven L. Abrams, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
County Attorney

By: *Janet Ann Wolf*
Director - FD&O

WITNESS: FOR CONSTRUCTION MANAGER
SIGNATURE

CONSTRUCTION MANAGER: *HEDRICK
BROTHERS CONSTRUCTION COMPANY,
INC.*

[Signature]
Signature

[Signature]
Signature

CHARLES R. SCHEELE
Name (type or print)

JACK MURICH
Name (type or print)

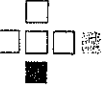
VICE PRESIDENT
Title

(Corporate Seal)



HEDRICK BROTHERS
CONSTRUCTION

BRINGING VISIONS TO REALITY



June 14, 2013

PBC MDC Video Visitation

Project No. 11205

Division	Description	Total
1000.0	General Conditions	\$196,107
2000.0	Demolition	\$131,900
5000.0	Metal	\$122,500
6000.0	Wood & Plastic	\$121,382
7000.0	Thermal & Moisture Prot	\$10,603
8000.0	Doors & Windows	\$19,275
9000.0	Finishes	\$193,711
10000.0	Specialties	\$250
15000.0	Mechanical	\$5,100
16000.0	Electrical	\$963,205
	Liability Insurance	\$31,384
	Construction Phase Fee	\$752,346
	OH&P	\$180,344
	Construction Contingency	\$138,798
	Payment and Performance Bond	\$28,575
	Total	\$2,895,480



PUBLIC CONSTRUCTION BOND

BOND NUMBER: 08967848

BOND AMOUNT: \$ 3,695,480.00

CONTRACT AMOUNT: \$ 3,695,480.00

CONTRACTOR'S NAME: HEDRICK BROTHERS CONSTRUCTION CO., INC.

CONTRACTOR'S ADDRESS: 2200 CENTREPARK WEST DRIVE
WEST PALM BEACH, FL 33409

CONTRACTOR'S PHONE: 561-689-8880

SURETY COMPANY: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

SURETY'S ADDRESS: 1400 AMERICAN LANE, TOWER 1, 19TH FLOOR,
SCHAUMBURG, IL 60196

OWNER'S NAME: PALM BEACH COUNTY CAPITAL IMPROVEMENTS DIVISION

OWNER'S ADDRESS: 2633 Vista Parkway
West Palm Beach, FL 33411-5604

OWNER'S PHONE: (561) 233-0278 (Michael McPherson, Project Manager for PBC)

DESCRIPTION OF WORK: Installation of new Video Visitation, Cobra/Legal Stations, including
demolition and electrical to support systems

PROJECT LOCATION: 3228 GUN CLUB ROAD
WEST PALM BEACH, FL 33406

LEGAL DESCRIPTION: 6-44-43, PT OF SEC LYG S OF & ADJ TO GUN CLUB RD & W OF
& ADJ TO CONGRESS AVE R/WS K/A CRIMINAL JUSTICE COMPLEX & ANNEX

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 Oblige, herein called County, for the use and benefit of claimant as hereinbelow defined, in
the amount of THREE MILLION, SIX HUNDRED NINETY FIVE THOUSAND FOUR HUNDRED
EIGHTY AND 00/100 DOLLARS (\$ 3,695,480.00)

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: PBSO Main Detention Center – Video Visitation

Project No.: 11205

Project Description: Installation of new Video Visitation, Cobra/Legal Stations, including demolition and electrical to support systems

Project Location: 3228 GUN CLUB ROAD
WEST PALM BEACH, FL 33406

in accordance with Design Criteria Drawings and Specifications prepared by

NAME OF ARCHITECTURAL FIRM: Leo A. Daly Company
LOCATION OF FIRM: 1400 Centrepark Blvd., Suite 500
West Palm Beach, FL 33401
PHONE: 561-688-2111
FAX: 561-697-8040

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 PBC Central Detention Center 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 255.05, 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.

Sonya Stiles
Witness

HEDRICK BROTHERS CONSTRUCTION CO., INC.

D.R. Hedrick
Principal Dale R. Hedrick

(Seal)

PRESIDENT

Title

Carolyn Pagano
Witness

CAROLYN PAGANO

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Peter F. Jones
Surety

(Seal)

Title Peter F Jones, Attorney In-Fact
Licensed Resident Florida Agent

FORM OF GUARANTEE

BOND NO. 08967848

GUARANTEE FOR HEDRICK BROTHERS CONSTRUCTION COMPANY, INC. AND FIDELITY AND DEPOSIT COMPANY OF MARYLAND

We the undersigned hereby guarantee that the (PBSO MAIN DETENTION CENTER - VIDEO VISITATION PROJECT NO. 11205) 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.

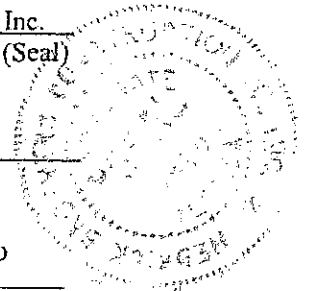
In the event of our failure to acknowledge notice, and commence corrections of defective work within five (5) working days after being notified in writing by the Board of County Commissioners, Palm Beach County, Florida, we, collectively or separately, do hereby authorize Palm Beach County to proceed 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 _____
(Date to be filled in at substantial completion)

SEAL AND NOTARIAL ACKNOWLEDGMENT OF SURETY

Hedrick Brothers Construction Co., Inc.
(Contractor) (Seal)

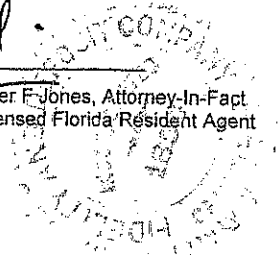
By: [Signature]
(Signature)



FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(Surety) (Seal)

By: [Signature]
(Signature) Peter F. Jones, Attorney-In-Fact
Licensed Florida Resident Agent



CORPORATE ACKNOWLEDGEMENT

Form 152

State of FLORIDA

County of PALM BEACH

On this 23rd day of MAY, 2013 before me personally came DALE HEDRICK, to me known, who, being by me duly sworn, did depose and say that he resides in WEST PALM BEACH, FL that he is the PRESIDENT of the

HEDRICK BROTHERS CONSTRUCTION CO., INC.

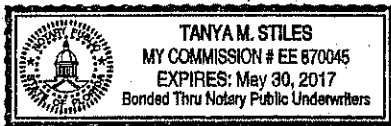
The corporation described in and which executed the above instrument; that he knows that seal of said corporation; that the seal affixed to said instrument is such corporate seal; that is was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

(SEAL)

Tanya M. Stiles

Notary Public – State of Florida

NOTARY STAMP:



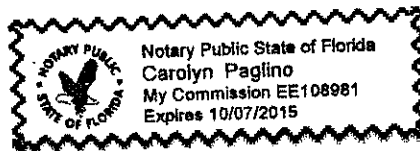
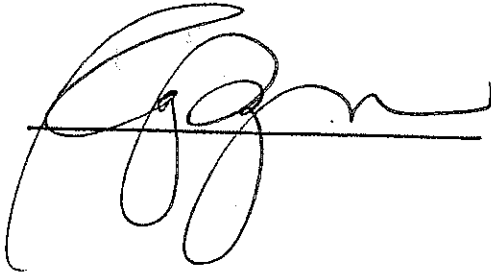
CORPORATE ACKNOWLEDGMENT

State of Florida
County of Palm Beach

On this 22 day of May, 2013 before me personally came Peter F Jones, to me known, who, being by me duly sworn, did depose and say that he/she resides in West Palm Beach, FL that he/she is the Attorney-In-Fact of the Fidelity and Deposit Company of Maryland

the corporation described in and which executed the above instrument; that he/she knows that seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

(SEAL)



**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **GEOFFREY DELISIO, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Peter F. JONES, of Palm Beach Gardens, Florida**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York, the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland, and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland, in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 6th day of November, A.D. 2012.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: *Eric D. Barnes*
Assistant Secretary
Eric D. Barnes

Geoffrey Delisio
Vice President
Geoffrey Delisio

State of Maryland
City of Baltimore

On this 6th day of November, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **GEOFFREY DELISIO, Vice President**, and **ERIC D. BARNES, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

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

Constance A. Dunn



Constance A. Dunn, Notary Public
My Commission Expires: July 14, 2015

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 23 day of May, 2013.



James M. Carroll, Vice President

FIDELITY AND DEPOSIT COMPANY

OF MARYLAND
600 Red Brook Blvd., Suite 600, Owings Mills, MD 21117

Statement of Financial Condition
As Of December 31, 2011

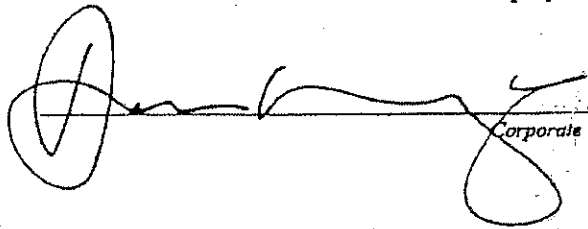
ASSETS	
Bonds	\$ 167,477,539
Stocks	23,576,974
Cash and Short Term Investments	235,580
Reinsurance Recoverable	12,886,175
Other Accounts Receivable	39,980,988
TOTAL ADMITTED ASSETS	\$ <u>244,157,256</u>

LIABILITIES, SURPLUS AND OTHER FUNDS	
Reserve for Taxes and Expenses	\$ 127,987
Ceded Reinsurance Premiums Payable	48,215,682
Securities Lending Collateral Liability	<u>1,022,500</u>
TOTAL LIABILITIES	\$ 49,366,169
Capital Stock, Paid Up	\$ 5,000,000
Surplus	<u>189,791,087</u>
Surplus as regards Policyholders	194,791,087
TOTAL	\$ <u>244,157,256</u>

Securities carried at \$59,049,993 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2011 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$253,778,028 and surplus as regards policyholders \$204,411,859.

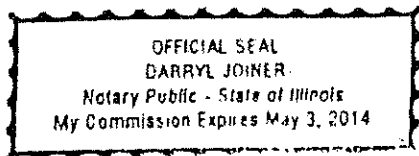
I, DENNIS F. KERRIGAN, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2011.




 Corporate Secretary

State of Illinois }
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 15th day of March, 2012.





 Notary Public

Rider issued in three (3) original counterparts

Decrease PENALTY RIDER

BOND AMOUNT \$3,695,480.00 BOND NO. 08967848

To be attached and form a part of Bond No. 08967848 dated the 22nd day of May, 2013, executed by Fidelity and Deposit Company of Maryland as surety, on behalf of Hedrick Brothers Construction Company, Inc. as current principal of record, and in favor of Palm Beach County Board of County Commissioners, as Obligee, and in the amount of Three Million Six Hundred Ninety Five Thousand Four Hundred Eighty Dollars and 00/100 (\$3,695,480.00).

In consideration of the agreed premium charged for this bond, it is understood and agreed that Fidelity and Deposit Company of Maryland hereby consents that effective from the 20th day of June, 2013, said bond shall be amended as follows:

THE BOND PENALTY SHALL BE Decreased:

FROM: Three Million Six Hundred Ninety Five Thousand Four Hundred Eighty Dollars and 00/100 (\$3,695,480.00)

TO: Two Million Eight Hundred Ninety Five Thousand Four Hundred Eighty Dollars and 00/100 (\$2,895,480.00)

The Decrease of said bond penalty shall be effective as of the 20th day of June, 2013, and does hereby agree that the continuity of protection under said bond subject to changes in penalty shall not be impaired hereby, provided that the aggregate liability of the above mentioned bond shall not exceed the amount of liability assumed by it at the time the act and/or acts of default were committed and in no event shall such liability be cumulative.

Signed, sealed and dated this 20th day of June, 2013.

Hedrick Brothers Construction Company, Inc.
PRINCIPAL

BY: _____

Fidelity and Deposit Company of Maryland
SURETY

BY: _____

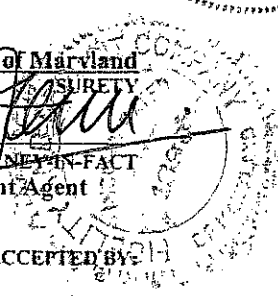
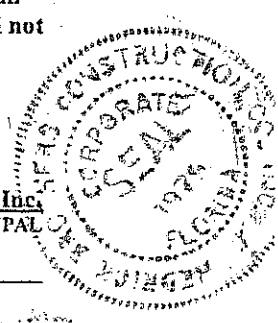
Peter F. Jones, ATTORNEY-IN-FACT
& FL Licensed Resident Agent

THE ABOVE BOND IS HEREBY AGREED TO AND ACCEPTED BY:

Palm Beach County Board of County Commissioners
OBLIGEE

BY: _____

TITLE



CORPORATE ACKNOWLEDGEMENT

Form 152

State of FLORIDA

County of PALM BEACH

On this 24TH day of JUNE, 2013 before me personally came JACK ULLRICH, to me known, who, being by me duly sworn, did depose and say that he resides in WEST PALM BEACH, FL that he is the VICE PRESIDENT of the

HEDRICK BROTHERS CONSTRUCTION CO., INC.

The corporation described in and which executed the above instrument; that he knows that seal of said corporation; that the seal affixed to said instrument is such corporate seal; that is was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

(SEAL)

Tanya M. Stiles

Notary Public – State of Florida

NOTARY STAMP:



CORPORATE ACKNOWLEDGMENT

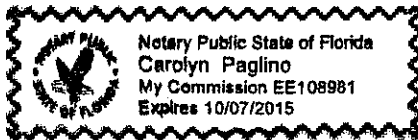
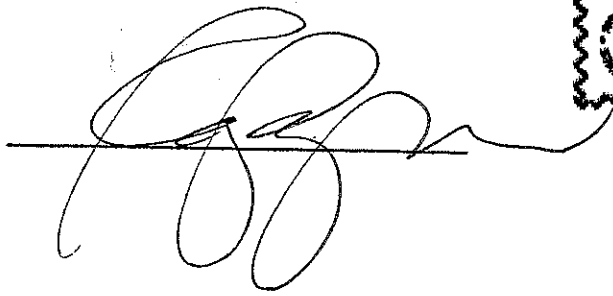
State of Florida
County of Palm Beach

On this 20 day of June, 2013 before me personally came Peter F Jones, to me known, who, being by me duly sworn, did depose and say that he/she resides in West Palm Beach, FL

that he/she is the Attorney-In-Fact of the Fidelity and Deposit Company of Maryland

the corporation described in and which executed the above instrument; that he/she knows that seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

(SEAL)



**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

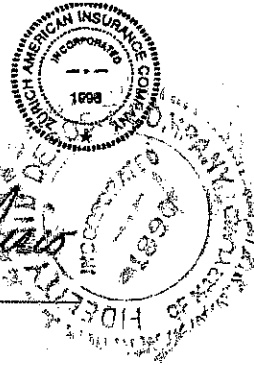
KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **GEOFFREY DELISIO, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Peter F. JONES, of Palm Beach Gardens, Florida**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 6th day of November, A.D. 2012.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: *Eric D. Barnes*
Assistant Secretary
Eric D. Barnes

Geoffrey Delisio
Vice President
Geoffrey Delisio

State of Maryland
City of Baltimore

On this 6th day of November, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **GEOFFREY DELISIO, Vice President**, and **ERIC D. BARNES, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

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

Constance A. Dunn



Constance A. Dunn, Notary Public
My Commission Expires: July 14, 2015

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 20 day of JUNE, 2013.



A handwritten signature in cursive script, reading "James M. Carroll".

James M. Carroll, Vice President

FIDELITY AND DEPOSIT COMPANY

OF MARYLAND

600 Red Brook Blvd., Suite 600, Owings Mills, MD 21117

Statement of Financial Condition
As Of December 31, 2012

ASSETS

Bonds.....	\$ 157,177,826
Stocks.....	23,000,311
Cash and Short Term Investments.....	119,155
Reinsurance Recoverable.....	17,923,564
Other Accounts Receivable.....	35,473,256
TOTAL ADMITTED ASSETS.....	\$ 233,694,113

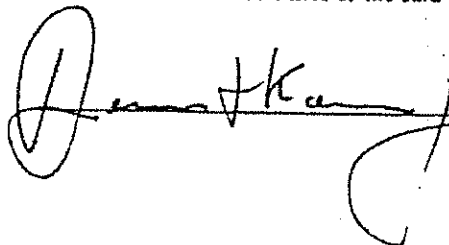
LIABILITIES, SURPLUS AND OTHER FUNDS

Reserve for Taxes and Expenses.....	\$ 74,782
Ceded Reinsurance Premiums Payable.....	48,323,524
Securities Lending Collateral Liability.....	1,716,240
TOTAL LIABILITIES.....	\$ 50,114,546
Capital Stock, Paid Up.....	\$ 5,000,000
Surplus.....	178,579,567
Surplus as regards Policyholders.....	183,579,567
TOTAL.....	\$ 233,694,113

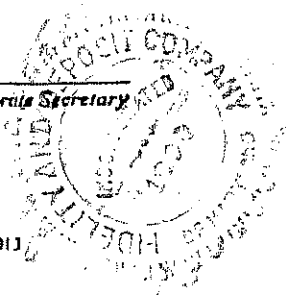
Securities carried at \$39,468,002 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2012 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$243,518,971 and surplus as regards policyholders \$193,404,425.

I, DENNIS F. KERRIGAN, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2012.



 Corporate Secretary



State of Illinois }
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 15th day of March, 2013



 Notary Public

