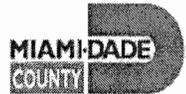


MEMORANDUM



Date: June 3, 2008
To: Honorable Chairman Bruno A. Barreiro,
and Members, Board of County Commissioners
From: George M. Burgess
County Manager 

Agenda Item No. 8(M)3b

Subject: Retroactive Change Order No: One (1) for Camp Owaissa Bauer, Renovate and Upgrade Facilities – Project No: 693001-03-001; Contract No. 693001-03-001, to **Zurqui Construction Services Inc.**

Recommendation

The attached Retroactive Change Order No: One (1) on a contract between **Zurqui Construction Services Inc.** and Miami-Dade County has been prepared by the Park and Recreation Department and is recommended for approval.

CHANGE ORDER NUMBER: One (1)

Scope

PROJECT NAME: Camp Owaissa Bauer Renovate and Upgrade Facilities

PROJECT NO: 693001-03-001

CONTRACT NO: 693001-03-001

PROJECT DESCRIPTION: Upgrades and renovations to existing cabins, dining hall, kitchen, bathrooms and walkways.

PROJECT LOCATION: 17001 S W 264 Street, Miami , FL 33031

PRIMARY COMMISSION DISTRICT: District 8 Katy Sorenson

APPROVAL PATH: Board of County Commissioners

USING DEPARTMENT: Park and Recreation Department

MANAGING DEPARTMENT: Park and Recreation Department

Fiscal Impact / Funding Source

CHANGE ORDER FUNDING SOURCE: Building Better Communities General Obligation Bond (GOB), Safe Neighborhood Park Bond (SNP)

PTP FUNDING: No

GOB FUNDING: Yes

GOB PROJECT:	<u>GOB PROJECT / DESCRIPTION</u>	<u>GOB ALLOCATION</u>
	31-GOB - Camp Owaissa Bauer	\$340,000.00

CHANGE ORDER DESCRIPTION: Increase the contract amount by \$240,960.94 from \$1,375,234.55 to \$1,616,195.49 and extend the contract time by four-hundred and fifty five (455) calendar days from February 1, 2007 to May 1, 2008 is recommended.

MONETARY JUSTIFICATION: PRD recommends an increase of \$240,960.94 to the contract award amount for the following changes:

A. Department Requested Changes:

1. Upgrade interior wall and shower tile to conform to the new park standards. These upgrades will minimize maintenance and cleaning efforts. The total negotiated cost for this work, including structural reinforcement is \$10,812.38.
2. Redesign of the septic tanks and drain field systems due to site constraints. The four individual systems were consolidated into two pump assisted systems and relocated to a new area to avoid encroaching into a Natural Forest Community. The negotiated cost, including the credit for the originally designed system, is \$120,547.95 of which \$90,568.44 was paid from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for that amount (\$90,568.44).

B. Unforeseen Conditions:

Note: Extensive destructive sampling could not be performed during the design phase due to the operational schedule of camp activities. Destructive sampling was performed during the construction phase to discover and analyze the soundness of the existing structural components of these forty-five (45) year old cabins and bathrooms.

1. Relocation of the damaged water shut-off valve for the bathhouse to allow for post-construction access. The negotiated cost for this work is \$3,986.68 and was paid from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for this amount.
2. Replace corroded cast iron water service and distribution lines with new CVPC water lines in the bathhouse. The estimated cost for this work currently under negotiation is \$13,500.00. The Contractor's ultimate entitlement and compensation shall be based on amounts confirmed and approved by the PRD.

3. Replace deteriorated shower partition walls with Park's standard bathroom wall partitions. The negotiated cost for this work is \$2,898.00 and was paid out from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for this amount.
4. Replace damaged metal partitions and substrate at the bathhouse that were found to be structurally compromised. The negotiated cost for the replacement work needed is \$23,911.93 of which \$7,911.93 was paid from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for this amount (\$7,911.93). The remaining cost is \$16,000.00.
5. Replace corroded conduit and wire insulation. The negotiated cost for this replacement work is \$1,357.76 and was paid out from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for this amount.
6. Remove structurally compromised sections of the existing cabin roof slabs. The negotiated cost for this work is \$3,891.50 and was paid out from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for this amount.

C. Design Errors:

1. Relocation of above-ground propane fuel tank to meet Code requirements for minimum separation between fuel lines and other utilities. The negotiated cost for this relocation work is \$5,298.38.
2. Substitution of specified light-weight insulating concrete roof system for tapered-roof insulation system for all four cabins. The additional negotiated cost for this work is \$18,417.00.

D. Design Omissions: N/A

E. Other Actions Recommended:

1. Reinforcement of exterior masonry walls in all four cabins. The negotiated cost for the structural reinforcement is \$13,346.36.
2. Extension of Insurance Policies: Cost associated with renewal of insurances due to delays beyond the contractor's control (See Time Justification – Item No.1).

The cost to renew and extend these policies for a one (1) year period is \$22,993.00.

TIME JUSTIFICATION:

The PRD recommends a retroactive time extension to the contract of four-hundred and fifty five (455) calendar days from February 1, 2007 to May 1, 2008. This time extension is further described below.

1. Forty-five (45) calendar days of time extension for delays pertaining to the re-design of the septic tank system (See Department Requested Changes – Item No. A2 above). Of these forty-five (45) calendar days of time extension, twenty-four (24) were assigned from the time contingency allowance. Upon approval of this change order, a departmental draw will be made to replenish the time contingency for these days (24 days). The remaining twenty-one (21) calendar days of time extension ($45 - 24 = 21$) are recommended for approval. A non-compensable time extension was negotiated for these delays that otherwise would have been defined as compensable.
2. An additional four hundred and ten (410) calendar days of time extension are recommended in order to adequately extend the contractual completion date. Several claims have been filed by the contractor for potential entitlement to extended general conditions resulting from delays associated with the septic tanks' re-design (See Department Requested Changes – Item No. A2 above); the substitution of the roofing system (See Design Errors - Item No. C2); and the added reinforcement to the cabin walls (See Other Actions Recommended - Item No. E1). The PRD is reviewing and assessing these claims towards a final determination of responsibility. A future change order will describe the actions recommended to finalize the project's contractual and administrative close-outs; however, it is in the best interest of the County to extend the contract in order to minimize additional/potential losses (See Background below.) If the final determination places responsibility for the delays with the contractor or architect of record, staff has been directed to coordinate with the County Attorney's Office (CAO) to recover any and all damages resulting from errors/omissions/actions committed during the performance of the contract.

Time contingency summary:

Beginning Balance: 24
Total Amount Used to Date: 24
Requested Replenishment: 24
Ending Bal. after Change Order: 24

4

	<u>Original Contract Values</u>	<u>Previous Adjustments To Values</u>	<u>This Change Order Values</u>	<u>Current Totals</u>	<u>Total Paid</u>	<u>Balance After Change Order</u>
BASE:	\$1,242,869.00	\$0.00	\$240,960.94	\$1,483,829.94	\$979,136.55	\$504,693.39
CONTINGENCY:	\$124,286.90	\$0.00	\$0.00	\$124,286.90	\$110,614.31	\$13,672.59
DEDICATED:	<u>\$8,078.65</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$8,078.65</u>	<u>\$8,078.65</u>	<u>\$0.00</u>
TOTALS:	\$1,375,234.55	\$0.00	\$240,960.94	\$1,616,195.49	\$1,097,829.51	\$518,365.98

	<u>Original Contract Duration</u>	<u>Previous Adjustments To Duration</u>	<u>This Change Order Duration</u>	<u>Current Totals</u>
BASE DURATION:	240	0	455	695
CONTINGENCY:	<u>24</u>	<u>0</u>	<u>0</u>	<u>24</u>
TOTAL DURATION:	264	0	455	719

INITIATING FACTOR(S) FOR CHANGE ORDER

<u>Reason</u>	<u>Cost</u>	<u>Duration</u>
Other Agency Requested Change	\$0.00	0
Design Errors Change	\$ 23,715.38	0
Design Omissions Change	\$0.00	0
County Requested Change	\$131,360.33	45
Unforeseen/Unforeseeable Change	\$49,545.87	410
Other	<u>\$36,339.36</u>	<u>0</u>
Total	\$240,960.94	455

Track Record / Monitor

PERFORMANCE RECORD: There are four (4) performance evaluations in CIIS reflecting that the Contractor has an Overall Performance Average of 2.6 out of 4.

PRIME CONTRACTOR: Zurqui Construction Services, Inc.

COMPANY PRINCIPAL: Eddy Gonzalez Jr. and Ana Gonzalez

COMPANY QUALIFIERS: Eddy Gonzalez Jr.

COMPANY EMAIL ADDRESS: None

COMPANY STREET ADDRESS: 9755 S W 40th Terrace

COMPANY CITY-STATE-ZIP: Miami, FL 33165

YEARS IN BUSINESS AT TIME OF AWARD: 16

PREVIOUS EXPERIENCE WITH COUNTY IN THE LAST FIVE YEARS AT TIME OF AWARD: Eleven (11) contracts for a Total Award Amount of \$18,671,814 and Total Change Orders Approved by BCC of \$4,559,297. See Firm History Report (Attachment A).

SUBCONTRACTORS AND SUPPLIERS (SECTION 10-34 MIAMI DADE COUNTY CODE): A-1 Duran Roofing; ABS Metal Fabricators, Inc; Statewide Electrical Services Inc, Sunshine State A/C; Diaza Drywall; Dopico Services, Inc; Ready Window Sales and Service, Corp; Miami Water Heater, Inc; Guaranteed Fence, Corp; Cellucrete, Corp; Barreiro Concrete Corporation; All Specialty Sales, Inc; Sunshine Windows and Doors.

CONTRACT MANAGER NAME/PHONE/EMAIL: Andrew Burgess 305-755-7817 aburges@miamidade.gov

PROJECT MANAGER NAME/PHONE/EMAIL: Joel Arango 305-755-5456 JArango@miamidade.gov

BACKGROUND: This contract's Notice to Proceed was dated June 6th, 2006, with duration of 240 calendar days. The original contract expiration date is February 1st, 2007. The objective of this contract is to renovate and upgrade four (4) of the existing six (6) cabins; the dining hall; the bathhouse; and the walkways.

The subject Change Order No. One to this contract will increase the original contract amount by \$240,960.94, and extend the contract time by four-hundred and fifty five (455) calendar days for:

- Department Requested Changes/Upgrades
- Unforeseen Conditions
- Design Errors
- Other Actions Recommended

The renovation work under contract has been impacted by multiple unforeseen conditions. The PRD is concentrating its efforts in addressing necessary improvements to maximize life expectancy and minimize maintenance costs prior to re-opening the facility to the public.

Refer to attachments "A" through "D"

BUDGET APPROVAL FUNDS AVAILABLE:

~~A~~

4-18-08

[Signature]
OSBM DIRECTOR

4/21/08
DATE

APPROVED AS TO LEGAL SUFFICIENCY:

[Signature]
COUNTY ATTORNEY

4/21/08
DATE

CAPITAL IMPROVEMENTS CONCURRENCE:

GW 4/23

[Signature]
OCI DIRECTOR

4-24-08
DATE

[Signature]
ASSISTANT COUNTY MANAGER

DATE

CLERK DATE:

DATE

Memorandum



Date: April 17, 2008

To: Jack Kardys, Director
Park and Recreation Department

From: Penelope Townsley, Director 
Department of Small Business Development

Subject: Project No. 693001-03-001, Change Order No. 1

The subject project was reviewed by the Department of Small Business Development (SBD) for compliance with the following sections of the Code of Miami-Dade County - the Community Small Business Enterprise (CSBE) Program and the Responsible Wage and Benefits Ordinances, §10-33.02 and 2-11.16. This project was awarded to Zurqui Construction Services, Inc. (Zurqui) with a 22% CSBE goal. The CSBEs meeting the goal are performing electrical and air conditioning work. This change order increases the contract amount by \$240,960.94 from \$1,375,234.55 to \$1,616,195.49 and extends the contract time by four-hundred and fifty five (455) calendar days. The work covered in Change Order No. 1 has been completed and because the Change Order only includes \$1,375.76 in the scopes being performed by the CSBEs, the goal will not apply to the change order amount.

Based on the latest Monthly Utilization Report, Zurqui has requisitioned the County \$918,311.24 and paid \$237,102.61 or 26% to CSBE firms fulfilling goal. The prime contractor and subcontractors are in compliance with the CSBE program and wage requirements applicable to this project.

Please do not hesitate to contact me at 305-375-3134 if you need additional information.

c: Alice Hidalgo-Gato, CRC Division Director, SBD
Betty Alexander, BPD Division Director, SBD
Patrice King, Administrative Officer, SBD



Dept. of Business Development
Project Worksheet

Project/Contract Title: CAMP OWAISSA BAUER, RENOVATE AND UPGRADE FACILITIES (SIC 15) RC Date: 05/04/2005
 Project/Contract No: 693001-03-001 Funding Source: Item No: 3-02
 Department: PARKS & RECREATION SNP Resubmittal Date(s):
 Estimated Cost of Project/Bid: \$1,233,787.00
 Description of Project/Bid: TO ESTABLISH A CONTRACT FOR UPGRADES AND RENOVATIONS TO EXISTING CABINS, DINING HALL, KITCHEN, BATHROOMS AND WALKWAYS.

Contract Measures Recommendation

Measure	Program	Goal Percent
Goal	CSBE	21.58%

Reasons for Recommendation

An analysis of the factors contained in section VI C of Administrative Order 3-22 indicate that a goal is appropriate on this project in the trades of Plumbing, Heating, A/C- 3.10%, Electrical-2.82%, Concrete-6.89%, and Carpentry (Doors, Windows, Wood, Plastic, and Finishes 8.77%).

CWP Not Applicable: Not in DTA

Analysis for Recommendation of a Goal

Subtrade	Cat.	Estimated Value	% of Items to Base Bid	Availability
Carpentry Contractors	CSBE	\$108,203.12	8.77%	12
Concrete Contractors	CSBE	\$85,007.92	6.89%	20
Plumbing, Heating, and Air-Conditioning Contractors	CSBE	\$38,247.40	3.10%	38
Electrical Contractors	CSBE	\$34,792.79	2.82%	56
Total		\$266,251.23	21.58%	126

Living Wages: YES NO Highway: YES NO Heavy Construction: YES NO
 Responsible Wages: YES NO Building: YES NO

Since 90-143 is applicable to all construction projects over \$100,000 that do not utilize Federal Funds

REVIEW COMMITTEE RECOMMENDATION

Tier 1 Set Aside _____
 Set Aside _____ Level 1 _____ Level 2 _____ Level 3 _____
 Trade Set Aside (MCC) _____ Goal 22% Bid Preference _____
 No Measure _____ Deferred _____ Selection Factor _____
 _____ 5/9/05 _____ 5/9/05
 Chairperson, Review Committee Date County Manager Date



MIAMI DADE COUNTY Firm History Report

From: 12/12/2000 To: 12/12/2005

FIRM NAME: ZURQUI CONSTRUCTION SERVICE, INC.
9755 SW 40th Ter
Miami, FL 33165

PRIMES

ATTACHMENT A

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
* 99169	1	PR	GOAL CSBE 10%	07/10/2001	\$2,121,315.00
COUNTRY CLUB OF MIAMI-DRIVING RANGE AND PARKING LOT (RESUBMITTAL FROM 9/29/99) (SIC 17)					
Change Order #	2	FEB-12-02	69 days		\$628,155.00
Change Order #	3	SEP-24-02	234 days		
					<u>\$2,749,470.00</u>
* 99155	1	PR	GOAL CSBE 24%	11/03/2001	\$1,368,836.00
KENDALL SOCCER PARK FIELD CENTER (SIC 15)					
Change Order #	3	DEC-17-02	0 days		\$1,480,849.10
					<u>\$2,829,685.10</u>
* 49280101001	1	PR	GOAL CSBE 16%	11/04/2001	\$1,217,314.00
WESTWIND LAKES LARGE RECREATION CENTER & LIGHTED PARKING LOT (SIC 15)					
Change Order #	1	APR-13-04	170 days		\$293,436.97
					<u>\$1,510,750.97</u>
* 30200101002	1	PR	GOAL CSBE 16%	11/14/2001	\$307,055.00
DORAL PARK REST ROOM AND STORAGE COMPONENT BUILDING					
Change Order #	3	JUL-22-03	45 days		\$56,395.25
					<u>\$363,450.25</u>

* Indicates closed or expired contracts

Friday, April 4, 2008

01



MIAMI DADE COUNTY

Firm History Report

From: 12/12/2000 To: 12/12/2005

FIRM NAME: ZURQUI CONSTRUCTION SERVICE, INC.
9755 SW 40th Ter
Miami, FL 33165

PRIMES

PROJECT #	CONTRACT	DEPT	MEASURES	AWARD DATE	AWARD AMOUNT
* 99054	1	PR	GOAL CSBE 14%	06/19/2002	\$6,154,948.00
COUNTRY CLUB OF MIAMI STORM WATER IMPROVEMENT (RESUBMITTAL FROM 3/15/00, 8/03/00) (SIC 16)					
Change Order #	1	APR-22-03			\$2,025,000.00
Change Order #	2	JUL-22-03	112 days		\$56,392.90
Change Order #	3	SEP-21-04	195 days		\$8,236,340.90
* A01-PARK-08	1	PR	GOAL CSBE 9%	01/16/2003	\$30,000.00
AFRICAN HERITAGE CULTURAL ARTS CENTER MUSIC HALL ADDITION (SIC 15)					
* 31150998001-A-PH 2	1	PR	GOAL CSBE 18%	01/16/2003	\$1,762,323.64
AFRICAN HERITAGE CULTURAL ARTS CENTER MUSIC HALL ADDITION					
Change Order #	1	MAR-06-06	81 days		\$3,293.04
* 31150998001 PH 1	1	PR	LEVEL 1 SET ASIDE CSBE 100%	01/16/2003	\$75,570.90
AFRICAN HERITAGE CULTURAL ARTS CENTER MUSIC HALL ADDITION - PHASE 1					
NEW TRAILERS INSTALLATION (SIC 15)					
FL 5-019A	1	HD	NO MEASURE	06/11/2003	\$3,449,336.00
LINCOLN GARDENS					
					\$3,449,336.00

* Indicates closed or expired contracts

Friday, April 4, 2008



MIAMI DADE COUNTY

Firm History Report

From: 12/12/2000 To: 12/12/2005

PRIMES

FIRM NAME: ZURQUI CONSTRUCTION SERVICE, INC.
9755 SW 40th Ter
Miami, FL 33165

PROJECT #	CONTRACT	DEPT	MEASURES	AWARD DATE	AWARD AMOUNT
31160802002	1	PR	GOAL CSBE 18%	01/28/2004	\$809,881.00
MARTIN LUTHER KING PARK MEDIUM RECREATION CENTER (SIC 15)					
Change Order #	1	APR-25-05	25 days		\$35,774.82
					<u>\$845,655.82</u>
69300103001	1	PR	GOAL CSBE 22%	09/29/2005	\$1,375,234.55
CAMP OWAISSA BAUER, RENOVATE AND UPGRADE FACILITIES (SIC 15)					
					<u>\$1,375,234.55</u>

Total Award Amount	\$18,671,814.09
Total Change Orders Approved by BCC	\$4,559,297.08
	<u>\$23,231,111.17</u>

12

* Indicates closed or expired contracts



Miami- Dade County
 Parks & Recreation Department
 Planning & Development
 275 NW 2nd Street, 4th Floor
 Miami, Fl. 33128
 Ph: (305) 755-7830

BID TABULATION

Project Name Camp Owaissa Bauer – Renovate and Upgrade Consultant Architeknic
Facilities

P & R Project # 693001-03-001 Bid Open Date 09/07/05 @ 2:00 P.M.

Bid Valid Thru 03/06/06

	Latest Approved Cost Estimate Prior To Bidding	Contractor's Name, Address & Telephone Number			
		Zurqui Construction	ABC Construction, Inc.	SA Consultants, LLC	
Base Bid	\$1,105,044.53	\$1,242,869	\$1,348,447.56	\$1,370,000	
Alt. #					
Alt. #					
Alt. #					
Alt. #					
Alt. #					

Remarks:

Prepared By: Clerk 4 

Title: Eduardo De La Vega

Copy:

Sheet 1 of 1

MEMORANDUM

MIAMI-DADE COUNTY

Date: 11/8/2005
 To: George M. Burgess
 County Manager
 Attn: Roger T. Hernstadt
 Office of Capital Improvements
 From: Vivian Donnell Rodriguez
 Director
 Park and Recreation

140
 ENTER THE BOARD
 NOV 12 PM 3:00
 COUNTY OFFICIALS

Handwritten signature/initials

Subject: Contract Award Recommendation for Camp Owaissa Bauer, Renovate and Upgrade Facilities - Project No: 693001-03-001; Contract No: 693001-03-001

This Recommendation for Award of a Construction Contract has been prepared by the Park and Recreation Department and is recommended for approval pursuant to the Expedite Ordinance No. 00-104 Sections 2-8.2.6 and 2-8.2.7 of the Code of Miami-Dade County.

PROJECT NAME: Camp Owaissa Bauer, Renovate and Upgrade Facilities
 PROJECT NO: 693001-03-001
 CONTRACT NO: 693001-03-001
 PROJECT DESCRIPTION: Upgrades and renovations to existing cabins, dining hall, kitchen, bathrooms and walkways.
 PROJECT LOCATION: 17001 SW 264 Street, Miami, FL 33031

PROJECT SITES:	LOCATION	COMM DIST	COST ESTIMATE	T-S-R
	17001 SW 264 ST 33031	8	\$1,375,234.55	56-30-39

PRIMARY COMMISSION DISTRICT: District 8 Katy Sorenson

APPROVAL PATH: Expedite

USING DEPARTMENT: Park and Recreation

MANAGING DEPARTMENT: Park and Recreation

FUNDING SOURCE: SNP05, SNP02

PTP FUNDING: No

GOB FUNDING: No

CAPITAL BUDGET PROJECT NO:	BUDGET PROJECT / DESCRIPTION	AMOUNT
	9341061-SNP BOND PROGRAM - METROPOLITAN PARK IMPROVEMENTS Book Page: 184, 514 Funding Year: 2005-2006	\$1,375,234.55

PROJECT TECHNICAL CERTIFICATION REQUIREMENTS: Not Applicable

RECEIVED
 2005 NOV 30 PM 4:03
 CMO-CAPITAL IMPROVEMENTS

BID PACKAGES ISSUED: 17
BIDS RECEIVED: 3
CONTRACT PERIOD: 240 Calendar Days
CONTINGENCY PERIOD: 24
IG FEE INCLUDED IN BASE CONTRACT: YES
BASE ESTIMATE: \$1,105,044.53
BASE CONTRACT AMOUNT: \$1,242,869.00
OPTION TO EXTEND: Not Applicable
CONTINGENCY ALLOWANCE (SECTION 2-8.1 MIAMI DADE COUNTY CODE):

TYPE	PERCENT	AMOUNT	COMMENT
Renovation	10%	\$124,286.90	
ART IN PUBLIC PLACES :	\$0.00	0.00%	Not Applicable
PERMIT FEES :	\$8,078.65	0.65%	of Base Contract Amount

TOTAL DEDICATED ALLOWANCE: \$8,078.65
TOTAL AMOUNT: \$1,375,234.55

EXPLANATION: The bids were opened on 9/7/2005. The bids ranged from \$1,242,869 to \$1,370,000 with Zurqui Construction Services, Inc (ZCS) having the low bid of \$1,242,869. The Parks architectural consultant, Architeknic, Inc estimated that the project would cost \$1,105,044.53. After performing an analysis on Zurqui's bid, it was concluded that the disparity was due to the rise in material and labor costs throughout the construction industry. Hence, the bid is in alignment with the original Architeknic estimate prepared a year ago.

The low bidder was able to comply with all applicable County Ordinances, and regulations. We then presented the required documents to the Department of Business Development (DBD) for compliance review. It was determined by DBD that all documents were in compliance with the CSBE Participation Provisions. See attachments 1 through 7.

We recommend that the County Manager award this project to the low bidder, Zurqui Construction Services, Inc and present the contract award to the Board for ratification at the next available meeting.

BID OPEN DATE: 9/7/2005
BID BOND EXPIRES: 3/6/2006
BID VALID UNTIL: 3/6/2006
ESTIMATED NOTICE TO PROCEED: 1/14/2006
PRIME CONTRACTOR: Zurqui Construction Services, Inc.
COMPANY PRINCIPAL(S): Eddy Gonzalez, Jr, Ana Gonzalez
COMPANY QUALIFIERS(S): Eddy Gonzalez, Jr
COMPANY EMAIL ADDRESS: None
COMPANY STREET: 9755 SW 40th Terrace

15

ADDRESS:

COMPANY CITY-STATE-ZIP: Miami, Florida 33165

YEARS IN BUSINESS: 16

PREVIOUS EXPERIENCE WITH COUNTY IN THE LAST FIVE YEARS: Eight (8) Contracts Valued at \$21,383,168

SUBCONTRACTORS AND SUPPLIERS (SECTION 10-34 MIAMI DADE COUNTY CODE): Statewide Electrical Services Inc, Sunshine State A/C, Coast to Coast, J&Q Garage Industrial Doors, Diaza Framing, Miles Enterprise, Central Supermix, Daltille

MINIMUM QUALIFICATIONS EXCEED LEGAL REQUIREMENTS: No

STANDARD PAYMENT AND PERFORMANCE BOND: Yes Applicable

REVIEW COMMITTEE: MEETING DATE: 5/4/2005 SIGNOFF DATE: 5/9/2005

RESPONSIBLE WAGES: Yes

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:	MEASURE GOAL	COMMENT
	CSBE 22.00% Applicable	
	CWF 0.00% Not Applicable	

MANDATORY CLEARING HOUSE: Yes

TECHNICAL CONTACT NAME/PHONE/EMAIL: Andrew Burgess 305-755-7817 aburges@miamidade.gov

DEPARTMENTAL CONTACT NAME/PHONE/EMAIL: Andrew Burgess 305-755-7817 aburges@miamidade.gov

DEPARTMENT FINANCE:  L. Leahy 11-9-05
FINANCE OFFICER: L. Leahy **DATE:** 11-9-05 **ACTION:** **FINANCE COMMENT:**

INDEX CODES: CPE357935162, CPE356935119

BUDGET APPROVAL FUNDS AVAILABLE:  **OSBM DIRECTOR:** **DATE:** 11/21/05

APPROVED AS TO LEGAL SUFFICIENCY:  **COUNTY ATTORNEY:** **DATE:** 11/29/05

CAPITAL IMPROVEMENTS CONCURRENCE:  **OCI DIRECTOR:** **DATE:** 12/2/05

APPROVED PURSUANT TO THE EXPEDITE ORDINANCE (SECTION 2-):  **COUNTY MANAGER:** **DATE:** 12/12/05

8.2.7 OF THE MIAMI
(DADE COUNTY CODE):

CLERK DATE:

DATE:

**CAMP OWAISSA BAUER
RENOVATE AND UPGRADES FACILITIES
ZURQUI CONSTRUCTION SERVICES
693001-03-001**

	TOTAL DISTRIBUTION	SNP02 INDEX CODE CPE356935119	WO#	SNP05 INDEX CODE CPE357935162	WO#	GOB SERIES "A" INDEX CODE CPA031PR0801	WO#
BASE CONTRACT:	\$1,242,869.00	\$ 153,698.03	40191	\$ 1,089,170.97	37009	\$ -	
CHANGE ORDER #1:	\$240,960.94			\$ 2,018.17		\$ 238,942.77	59813
ART IN PUBLIC PLACES:	N/A						
PERMIT FEES	\$8,078.65	\$ -		\$ 8,078.65	37019	\$ -	
I/PSIG	N/A						
CONTINGENCY	\$124,286.90	\$ -		\$ 124,286.90	37017	\$ -	
TOTAL	\$1,616,195.49	\$ 153,698.03		\$ 1,223,554.69		\$ 238,942.77	

TOTAL SNP: \$ 1,377,252.72
 TOTAL GOB: \$ 238,942.77
GRAND TOTAL: \$ 1,616,195.49

NOTE (1): GOB funding allocated to this project has been accelerated, however it is not yet reflected in the Adopted Capital Budget Book.

NOTE (2): As a result of change Order #1, the base contract was increased by \$240,960.94 and will be funded by SNP05, WO#37009 and GOB05, Series "A", WO#59813

STRATEGIC AREA: Recreation and Culture
 DEPARTMENT: Park and Recreation

***** FUNDED PROJECTS *****
 (dollars in thousands)

CAMP OWAISSA BAUER - BUILDING BETTER COMMUNITIES BOND PROGRAM

PROJECT # 934860

DESCRIPTION: Construct areawide park improvements including building renovation, pedestrian circulation, trails, and landscaping

LOCATION: 17001 SW 264 St
 Unincorporated Miami-Dade County

DISTRICT LOCATED: 8
 DISTRICT(S) SERVED: Countywide

ESTIMATED ANNUAL OPERATING IMPACT: \$117

REVENUE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Building Better Communities GOB Program	0	0	0	902	98	0	0	0	1,000

TOTAL REVENUE:	0	0	0	902	98	0	0	0	1,000
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EXPENDITURE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Planning and Design	0	0	0	50	0	0	0	0	50
Construction	0	0	0	852	98	0	0	0	950

TOTAL EXPENDITURES:	0	0	0	902	98	0	0	0	1,000
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CHAPMAN FIELD PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM

PROJECT # 933530

DESCRIPTION: Construct areawide park improvements including vehicle and pedestrian circulation, building construction, trails, signage, landscaping, utilities, and park lighting

LOCATION: 13601 Old Cutler Rd
 Palmetto Bay

DISTRICT LOCATED: 8
 DISTRICT(S) SERVED: Countywide

ESTIMATED ANNUAL OPERATING IMPACT: \$222

REVENUE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Building Better Communities GOB Program	0	0	0	55	329	200	53	4,363	5,000

TOTAL REVENUE:	0	0	0	55	329	200	53	4,363	5,000
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EXPENDITURE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Planning and Design	0	0	0	55	329	200	53	203	840
Construction	0	0	0	0	0	0	0	4,160	4,160

TOTAL EXPENDITURES:	0	0	0	55	329	200	53	4,363	5,000
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CHARLES DEERING ESTATE - BUILDING BETTER COMMUNITIES BOND PROGRAM

PROJECT # 937580

DESCRIPTION: Construct areawide park improvements including rehydration, south addition improvements, fencing, vehicle and pedestrian circulation, and landscaping

LOCATION: 16701 SW 72 Ave
 Palmetto Bay

DISTRICT LOCATED: 8
 DISTRICT(S) SERVED: Countywide

ESTIMATED ANNUAL OPERATING IMPACT: \$370

REVENUE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Building Better Communities GOB Program	0	0	0	58	248	79	193	4,422	5,000

TOTAL REVENUE:	0	0	0	58	248	79	193	4,422	5,000
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EXPENDITURE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Planning and Design	0	0	0	58	248	79	31	384	800
Construction	0	0	0	0	0	0	162	4,038	4,200

TOTAL EXPENDITURES:	0	0	0	58	248	79	193	4,422	5,000
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STRATEGIC AREA: Recreation and Culture
 DEPARTMENT: Park and Recreation

***** FUNDED PROJECTS *****
 (dollars in thousands)

SAFE NEIGHBORHOOD PARKS BOND PROGRAM - BAY SIDE PARK IMPROVEMENTS

PROJECT # 9341071

DESCRIPTION: Renovate and upgrade regional park facilities that provide access to Biscayne Bay

LOCATION: Countywide
 Countywide

DISTRICT LOCATED: Countywide
 DISTRICT(S) SERVED: Countywide

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Safe Neigh. Parks (SNP) Proceeds	12,900	0	0	0	0	0	0	0	12,900

TOTAL REVENUE:	12,900	0	12,900						
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EXPENDITURE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Planning and Design	1,391	237	0	0	0	0	0	0	1,628
Construction	5,722	4,050	1,500	0	0	0	0	0	11,272

TOTAL EXPENDITURES:	7,113	4,287	1,500	0	0	0	0	0	12,900
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SAFE NEIGHBORHOOD PARKS BOND PROGRAM - METROPOLITAN PARK IMPROVEMENTS

PROJECT # 9341061

DESCRIPTION: Renovate and upgrade regional park facilities

LOCATION: Countywide
 Countywide

DISTRICT LOCATED: Countywide
 DISTRICT(S) SERVED: Countywide

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Safe Neigh. Parks (SNP) Proceeds	14,800	0	0	0	0	0	0	0	14,800

TOTAL REVENUE:	14,800	0	14,800						
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EXPENDITURE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Planning and Design	1,703	361	0	0	0	0	0	0	2,064
Construction	9,268	2,239	1,229	0	0	0	0	0	12,736

TOTAL EXPENDITURES:	10,971	2,600	1,229	0	0	0	0	0	14,800
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SOUTHRIDGE PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM

PROJECT # 932030

DESCRIPTION: Construct areawide park improvements including stadium completion, building construction, aquatic center, courts, playground, vehicle and pedestrian circulation, and landscaping

LOCATION: 19355 SW 114 Ave
 Unincorporated Miami-Dade County

DISTRICT LOCATED: 9
 DISTRICT(S) SERVED: Countywide

ESTIMATED ANNUAL OPERATING IMPACT: \$210

REVENUE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Building Better Communities GOB Program	0	0	1,883	2,360	1,953	804	0	600	7,600

TOTAL REVENUE:	0	0	1,883	2,360	1,953	804	0	600	7,600
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EXPENDITURE SCHEDULE:	PRIOR	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	FUTURE	TOTAL
Planning and Design	0	0	151	49	0	0	0	100	300
Construction	0	0	1,732	2,311	1,953	804	0	500	7,300

TOTAL EXPENDITURES:	0	0	1,883	2,360	1,953	804	0	600	7,600
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Department: Park and Recreation Department

4/23/2008 4:52:30 PM

GENERAL OBLIGATION BOND SITE BOND SERIES REVENUE

Project Title: 31 - Camp Owaisa Bauer
 Project Desc: Area-wide park improvements include building renovation; pedestrian circulation; trails; and landscaping.
 Site: #73120 - 17001 SW 264 ST 33031
 Site Desc: Camp Owaisa Bauer- Renovate and Upgrade Facilities on site such as dining hall, cabins (4 of 6), restrooms, pathways and water system.
 Site Duration: Start Date: 1/1/2006 - End Date: 5/2/2008 - Duration: 852

Select Existing Funding:

Select New Funding:

Fiscal Years:

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Funding Comments:

Project GOB Allocation: \$1,000,000 - Current GOB Funding Total: \$1,000,000

Add

Site #73120 Funding

Fiscal Years:

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	Total:
Funding:																
SERIES A	340,000	340,000	0	0	0	0	0	0	0	0	0	0	0	0	0	340,000
GOB FUNDING	340,000	340,000	0	0	0	0	0	0	0	0	0	0	0	0	0	340,000
Non GOB 1	1,776,360	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,776,360
Non GOB Funding	1,776,360	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,776,360
Funding Total: 2	2,116,360	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,116,360



Capital Improvements Information System

Contractor Evaluations Report

Dept	Contract	Type	Contractor / Architect Name	Date	Rater	Period	Rate
PR	311608-02-002	CON	ZURQUI CONSTRUCTION SERVICE, INC.	10/21/2005	John Gouthro	Completion of construction	3.3
PR	31150998001	CM	ZURQUI CONSTRUCTION SERVICE, INC.	10/21/2005	John Gouthro	Completion of construction	2.4
PR	492801-01-001	DES	ZURQUI CONSTRUCTION SERVICE, INC.	10/21/2005	John Gouthro	Completion of construction	2.8
PR	693001-03-001	CON	ZURQUI CONSTRUCTION SERVICE, INC.	3/7/2007	John Gouthro	Completion of construction	2.0

Evaluation Count: 4 Contractors: 1 Average Evaluation: 2.6

MIAMI-DADE COUNTY, FLORIDA
PARK AND RECREATION DEPARTMENT
CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: One (1) CONTRACT NO: 693001-03-001 DATE: 2/29/2008
 PROJECT TITLE: Camp Owaissa Bauer Renovate and Upgrade Facilities
 TO CONTRACTOR: ZURQUI CONSTRUCTION SERVICE, INC. 9755 SW 40th Terrace Miami, Florida 33165

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES IN THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

Description of work authorized: Increase the contract amount by \$240,960.94 from \$1,375,234.55 to \$1,616,195.49 and extend the contract time by four-hundred and fifty five (455) calendar days from February 1, 2007 to May 1, 2008 is recommended.
Monetary Justification: PRD recommends an increase of \$240,960.94 to the contract award amount for the following changes:

- A. Department Requested Changes:
1. Upgrade interior wall and shower tile to conform to the new park standards. These upgrades will minimize maintenance and cleaning efforts. The total negotiated cost for this work, including structural reinforcement is \$10,812.38.
 2. Redesign of the septic tanks and drain field systems due to site constraints. (Continued below)
- Time Justification:** The PRD recommends a retroactive time extension to the contract of four-hundred and fifty five (455) calendar days from February 1, 2007 to May 1, 2008. This time extension is further described below.
1. Forty-five (45) calendar days of time extension for delays pertaining to the re-design of the septic tank system (See Department Requested Changes – Item No. (Continued below)

This change order includes not only all direct costs of contractor such as labor, material, job overhead, and profit markup; but also includes any costs for modifications or changes in sequence of work to be performed, delays, rescheduling, disruption, extended direct overhead or general overhead, acceleration, material or other escalation which include wages and other impact costs.

Contractor hereby waives, fully releases, discharges and acquits Miami-Dade County of any and all liability for claims, additional costs, and any requests for additional time arising out of the fulfillment of the contract and this change order from the date of the contract award to and including execution of this change order.

SUMMARY OF CONTRACT AMOUNT / TIME

ORIGINAL CONTRACT AMOUNT-----	\$1,375,234.55
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$1,375,234.55
COST OF CHANGES WITH THIS DOCUMENT-----	\$240,960.94
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$1,616,195.49
PERCENT INCREASE WITH THIS CHANGE-----	18%
TOTAL PERCENT INCREASE TO DATE-----	18%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	240 / 0 / 455
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	24 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	719

CERTIFYING STATEMENT: *I hereby certify that the changes and supporting cost data included is, in my considered opinion, necessary and accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit of competitive bidding.*

Approved: ENGINEER OR CONSULTING ENGINEER _____ Date: _____

Recommended By: PROJECT MANAGER [Signature] Date: 3/20/08

TO BE FILLED OUT BY PARK AND RECREATION DEPARTMENT

FUNDS BUDGET CODE See attachment "D"

CERTIFIED BY DEPARTMENT'S FINANCE DIVISION: L. Leaky Date: 3/26/08

Accepted By: ZURQUI CONSTRUCTION SERVICES

Contractor _____

Accepted By: Surety
Hartford Casualty Insurance Company Michael Bonet, Attorney-In-Fact
and Florida Resident Agent

Surety 3/11/08

Reviewed By: Division Chief

[Signature]

3/15/08

Approved By: Assistant Director

[Signature]

4/1/08

Approved By: Director

[Signature]

4/14/08

Approved By: Director, DBD

[Signature]

4/17/08

Approved By: Director, OSBM

[Signature]

[Signature]

4/21/08

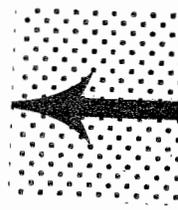
Approved By: County Attorney

[Signature]

4/21/08

Approved By: County Manager

Attested By: Clerk of the Board



Time Justification: (Continued)

A2 above). Of these forty-five (45) calendar days of time extension, twenty-four (24) were assigned from the time contingency allowance. Upon approval of this change order, a departmental draw will be made to replenish the time contingency for these days (24 days). The remaining twenty-one (21) calendar days of time extension (45 - 24 = 21) are recommended for approval. A non-compensable time extension was negotiated for these delays that otherwise would have been defined as compensable.

2. An additional four hundred and ten (410) calendar days of time extension are recommended in order to adequately extend the contractual completion date. Several claims have been filed by the contractor for potential entitlement to extended general conditions resulting from delays associated with the septic tanks' re-design (See Department Requested Changes - Item No. A2); the substitution of the roofing system (See Design Errors - Item No. C2); and the added reinforcement to the cabin walls (See Other Actions Recommended - Item No. E1). The PRD is reviewing and assessing these claims towards a final determination of responsibility. A future change order will describe the actions recommended to finalize the project's contractual and administrative close-outs; however, it is in the best interest of the County to extend the contract in order to minimize additional/potential losses (See Background below.) If the final determination places responsibility for the delays with the contractor or architect of record, staff has been directed to coordinate with the County Attorney's Office (CAO) to recover any and all damages resulting from errors/omissions/actions committed during the performance of the contract.

Beginning Balance: 24
Total Amount Used to Date: 24
Requested Replenishment: 24
Ending Bal. after Change Order: 24

Monetary Justification: (Continued)

The four individual systems were consolidated into two pump assisted systems and relocated to a new area to avoid encroaching into a Natural Forest Community. The negotiated cost, including the credit for the originally designed system, is \$120,547.95 of which \$90,568.44 was paid from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for that amount (\$90,568.44).

B. Unforeseen Conditions:

Note: Extensive destructive sampling could not be performed during the design phase due to the operational schedule of camp activities. Destructive sampling was performed during the construction phase to discover and analyze the soundness of the existing structural components of these forty-five (45) year old cabins and bathrooms.

1. Relocation of the damaged water shut-off valve for the bathhouse to allow for post-construction access. The negotiated cost for this work is \$3,986.68 and was paid from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for this amount.
2. Replace corroded cast iron water service and distribution lines with new CVPC water lines in the bathhouse. The estimated cost for this work currently under negotiation is \$13,500.00. The Contractor's ultimate entitlement and compensation shall be based on amounts confirmed and approved by the PRD.
3. Replace deteriorated shower partition walls with Park's standard bathroom wall partitions. The negotiated cost for this work is \$2,898.00 and was paid out from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for this amount.
4. Replace damaged metal partitions and substrate at the bathhouse that were found to be structurally compromised. The negotiated cost for the replacement work needed is \$23,911.93 of which \$7,911.93 was paid from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for this amount (\$7,911.93). The remaining cost is \$16,000.00.
5. Replace corroded conduit and wire insulation. The negotiated cost for this replacement work is \$1,357.76 and was paid out from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for this amount.
6. Remove structurally compromised sections of the existing cabin roof slabs. The negotiated cost for this work is \$3,891.50 and was paid out from the original contingency allowance. Upon approval of this change order a departmental draw will be made to replenish the contingency for this amount.

C. Design Errors:

1. Relocation of above-ground propane fuel tank to meet Code requirements for minimum separation between fuel lines and other utilities. The negotiated cost for this relocation work is \$5,298.38.
2. Substitution of specified light-weight insulating concrete roof system for tapered-roof insulation system for all four cabins. The additional negotiated cost for this work is \$18,417.00.

D. Design Omissions: N/A

E. Other Actions Recommended:

1. Reinforcement of exterior masonry walls in all four cabins. The negotiated cost for the structural reinforcement is \$13,346.36.

2. Extension of Insurance Policies: Cost associated with renewal of insurances due to delays beyond the contractor's control (See Time Justification – Item No.1). The cost to renew and extend these policies for a one (1) year period is \$22,993.00.

Time Justification Declaration:

A time extension is provided for additional work performed outside the scope of the original Contract that affects the critical path schedule of the contracted work or previously approved changes. Should additional work be required which does not affect the critical path schedule, no time extension will be granted. Should one item of additional work run concurrent with another item of additional work, only time not duplicated can be provided.

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

690 ASYLUM AVENUE

HARTFORD, CONNECTICUT 06115

call: 888-266-3488 or fax: 860-757-5835

Agency Code: 21-220438

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of unlimited:**

F. Berry Hayley, David Aaron French, Robert P. Hollander, Antonio Arias, Nancy Ellen Batista, Michael A. Bonet
of
Miami Lakes, FL

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on July 21, 2003 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Paul A. Bergenholz

Paul A. Bergenholz, Assistant Secretary

David T. Akers

David T. Akers, Assistant Vice President

STATE OF CONNECTICUT }
COUNTY OF HARTFORD } ss. Hartford

On this 4th day of August, 2004, before me personally came David T. Akers, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hampden, Commonwealth of Massachusetts; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Scott E. Paseka

Scott E. Paseka
Notary Public

My Commission Expires October 31, 2007

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of **March 11, 2008**

Signed and sealed at the City of Hartford.



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Fayle Stein