

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

Meeting Date: May 15, 2018

Consent Regular
 Workshop Public Hearing

Department: Facilities Development and Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 3 to the contract with Trillium Construction Inc. (R-2016-0764) in the amount of \$650,000 for the Water Utilities Department Water Treatment Plant (WUD WTP) No. 11 Process Piping Replacement/Remediation project, in Belle Glade, establishing a Guaranteed Maximum Price (GMP).

Summary: Amendment No. 3 authorizes replacement of the WTP No. 11 existing exterior deteriorated process piping and remediation of interior below concrete floor piping. The exterior piping will be replaced with a larger corrosion resistant piping. The interior below floor process piping will be lined with "Permaliner" to prolong its lifespan. Amendment No. 3 establishes a Guaranteed Maximum Price (GMP) of \$650,000 and 90 days for completion. The GMP includes the cost of the work, the construction manager's fee and contractor contingency. Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15%. Trillium Construction Inc.'s SBE participation for this Amendment is 81.6%. Funding for this work is from the Water Utilities Department Capital Improvement Fund. Trillium Construction Inc. is a Palm Beach County business and is using local subcontractors for 100% of the work. (Capital Improvements Division) District 6 (LDC)

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.

WTP No. 11 is the sole water treatment facility supplying drinking water to the Glades service area which includes the cities of Belle Glade, South Bay and Pahokee. WTP 11 treats the brackish Floridan aquifer water with the reverse osmosis membrane process. The membrane treatment trains have continuous streams of water flowing through process instruments which measure the treatment process and are discharged into the existing ferrous metal process drains. Naturally occurring dissolved hydrogen sulfide in the Floridan aquifer water has caused significant corrosion of the process drains requiring replacement and rehabilitation of the process drainage system. Amendment No. 3 provides for the remediation and replacement of the process piping at WTP No. 11.

Attachments:

1. Location Map
2. Budget Availability Statement
3. Amendment No. 3

Recommended by:   4/21/18
Department Director Date

Approved by:  5/4/18
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	<u>\$655,000</u>	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$655,000</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes **X** No

Budget Account No: Fund 4011 Dept 721 Unit W037 Object 6502

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

Funding for this project is from the Water Utilities Department Capital Improvement Fund.

Construction\$650,000
 Staff Costs..... \$5,000
 Total \$655,000

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

<p><u>Lisa Ponz</u> 4/25/18 OFMB 4/25/18</p>	<p><u>Ann J. Jurek</u> 4/30/18 Contract Development and Control 4/30/18</p>
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B. Legal Sufficiency:

JD Campbell 5/1/18
 Assistant County Attorney

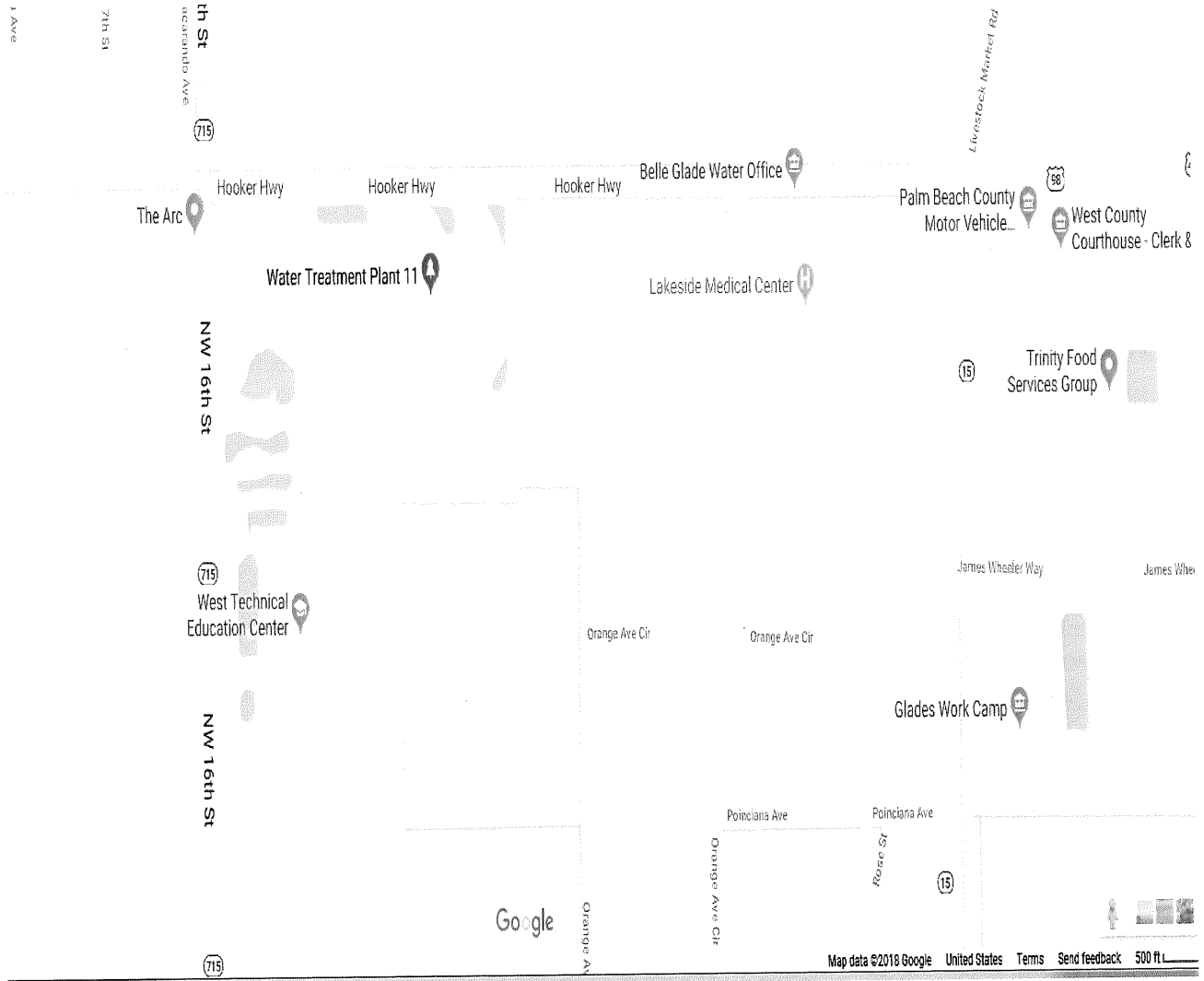
C. Other Department Review:

Jim Stiles
 Department Director

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

LOCATION MAP

WUD WTP #11 – Address: 39700 Hooker Highway, Belle Glade



ATTACHMENT 1

BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 04/09/18

REQUESTED BY: Anil Patel

PHONE: 233-0261

PROJECT TITLE: WUD WTP #11 Process Piping
(Same as CIP or IST, if applicable)

ORIGINAL CONTRACT AMOUNT: NA - Annual

IST PLANNING NO.:

REQUESTED AMOUNT: \$655,000

BCC RESOLUTION#: R2016-0764
DATE: 06/21/16

CSA or CHANGE ORDER NUMBER: Amendment #3

LOCATION:

BUILDING NUMBER:

DESCRIPTION OF WORK/SERVICE LOCATION:

PROJECT/W.O. NUMBER: 18211

CONSULTANT/CONTRACTOR: Trillium Construction Inc.

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

GMP for construction services.

CONSTRUCTION	\$650,000
PROFESSIONAL SERVICES	\$
STAFF COSTS*	\$ 5,000
EQUIP. / SUPPLIES	\$
CONTINGENCY	\$
TOTAL	\$655,000

** By signing this BAS your department agrees to these CID staff charges and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed. If this BAS is for construction costs of \$250,000 or greater, staff charges will be billed as actual and reconciled at the end of the project. If the project requires Facilities Management or ESS staff your department will be billed actual hours worked upon project completion.*

BUDGET ACCOUNT NUMBER(S) (Specify distribution if more than one and order in which funds are to be used):

FUND: 4011 DEPT: 721 UNIT: W037 OBJ: 6502

IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check and provide detail for all that apply)

Ad Valorem (Amount \$ _____) Infrastructure Sales Tax (Amount \$ _____)
 State (source/type: _____ Amount \$ _____) Federal (source/type: _____ Amount \$ _____)
 Grant (source/type: _____ Amount \$ _____) Impact Fees: (Amount \$ _____)
~~Other~~ (source/type: WWP Amount \$ ALL)

Department: WWP

BAS APPROVED BY: [Signature]

DATE: 4/18/2018

ENCUMBRANCE NUMBER: _____

ATTACHMENT 2

**AMENDMENT NO. 3 TO CONTRACT FOR
CONSTRUCTION MANAGEMENT SERVICES
WATER UTILITIES DEPARTMENT WATER TREATMENT PLANT (WUD WTP) #11
PROCESS PIPING
PROJECT NO. 18211**

This Amendment is made as of _____ by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as Owner, and Trillium Construction Inc., a Florida corporation, hereinafter referred to as "Construction Manager".

WHEREAS, the Owner and Construction Manager acknowledge and agree that the Contract dated 06/21/16 between Palm Beach County ("Owner") and Trillium Construction Inc. ("Construction Manager") (R-2016-0764) ("Contract") is in full force and effect and that they intend to supplement the Contract by execution of this Amendment; and

WHEREAS, the Contract between Owner and Construction Manager requires that Construction Manager has rendered or will render pre-construction services as specified therein; and

WHEREAS, the parties have negotiated a Guaranteed Maximum Price as required by the Contract, which includes Construction Manager's fees for construction and warranty services and such other services as set forth herein and in the Contract.

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

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. 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.
3. 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 and the GMP is established as follows:

a) **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 **\$650,000.00** for the construction costs of **WUD WTP #11 Process Piping**, as set forth on Exhibit "A" attached hereto and incorporated herein by reference.

b) SCHEDULE OF TIME FOR COMPLETION

Pursuant to Article 5.3, Construction Manager shall substantially complete the project within **90** calendar days of receiving the Notice to Proceed from the Owner. Liquidated Damages are \$350.00/day for failure to complete within the contract time or approved extension thereof.

c) ATTACHMENTS

Pursuant to the requirements of the Contract, the following are attached hereto and incorporated herein by reference:

Exhibit A - GMP Proposal
Public Construction Bond
Form of Guarantee

4. Except as specifically modified herein, the Contract remains in full force and effect. All capitalized terms herein shall have the same meaning as set forth in the Contract.

THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the COUNTY.

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: _____
Melissa McKinlay, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: *[Signature]*
County Attorney

By: *[Signature]*
Director - FD&O

WITNESS: FOR CONSTRUCTION MANAGER
SIGNATURE

CONSTRUCTION MANAGER:
TRILLIUM CONSTRUCTION INC.

[Signature]
Signature

[Signature]
Signature

Richard Wells
Name (type or print)

Edward E. Meinzinger
Name (type or print)

President
Title

(Corporate Seal)

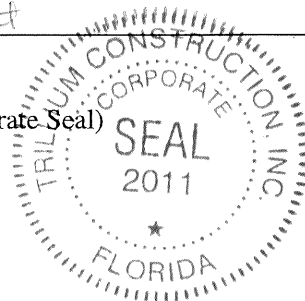




EXHIBIT A

Palm Beach County - Water Utilities Department - Water Treatment Plant #11 Process Bay Drains
 PALM BEACH COUNTY JOB NUMBER : 18211 - TRILLIUM JOB NUMBER: 18-25-071
 TRILLIUM CONSTRUCTION INC.



SUMMARY BUDGET ITEMS - GMP FORMAT

LINE ITEM	DESCRIPTION	LINE ITEM SUBTOTAL	LINE ITEM SUBTOTAL	PERCENT OF TOTAL GMP				
01.0	PRECONSTRUCTION MANAGERS FEE		\$ -	0.00%				
02.0	CONSTRUCTION MANAGERS FEE <small>(INCLUDES OFF/ON SITE, OVERHEAD & PROFIT)</small>		\$ 61,757	0.50%				
02.1	OFF-SITE	\$ 1,232		0.10%				
02.2	ON-SITE	\$ 29,690		4.57%				
02.3	OVERHEAD & PROFIT	\$ 30,834		4.74%				
03.0	COST OF THE WORK		\$ 531,304	81.74%				
03.1	GENERAL CONDITIONS	\$ 2,654		0.41%				
03.2	CSI DIVISIONS 1 THROUGH 16	\$ 528,650		81.33%				
04.0	SUBTOTAL		\$ 593,061	91.24%				
05.0	BONDS ***		\$ 9,164	1.41%			*** adjusted based on actual cost at time of Issue	
06.0	INSURANCE & BUILDERS RISK ***		\$ 7,871	1.21%			*** adjusted based on actual cost at time of Issue	
07.0	ANTICIPATED SALES TAX RECOVERY		\$ -	0.00%				
08.0	SUBTOTAL		\$ 610,096	93.88%				
09.0	CONSTRUCTION CONTINGENCY		\$ 39,804	6.14%				
10.0	GUARANTEED MAXIMUM PRICE <small>(INCLUDING PRECONSTRUCTION)</small>		\$ 650,000.00	100.00%	81.63%	<= Projected SBE =>	\$ 530,600	

**SCHEDULE 1
LIST OF PROPOSED SBE-M/WBE PARTICIPATION**

PROJECT NAME OR BID NAME: WTP #11 PROCESS BAY DRAINS PROJECT NO. OR BID NO.: 18211
 NAME OF PRIME BIDDER: TRILLIUM CONSTRUCTION INCORPORATED ADDRESS: 1450 B KINETIC ROAD LAKE PARK FL 33403
 CONTACT PERSON: EDWARD E. MEINZINGER PHONE NO.: 561-296-0700 FAX NO.: 561-296-0718
 BID OPENING DATE: _____ USER DEPARTMENT: _____

THIS DOCUMENT IS TO BE COMPLETED BY THE PRIME CONTRACTOR AND SUBMITTED WITH BID PACKET. PLEASE LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT AND/OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SBE -M/WBE'S ON THIS PROJECT. IF THE PRIME IS AN SBE-M/WBE, PLEASE ALSO LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT AND/OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME ON THIS PROJECT. THE PRIME AFFIRMS THAT IT WILL MONITOR THE SBES LISTED TO ENSURE THE SBES PERFORM THE WORK WITH ITS OWN WORKFORCE.

Name, Address and Phone Number	(Check one or both Categories)		DOLLAR AMOUNT AND/OR PERCENTAGE OF WORK				
	M/WBE Minority Business	SBE Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1. Stokes Mechanical Contractors, Inc. 2001 7 th Ave North. Lake Worth, FL 33461	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	\$528,650.00	_____	_____
2. Dennis J. Leavy & Associates, Inc. 460 Business Park Way, Suite B Royal Palm Beach, FL 33411	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____	\$1,950.00	_____
3.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____
4.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____
5.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____
(Please use additional sheets if necessary)							
Total			_____	_____	\$528,650.00	\$1,950.00	_____

Total Bid Price \$ 650,000.00 Total SBE-M/WBE Participation Dollar Amount and/or Percentage of Work \$530,600.00 81.6%

I hereby certify that the above information accurate to the best of my knowledge: _____
 Signature Edward Meinzinger Title PRESIDENT

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

**OSBA SCHEDULE 2
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE**

This document must be completed by ALL SBE-M/WBE's and submitted with this bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE's is certified to perform. Failure to properly complete Schedule 2 will result in your SBE participation not being counted.

PROJECT NUMBER: 18211 PROJECT NAME: WTP #11 Process Bay Drains

TO: Trillium Construction Inc.
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a - (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. Additional Sheets May Be Used As Necessary

Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
	Plumbing - Drains		\$528,650.00	\$528,650.00

at the following price or percentage \$528,650.00
(SBE Prime or Subcontractor's Quote)

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


If undersigned intends to sub-subcontract any portion of this job to a certified SBE-M/WBE or a non-SBE subcontractor, please list the name of that subcontractor and the amount below.

Price or Percentage _____
(Name of Subcontractor)

The Prime affirms that it will monitor the SBE-M/WBE listed to ensure the SBE-M/WBE perform the work with their own work force. The undersigned SBE-M/WBE Prime or SBE-M/WBE subcontractor affirms that it has the resources necessary to perform the work listed without subcontracting to a non-certified SBE or any other certified SBE subcontractors except as noted above.

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

Stokes Mechanical Contractors, Inc.
Print name of
SBE-M/WBE Company

By: 
(Signature)

Susan Stokes, President
Print name/title of person executing on behalf
of SBE-M/WBE

**OSBA SCHEDULE 2
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE**

This document must be completed by ALL SBE-M/WBE's and submitted with this bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE's is certified to perform. Failure to properly complete Schedule 2 will result in your SBE participation not being counted.

PROJECT NUMBER: 16218 PROJECT NAME: WTP #11 Process Bay Drains

TO: Trillium Construction Inc.
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a - (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. Additional Sheets May Be Used As Necessary

Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
	<u>SURVEYING</u>		<u>\$1,950.00</u>	<u>\$1,950.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

at the following price or percentage \$1,950.00
(SBE Prime or Subcontractor's Quote)

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

If undersigned intends to sub-subcontract any portion of this job to a certified SBE-M/WBE or a non-SBE subcontractor, please list the name of that subcontractor and the amount below.

Price or Percentage _____
(Name of Subcontractor)

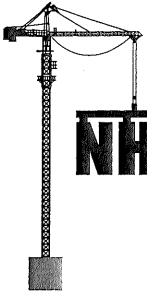
The Prime affirms that it will monitor the SBE-M/WBE listed to ensure the SBE-M/WBE perform the work with their own work force. The undersigned SBE-M/WBE Prime or SBE-M/WBE subcontractor affirms that it has the resources necessary to perform the work listed without subcontracting to a non-certified SBE or any other certified SBE subcontractors except as noted above.

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

Dennis J. Leavy & Associates, Inc.
Print name of
SBE-M/WBE Company

By: David A. Bower
(Signature)

DAVID A. BOWER, VICE PRESIDENT
Print name/title of person executing on behalf
of SBE-M/WBE



NHC

NIELSON, ROSENHAUS & ASSOCIATES

A NIELSON HOOVER GROUP COMPANY

SMART. UNCOMPROMISING. TIMELY. EFFECTIVE. NIELSON, HOOVER & COMPANY, INC. SURETY SOLUTIONS THAT MAKE A DIFFERENCE.

April 6, 2018

Trillium Construction Inc.
1450- B Kinetic Road
Lake Park, FL 33403

RE: Palm Beach County Board of County Commissioners, as Obligee
WUD WTP #11 – Process Bay Drains, as Project
Bond No. 80136140

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 Trillium Construction Inc., as Principal and/or **Palm Beach County Board of County Commissioners**, as Obligee, the authority to complete these bonds and the Form of Guarantee with the contract date, execution and Power of Attorney dates. **The contract date MAY 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,

Brett Rosenhaus
Attorney-in-Fact

8401 Lake Worth Road
Suite 2-231
Lake Worth, FL 33467
P: 561.713.1453
F: 561.713.1455
www.nielsonbonds.com

PUBLIC CONSTRUCTION BOND

BOND NUMBER 80136140

BOND AMOUNT \$650,000.00

CONTRACT AMOUNT \$650,000.00

CONTRACTOR'S NAME: Trillium Construction Inc.

CONTRACTOR'S ADDRESS: 1450 Kinetic Road Suite B, Lake Park, Florida 33403

CONTRACTOR'S PHONE: 561-296-0700

SURETY COMPANY: The Guarantee Company of North America

SURETY'S ADDRESS: One Town Square, Suite 1470

Southfield, MI 48076-3725

SURETY'S PHONE: 248-281-0281

OWNER'S NAME: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
CAPITAL IMPROVEMENTS DIVISION

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

OWNER'S PHONE: (561) 233-0261

PROJECT NAME: WTP #11 Process Bay Drains

PROJECT NUMBER: 18211

CONTRACT NUMBER (to be provided after Contract award): _____

DESCRIPTION OF WORK: Water Treatment Plant #11 – Provide pipe lining for existing Process Bay
floor drains and install new exterior drain lines to existing chemical injection well

PROJECT ADDRESS, PCN, or LEGAL DESCRIPTION: _____

39700 Hooker Highway, Belle Glade, Florida 33430

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

RBK
4/14/18

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 hereinbelow defined, in the amount of

Dollars (\$ 650,000.00)

Six Hundred Fifty Thousand & 00/100

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: WUD WTP #11 – Process Bay Drains
Project No.: 18211
Project Description: Line existing floor drains and new exterior lines to injection well
Project Location: 39700 Hooker Highway, Belle Glade, Florida 33430

in accordance with Drawings and Specifications prepared by

NAME OF ARCHITECTURAL FIRM: NONE
LOCATION OF FIRM:
PHONE:

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 **WUD WTP #11 – Process Bay Drains #18211**, 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.

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.

Any action brought under this instrument shall be brought in the court of competent jurisdiction in Palm Beach County and not elsewhere.

J. Powell
 Witness

Trillium Construction Inc. 
 Principal *Edward E. Meinzing*
President
 Title
 The Guarantee Company of North America USA
 Surety *[Signature]* (Seal)
 Title Brett Rosenhaus, Attorney-in- Fact

Jackie Haynes
 Witness Jackie Haynes

FORM OF GUARANTEE

GUARANTEE FOR Trillium Construction Inc.
The Guarantee Company of North America USA

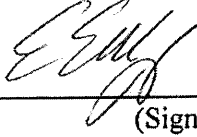
We the undersigned hereby guarantee that the (WTP #11 Process Bay Drains ,Project #18211) Palm Beach County, Florida, which we have constructed and bonded, has been done in accordance with the plans and specifications; that the work constructed will fulfill the requirements of the guaranties included 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.

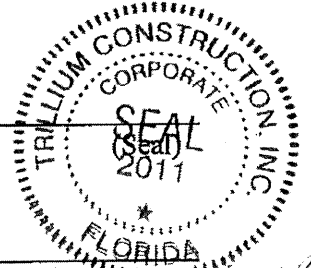
In the event of our failure to acknowledge notice, and commence corrections of defective work within five (5) working days after being notified in writing by the Board of County Commissioners, Palm Beach County, Florida, we, collectively or separately, do hereby authorize Palm Beach County to proceed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

Trillium Construction, Inc.
(Contractor)

By: 
(Signature) Edurno E. Menendez, President



The Guarantee Company of North America USA
(Surety) (Seal)

By: 
(Signature)

Brett Rosenhaus, Attorney-in-Fact
(Print Name)



THE GUARANTEE COMPANY OF NORTH AMERICA USA

Southfield, Michigan

POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS: That THE GUARANTEE COMPANY OF NORTH AMERICA USA, a corporation organized and existing under the laws of the State of Michigan, having its principal office in Southfield, Michigan, does hereby constitute and appoint

Brett Rosenhaus
Nielson and Company, Inc. ~ Lake Worth

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

The execution of such instrument(s) in pursuance of these presents, shall be as binding upon THE GUARANTEE COMPANY OF NORTH AMERICA USA as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at the principal office.

The Power of Attorney is executed and may be certified so, and may be revoked, pursuant to and by authority of Article IX, Section 9.03 of the By-Laws adopted by the Board of Directors of THE GUARANTEE COMPANY OF NORTH AMERICA USA at a meeting held on the 31st day of December, 2003. The President, or any Vice President, acting with any Secretary or Assistant Secretary, shall have power and authority:

- 1. To appoint Attorney(s)-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof; and
2. To revoke, at any time, any such Attorney-in-fact and revoke the authority given, except as provided below
3. In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.
4. In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner - Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of the Company adopted at a meeting duly called and held on the 6th day of December 2011, of which the following is a true excerpt:

RESOLVED that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, contracts of indemnity and other writings obligatory in the nature thereof, and such signature and seal when so used shall have the same force and effect as though manually affixed.



IN WITNESS WHEREOF, THE GUARANTEE COMPANY OF NORTH AMERICA USA has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 23rd day of February, 2012.

THE GUARANTEE COMPANY OF NORTH AMERICA USA

[Signature of Stephen C. Ruschak]

[Signature of Randall Musselman]

STATE OF MICHIGAN
County of Oakland

Stephen C. Ruschak, Vice President

Randall Musselman, Secretary

On this 23rd day of February, 2012 before me came the individuals who executed the preceding instrument, to me personally known, and being by me duly sworn, said that each is the herein described and authorized officer of The Guarantee Company of North America USA; that the seal affixed to said instrument is the Corporate Seal of said Company; that the Corporate Seal and each signature were duly affixed by order of the Board of Directors of



Cynthia A. Takai
Notary Public, State of Michigan
County of Oakland
My Commission Expires February 27, 2018
Acting in Oakland County

IN WITNESS WHEREOF, I have hereunto set my hand at The Guarantee Company of North America USA offices the day and year above written.

[Signature of Cynthia A. Takai]

I, Randall Musselman, Secretary of THE GUARANTEE COMPANY OF NORTH AMERICA USA, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by THE GUARANTEE COMPANY OF NORTH AMERICA USA, which is still in full force and effect.



IN WITNESS WHEREOF, I have thereunto set my hand and attached the seal of said Company this ___ day of

[Signature of Randall Musselman]

Randall Musselman, Secretary



STATE OF FLORIDA - PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

THIS 10 DAY OF April, 2012
SHARON R. BOCK
CLERK & COMPTROLLER

By [Signature]
DEPUTY CLERK