

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: September 13, 2011

Consent

Regular

Workshop

Public Hearing

Department: Facilities Development and Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) A budget transfer of \$600,000 in the 30.5M GO 03 Bond Fund from the Reserves to the West Boynton Branch Renovation project; and

B) Amendment No. 10 to the contract with The Weitz Company (R2007-1105) in the amount of \$1,735,567 for construction management services for the West Boynton Library renovation project establishing a Guaranteed Maximum Price (GMP).

Summary: Amendment No. 10 establishes a GMP of \$1,735,567 and 182 calendar days for completion. The GMP includes the cost of work, the construction manager's fee and a contingency. The Small Business Enterprise (SBE) goal for this contract is 15%. The Weitz Company's SBE participation for this project is 43%. This project is one of the projects slated for the Library Expansion II program. The project is funded through the 30.5 M GO 03 Bond Fund and the Library Expansion Program Fund. The cost is within the original project budget, but the budget transfer is necessary to transfer the money to an expenditure line. (Capital Improvements Division) District 5 (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 Weitz Company has provided pre-construction services on this project. The Amendment establishes a GMP for the project. Builder's Risk insurance for this project will be provided through the County's Master Policy.

Attachments:

1. Location Map
2. Budget Availability Statement
3. Budget Transfer
4. Amendment No. 10

Recommended by:

Amy Wolf

Department Director

8/24/11

Date

Approved by:

County Administrator

9/7/11

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	\$1,771,567	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)					
NET FISCAL IMPACT	\$1,771,567				

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No _____
 Budget Account No: Fund 3021 Dept 321 Unit L059 Object 6502
 Fund 3751 Dept 321 Unit L059 Object 6502
 Reporting Category _____

W 8.17.11

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

Construction	\$1,735,567
Staff Charges	\$23,000
Builders Risk	\$13,000
TOTAL	\$1,771,567

III. REVIEW COMMENTS:

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

[Signature] 8/31/2011
 SN 8/30/11 OFMB cc 8/30/11 8/29/11

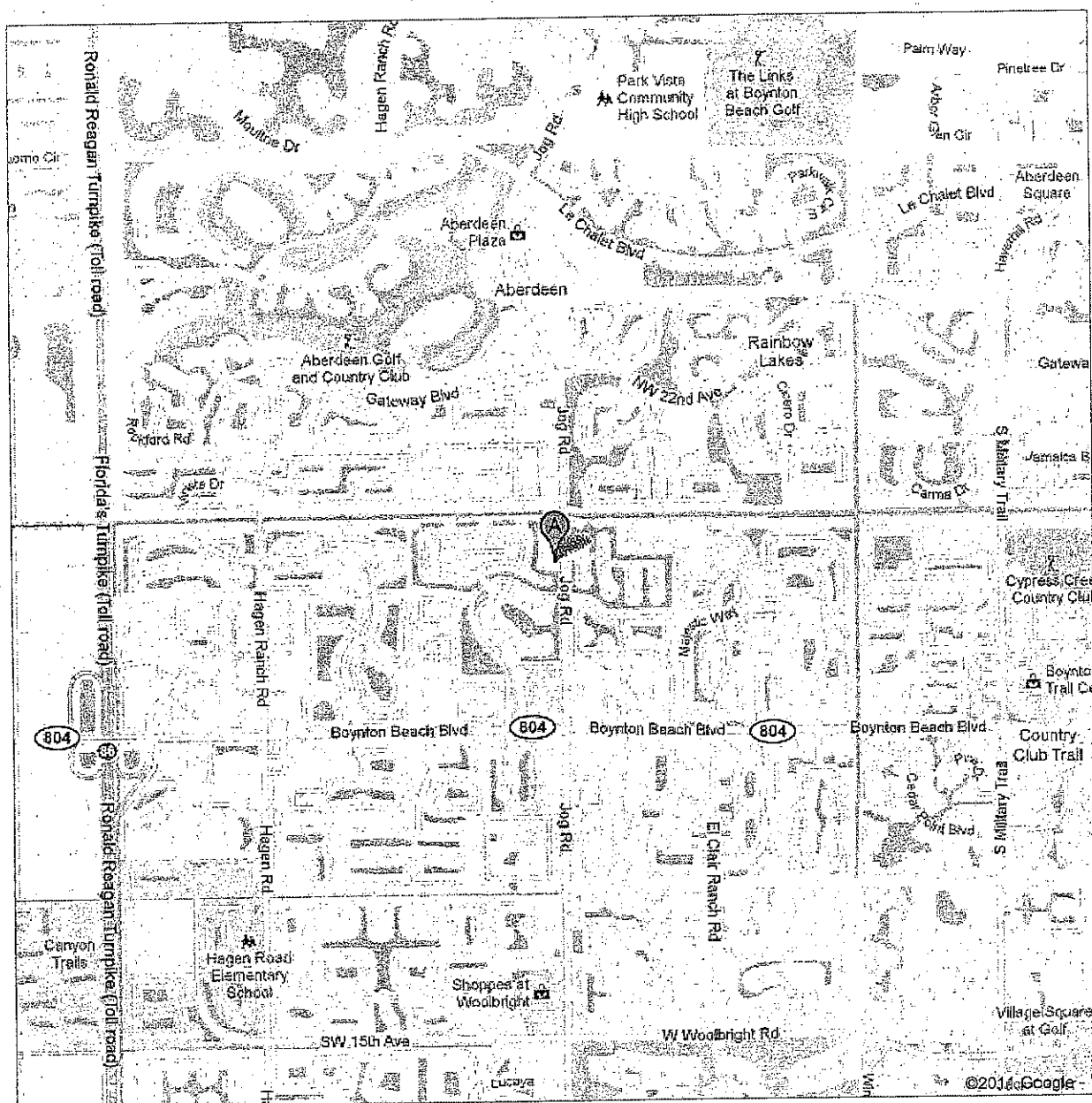
[Signature] 9/20/11
 Contract Administrator

B. Legal Sufficiency:
[Signature] 9/6/11
 Assistant County Attorney

This amendment complies with our review requirements.

C. Other Department Review:
[Signature]
 Department Director

LOCATION MAP



**FACILITIES DEVELOPMENT & OPERATIONS
BUDGET AVAILABILITY STATEMENT**

REQUEST DATE: 7/27/11 REQUESTED BY: Karen Arndt

PHONE: 233-0208
FAX: 233-0270

PROJECT TITLE: West Boynton Library

PROJECT NO.: 03226

ORIGINAL CONTRACT AMOUNT:

BCC RESOLUTION#:

REQUESTED AMOUNT \$1,771,567

DATE

CSA or CHANGE ORDER NUMBER: Amendment 10

CONSULTANT/CONTRACTOR: The Weitz Company

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

Contract award, builder's risk and staff charges

CONSTRUCTION	<u>\$1,735,567</u>
PROFESSIONAL SERVICES	
STAFF COSTS** (Design/Construction Phase)	<u>\$23,000</u>
MISC. (builder's risk)	<u>\$13,000</u>
TOTAL	\$1,771,567

** This is an estimate of staff charges. Actual(s) will be billed at the end of each fiscal year.

BUDGET ACCOUNT NUMBER (IF KNOWN)

FUND: 3021 DEPT: 321 UNIT: L059
3751 321 L059

OBJ: 6502 - \$600,000
6502 - \$1,171,567

FUNDING SOURCE (CHECK ALL THAT APPLY):

AD VALOREM OTHER
 FEDERAL/DAVIS BACON

SUBJECT TO IG FEE? X YES NO

BAS APPROVED BY: _____

DATE: 8/4/2011

ENCUMBRANCE NUMBER: _____

11 - 1058

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BGEX - 321 - 080311-1966

BUDGET TRANSFER
FUND 3021 30.5M GO 03, LIBRARY IMPROVEMENTS

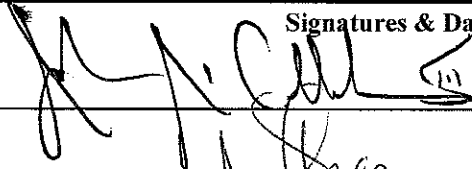
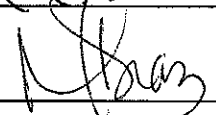
ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 08/03/11	REMAINING BALANCE
<u>EXPENDITURES</u>							
<u>WEST BOYNTON BRANCH RENOVATION</u>							
321-L059 6502 Building Construction - Cip	0	0	600,000	0	600,000	0	600,000
<u>RESERVES</u>							
321-9900 9909 Res-Improvement Program	4,139,273	2,385,906	0	600,000	1,785,906	0	1,785,906

PALM BEACH COUNTY
LIBRARY SYSTEM

INITIATING DEPARTMENT/DIVISION

Administration/Budget Department Approval
OFMB Department - Posted

Signatures & Dates

 8/4/11
 8/31/11

BY BOARD OF COUNTY COMMISSIONERS
AT MEETING OF SEPTEMBER 13, 2011

Deputy Clerk to the
Board of County Commissioners

 8/31/11

**AMENDMENT 10 TO CONTRACT FOR
CONSTRUCTION MANAGEMENT SERVICES
WEST BOYNTON LIBRARY
PROJECT NO. 03226**

WHEREAS, the Owner and Construction Manager acknowledge and agree that the Contract between Owner and Construction Manager dated 7/11/07 (R2007-1105) 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 \$1,735,567 for the construction costs of the West Boynton Library project. Refer to Exhibit A.

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

Pursuant to Article 5.3, Construction Manager shall substantially complete the project within 182 calendar days of receiving the Notice to Proceed with construction work from the Owner. Liquidated Damages are \$375/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

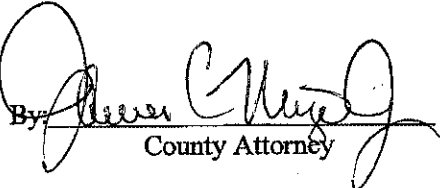
PALM BEACH COUNTY BOARD, FLORIDA
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

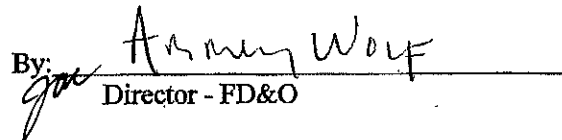
By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

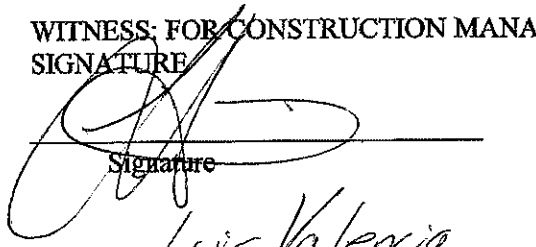
APPROVED AS TO TERMS
AND CONDITIONS

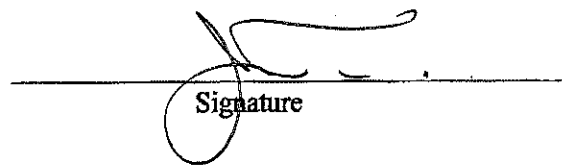
By: 
County Attorney

By: 
Director - FD&O

WITNESS: FOR CONSTRUCTION MANAGER
SIGNATURE

CONSTRUCTION MANAGER:


Signature
Luis Valencia
Name (type or print)


Signature
Jon Tori
Name (type or print)

Sr. Vice President
Title

(Corporate Seal)

EXHIBIT A



GMP Estimate Summary

Project Name: PBC West Boynton Library
 Job Number F308699
 Estimate Date: 21-Jun-11

Gross Area (GSF): 18,057
 Estimate Status: GMP
 Addenda: 1

REV01

Line No.	Bid Ticket	Trade Description	100% CD Estimate	Costs per Sqft
1	01A	Construction Management	\$ 199,150	\$ 11.03
2	01B	General Conditions	\$ 15,145	\$ 0.84
3	02A	Demolition	\$ 46,832	\$ 2.59
4	03A	Concrete	\$ 28,720	\$ 1.59
5	04A	Masonry	\$ 8,120	\$ 0.45
6	06A	Rough Carpentry	\$ 29,838	\$ 1.65
7	06E	Millwork	\$ 79,779	\$ 4.42
8	07D	Membrane Roofing	\$ 149,702	\$ 8.29
9	07H	Caulking & Waterproofing - Allowance	\$ 7,000	\$ 0.39
10	08A	Doors, Frames & Hardware	\$ 50,505	\$ 2.80
11	08I	Windows	\$ 40,703	\$ 2.25
12	09A	Stucco	\$ 12,637	\$ 0.70
13	09C	Drywall	\$ 38,063	\$ 2.11
14	09D	Tile, Carpet & VCT	\$ 97,431	\$ 5.40
15	09E	Acoustical Treatment	\$ 38,601	\$ 2.14
16	09K	Painting	\$ 36,378	\$ 2.01
17	10A	General Specialties	\$ 4,999	\$ 0.28
18	10D	Signage	\$ 20,545	\$ 1.14
19	10L	Toilet Accessories & Partitions	\$ 7,090	\$ 0.39
20	21A	Fire Protection	\$ 8,481	\$ 0.47
21	22A	Plumbing	\$ 24,766	\$ 1.37
22	23A	HVAC	\$ 284,200	\$ 15.74
23	26A	Electrical	\$ 252,479	\$ 13.98
24	32A	Paving, Curbing & Signage	\$ 60,291	\$ 3.34
25	32D	Landscape & Irrigation - Allowance	\$ 17,078	\$ 0.95
SUBTOTAL			\$ 1,558,532	\$ 86.31
Permits			By Owner	
General Liability Insurance 1.000%			\$ 17,356	
Builders Risk Insurance 0.000%			By Owner	
Builders Risk Insurance Deductible Each			By Owner	
Performance Bond 1.000%			\$ 17,356	
Tax Savings (Allowance) 0.250%			\$ (3,896)	
Contractor Contingency 4.000%			\$ 63,574	
Construction Fee 5.000%			\$ 82,646	
TOTAL PROJECT			\$ 1,735,567	
Cost Per GSF			\$ 96.12	

SBE%= 56%

SCHEDULE 1

LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION

PROJECT NAME OR BID NAME : West Boynton Branch Library Renovations PROJECT NO. OR BID NO. : 03226
 NAME OF PRIME BIDDER: The Weitz Company, LLC ADDRESS: 9451 Jog Road, Boynton Beach, FL 33437
 CONTACT PERSON: Luis Valencia PHONE NO: 561-687-4841 FAX NO: 561-681-3340
 BID OPENING DATE: _____ USER DEPARTMENT: _____

THIS DOCUMENT IS TO BE COMPLETED BY THE PRIME CONTRACTOR AND SUBMITTED WITH THE BID PACKET. PLEASE LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SBE-M/WBE SUBCONTRACTORS ON THIS PROJECT. IF THE PRIME IS AN SBE-M/WBE, PLEASE ALSO LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME ON THIS PROJECT

Name, Address and Phone Number	(Check one or both Categories)		DOLLAR AMOUNT OR PERCENTAGE OF WORK				
	M/WBE Minority Business	SBE Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
KMI International 2501 Park Street, Lake Worth, FL 33460 561-588-5514	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		\$75,100.00			
Coast to Coast Forming, Inc. 6995 Barbour Rd., Riviera Beach, FL 33407 561-840-7708	<input type="checkbox"/>	<input checked="" type="checkbox"/>					\$22,596.00
Palm Beach Glass 1717 Edgar Street, WPB, FL 33401 561-655-3344	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$10,419.00		
Atlantic Interior Services, Inc. 208 N. US HW 1 STE #2, Tequesta, FL 33468 561-575-4499	<input type="checkbox"/>	<input checked="" type="checkbox"/>					\$73,516.00
Jack Walsh Carpet & Rugs, Inc. 501 Ardmore Rd, WPB, FL 33401 561-659-4846	<input type="checkbox"/>	<input checked="" type="checkbox"/>					\$68,148.00
Advanced Painting Contractors 7369 Westport Place., WPB, FL 33413 561-845-0123	<input type="checkbox"/>	<input checked="" type="checkbox"/>					\$27,950.00
Baron Sign Manufacturing 900 W. 13 th St., Riviera Beach, FL 33404 561-863-7446	<input type="checkbox"/>	<input checked="" type="checkbox"/>			\$20,241.00		
The BG Group, LLC 1140 Holand Dr., Ste 19, Boca Raton 33487 561-998-7997	<input type="checkbox"/>	<input checked="" type="checkbox"/>					\$31,840.00

Nichols Industries, Inc. 177 N. U.S. Hwy 1 Suite 276, Tequesta, FL 33469 561-747-6778	<input type="checkbox"/>	<input checked="" type="checkbox"/>								\$7,450.00
Hi-Tech Roofing and Sheet Metal, Inc. 2266 4 th Ave North, Lake Worth, FL 33461 561-586-3110	<input type="checkbox"/>	<input checked="" type="checkbox"/>								\$124,860.00
Coastal Sheet Metal Corp.	<input type="checkbox"/>	<input checked="" type="checkbox"/>								\$24,800.00
Sunny State Nursery & Landscape 10716 Heritage Farms Rd., Lake Worth, FL 33467 561-969-6738	<input type="checkbox"/>	<input checked="" type="checkbox"/>								\$13,825.00
Knight Electric Company, Inc.. 2610 Old Okeechobee Rd, WPB, FL 33409 561-689-3500	<input type="checkbox"/>	<input checked="" type="checkbox"/>								\$244,348.00
I.S.I. Mechancial P.O. Box 244167 Boynton Beach, FL 33424 561-364-5881	<input type="checkbox"/>	<input checked="" type="checkbox"/>								\$18,400.00
(Please use additional sheets if necessary)										
Total										\$75,100.00
										\$30,660.00
										\$657,733.00

Total Bid Price \$ 1,735,657.00 Total SBE-M/WBE Participation Dollar Amount or Percentage of Work \$763,493.00

Note:

1. The amounts listed on this form for a subcontractor must be supported by prices or percentages 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 or percentage under the appropriate category.
3. M/WBE information is being collected for tracking purposes only.

Revised 3/15/11

PUBLIC CONSTRUCTION BOND

BOND NUMBER: Federal Bond no. 8228-44-60;F&D Bond no. 09030496

BOND AMOUNT: \$1,735,567.00

CONTRACT AMOUNT: \$1,735,567.00

CONTRACTORS NAME: The Weitz Company, LLC

CONTRACTORS ADDRESS: 1720 Centrepark Drive East
West Palm Beach, FL 33401

CONTRACTORS PHONE: 561-687-4841

SURETY COMPANY: Federal Insurance Company

SURETYs ADDRESS: 15 Mountain View Road
Warren, NJ 07059

Fidelity and Deposit Company of Maryland
1400 American Lane, Tower 1, 19th floor, Schaumburg, IL 60196

OWNERS NAME: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

OWNERS ADDRESS: 2633 Vista Parkway
West Palm Beach, FL 33411-5604

OWNERS PHONE: (561) 233-0261

DESCRIPTION OF WORK: Renovation to a 18,057 SF Library Facility

PROJECT LOCATION: West Boynton Library

LEGAL DESCRIPTION: _____

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

KNOW ALL MEN BY THESE PRESENTS: that Contractor and Surety, are held and firmly bound unto

Palm Beach County Board of County Commissioners
301 N. Olive Avenue
West Palm Beach, Florida 33401

as Obligee, herein called County, for the use and benefit of claimant as hereinbelow defined, in the amount of One million seven hundred thirty five thousand five hundred sixty seven and no/100--- Dollars

(\$1,735,567.00)

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: West Boynton Library Renovation
Project No.: 03226
Project Description: Renovation to a 18,057 sf library facility
Project Location: West Boynton Beach, FL

in accordance with Design Criteria Drawings and Specifications prepared by

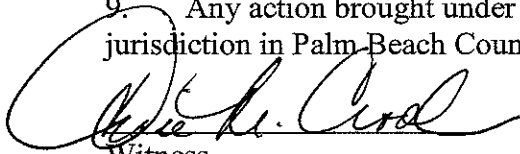
Colome & Associates, Inc.
530 24th St
West Palm Beach, FL 33407
(561)833-9147
(561)833-9356 (fax)


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:

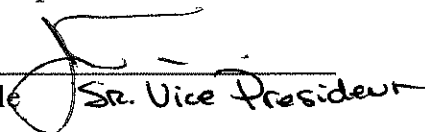
1. Performs the contract between Principal and County for the construction of the West Boynton Library Renovation, the contract being made a part of this bond by reference, at the times and in the manner prescribed in the contract; and
2. Promptly makes payments to all claimants, as defined in Section 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.

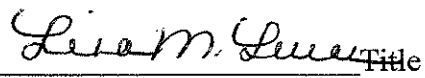

 Witness


 Witness

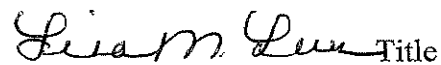
The Weitz Company, LLC
 Principal (Seal)

Title 

Federal Insurance Company
 Surety (Seal)


 Title
 Lisa M. Lucas, Attorney-in-fact

Fidelity and Deposit Company of Maryland
 Surety


 Title
 Lisa M. Lucas, Attorney-in-fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

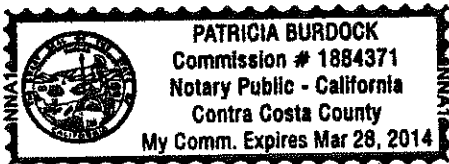
State of California

County of Contra Costa }

On August 3, 2011 before me, Patricia Burdock, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Lisa M. Lucas
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Patricia Burdock
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____

Individual Partner — Limited General Individual Partner — Limited General

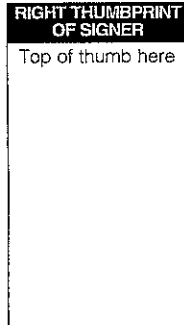
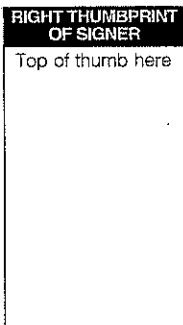
Attorney in Fact Attorney in Fact

Trustee Trustee

Guardian or Conservator Guardian or Conservator

Other: _____ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____



FORM OF GUARANTEE

GUARANTEE FOR (Contractor and Surety Name) The Weitz Company, LLC and Federal Insurance Company ;Fidelity and Deposit Company of Maryland

We the undersigned hereby guarantee that the **West Boynton Library Renovation, project no. 03226**, West Boynton Beach, 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

The Weitz Company, LLC
(Contractor) (Seal)

By: _____
(Signature)
Jon Tozzi
SR. Vice President

Federal Insurance Company
(Surety) (Seal)

By: *Lisa M. Lucas*
(Signature)

Lisa M. Lucas, Attorney-in-fact

Fidelity and Deposit Company of Maryland
(Surety) (Seal)

By: *Lisa M. Lucas*
Lisa M. Lucas, Attorney-in-fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

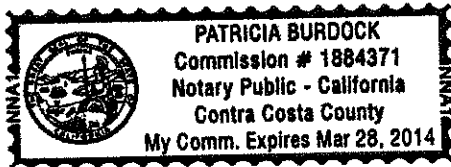
State of California

County of Contra Costa

On August 3, 2011 before me, Patricia Burdock, Notary Public
Date Here insert Name and Title of the Officer

personally appeared Lisa M. Lucas
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Patricia Burdock
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

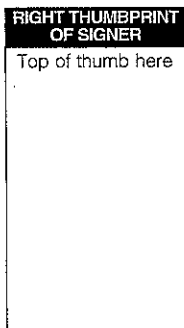
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

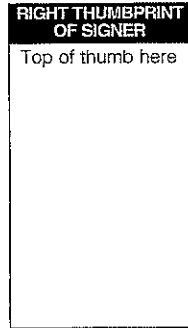
- Corporate Officer — Title(s): _____
- Individual
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Corporate Officer — Title(s): _____
- Individual
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____



**Chubb
Surety**

**POWER
OF
ATTORNEY**

**Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company**

**Attn: Surety Department
15 Mountain View Road
Warren, NJ 07059**

Know All by These Presents, That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint **A.W. Brown, Lisa M. Lucas, William Phillips, Jr., Veronica Ramirez and D. Richard Stinson of San Ramon, California**

each as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

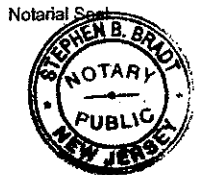
In Witness Whereof, said **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** have each executed and attested these presents and affixed their corporate seals on this **5th** day of **October, 2009**.

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY
County of Somerset ss.

On this **5th** day of **October, 2009** before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By- Laws and in deponent's presence.



STEPHEN B. BRADT
Notary Public, State of New Jersey
No. 2321097
Commission Expires Oct. 25, 2014

Notary Public

CERTIFICATION

Extract from the By- Laws of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY**:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- in- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** (the "Companies") do hereby certify that

- (i) the foregoing extract of the By- Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this **August 3, 2011**.



Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by FRANK E. MARTIN JR., Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **D. Richard STINSON, Lisa M. LUCAS, William PHILLIPS JR. and A.W. BROWN, all of San Ramon, California, EACH** 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 Company, 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 Company at its office in Baltimore, Md., in their own proper persons.~~ This power of attorney revokes that issued on behalf of D. Richard STINSON, Lisa M. LUCAS, William PHILLIPS JR., A.W. BROWN, Veronica RAMIREZ, dated October 5, 2009.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 1st day of December, A.D. 2010.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

Frank E. Martin Jr.

By:

Gregory E. Murray Assistant Secretary

Frank E. Martin Jr.

Vice President

State of Maryland }
City of Baltimore } ss:

On this 1st day of December, A.D. 2010, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came FRANK E. MARTIN JR., Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

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



Maria D. Adamski

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2011



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/12/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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

PRODUCER Construction Surety & Insurance Services, LLC P.O. Box 65428 West Des Moines, IA 50265 Maria Matamoros	1-515-698-4262 RECEIVED CAPITAL IMPROVEMENTS DIV. MAY 19 2011	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #:	FAX (A/C, No):
INSURED The Weitz Company, LLC 5901 Thornton Avenue Des Moines, IA 50321	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: AMERICAN CONTRACTORS INS CO RRG	12300	
	INSURER B: ZURICH AMER INS CO	16535	
	INSURER C: UNITED STATES FIRE INS CO	21113	
	INSURER D: AMERICAN GUAR & LIAB INS	26247	
	INSURER E: ACIG INS CO	19984	
	INSURER F:		

COVERAGES

CERTIFICATE NUMBER: 21153680

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY		GL10P00030	06/01/10	06/01/13	EACH OCCURRENCE \$ 5,000,000
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY		GL10PX0030 Excess FF	06/01/10	06/01/13	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
B	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		GLO5461136-00 Excess	06/01/10	06/01/13	MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PERSONAL & ADV INJURY \$ 5,000,000
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC					GENERAL AGGREGATE \$ 7,000,000
						PRODUCTS - COMP/OP AGG \$ 7,000,000
						\$
C	AUTOMOBILE LIABILITY		138-730244-4	06/01/11	06/01/12	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
	<input checked="" type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS					\$
	<input checked="" type="checkbox"/> NON-OWNED AUTOS					\$
						\$
D	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR		UMB5461137-00	06/01/10	06/01/13	EACH OCCURRENCE \$ 10,000,000
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$ 10,000,000
	DEDUCTIBLE					\$
	RETENTION \$					\$
E	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		WC11000062	06/01/11	06/01/12	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
E	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input type="checkbox"/> N	WC11000063	06/01/11	06/01/12	E.L. EACH ACCIDENT \$ 1,000,000
E	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	WC11000080	06/01/11	06/01/12	E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
E			WC11000108	06/01/11	06/01/12	E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

(PAL0) Weitz Florida: CM at risk services for various projects. Palm Beach County, a political subdivision of the State of Florida, its officers, agents and employees, and Palm Beach County Board of County Commissioners are included as additional insureds as respects GL and auto coverage. Coverage is primary and non-contributing. Waiver of subrogation applies for workers compensation coverage.

CERTIFICATE HOLDERPalm Beach County
Capital Improvements Division
2633 Vista Parkway
West Palm Beach, FL 33411-5604
USA**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

philipm
ACORD 25 (2009/09)
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