

MEMORANDUM

Agenda Item No. 14(A)(2)

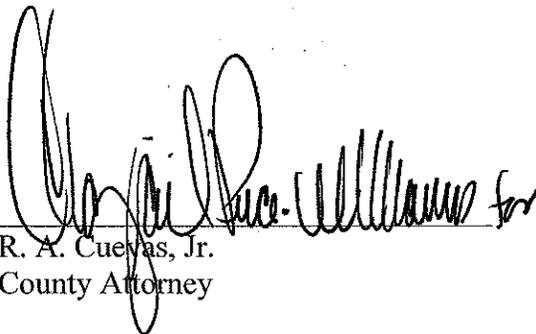
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 17, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution approving change Order No. One (1) to a Construction Manager at Risk contract between Miami-Dade County and PCL construction Services, Inc. for \$5,950,000.00 for the construction of a multi-purpose building in the entry plaza and a Boat Ride in the Florida Exhibit and front entry project; release of the special dedicated allowance of \$550,000.00

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Commissioner Dennis C. Moss.

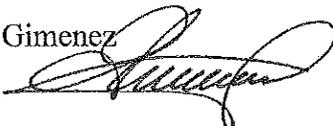


R. A. Cuevas, Jr.
County Attorney

RAC/cp

Date: June 17, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Change Order No. One (1) for Miami Metro Zoo, Florida Exhibit - Project No. CM12-Park-01 GOB ESP; Contract No. 592500-06-003-01, to PCL Construction Services, Inc.

RECOMMENDATION

The attached Change Order No. One (1) to a contract between **PCL Construction Services, Inc.** and Miami-Dade County has been prepared by the Parks, Recreation and Open Spaces Department (PROS) and is recommended for approval.

CHANGE ORDER

NUMBER: One (1)

SCOPE

PROJECT NAME: Miami Metro Zoo, Florida Exhibit

PROJECT NO: CM12-Park-01 GOB ESP

CONTRACT NO: 592500-06-003-01

PROJECT

DESCRIPTION:

Establishing Construction Manager @ Risk services for the proposed Florida Exhibit and Front Visitor Entry at Zoo Miami (formerly named Miami Metro Zoo):

The PRE-CONSTRUCTION PHASE services include, but are not limited to the following: Meet with the owner and designer to establish/confirm overall project goals; review and validate the design development documents; and review construction documents for constructability, phasing, value engineering, develop cost estimates and construction schedule.

The CONSTRUCTION PHASE services will include, but are not limited to: Construction, construction management, estimating and scheduling, and executing all aspects of the work including site work, buildings, landscaping and special exhibit themes, life support systems, all pursuant to the construction plans and specifications.

Authorization will be required from the Mayor or Mayor's Designee to initiate the various construction packages.

PROJECT

LOCATION: Zoo Miami, 12400 SW 152 Street, Miami, FL 33177

**PRIMARY
COMMISSION**

DISTRICT: District 9 Dennis C. Moss

APPROVAL PATH: Board of County Commissioners

USING

DEPARTMENT: Parks, Recreation, and Open Spaces Department

MANAGING

DEPARTMENT: Parks, Recreation, and Open Spaces Department

FISCAL IMPACT /

FUNDING SOURCE	SOURCE	PROJECT #	SITE #	AMOUNT
	BBC-GOB Future Financing	933650	70431	\$35,495,946.10
	BBC-GOB Future Financing	936010	77709	\$2,150,000.00
	Zoo Improvement Trust Fund	933650	70431	\$1,100,000.00
	Sunshine State Loan	933650	70431	\$2,700,000.00
		Total Funding:		\$41,445,946.10

CHANGE ORDER

FUNDING SOURCE: Building Better Communities General Obligation Bond Program (BBC-GOB); and future financing through the Zoo Miami Improvement Trust Fund and a Sunshine State Loan that will be repaid by a \$2.00 increase to Zoo Miami admission fees in fiscal year (FY) 2014-15, and two subsequent \$2.00 admission fee increases in FY's 2015-16 and 2016-17.

PTP FUNDING: No

GOB FUNDING: Yes

ARRA FUNDING: No

CHANGE ORDER

DESCRIPTION: Increase the contract amount by 17% or \$5,950,000.00, from \$35,495,946.10 to \$41,445,946.10; and releasing the Special Dedicated Allowance of \$550,000.

MONETARY

JUSTIFICATION: The Department recommends an increase of \$5,950,000.00 to the contract amount to include the construction of the multi-purpose building as part of the Front Entry sequence and a boat ride within the proposed Florida Exhibit; and releasing the Special Dedicated Allowance of \$550,000. The multi-purpose building is a rental venue and group sales headquarters for the Zoo. In addition to serving as revenue generating rental venue, the facility will also include public restrooms for visitors at the entry plaza and a receiving point for large groups. The boat ride is an Everglades themed family ride providing an alternate method of transportation and enhanced viewing opportunity for an additional charge. The boat ride will wind its way throughout the exhibit within a dedicated water channel with one entry and exit point located at the plaza entrance of the Florida Exhibit.

The Department is also recommending the release of the Special Dedicated Allowance designated for infrastructure scope that is no longer necessary to complete the project.

TIME

JUSTIFICATION: N/A

	<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:	\$32,549,764.04	\$0.00	\$6,500,000.00	\$39,049,764.04	\$1,099,745.90	\$37,950,018.14
CONTINGENCY:	\$1,627,488.20	\$0.00	\$0.00	\$1,627,488.20	\$0.00	\$1,627,488.20
DEDICATED:	<u>\$1,318,693.86</u>	<u>\$0.00</u>	<u>-\$550,000.00</u>	<u>\$768,693.86</u>	<u>\$0.00</u>	<u>\$768,693.86</u>
TOTALS:	\$35,495,946.10	\$0.00	\$5,950,000.00	\$41,445,946.10	\$1,099,745.90	\$40,346,200.20

	<u>Original Contract Duration</u>	<u>Previous Adjustments To Duration</u>	<u>This Change Order Duration</u>	<u>Current Totals</u>
BASE DURATION:	1460	0	0	1460
CONTINGENCY:	<u>146</u>	<u>0</u>	<u>0</u>	<u>146</u>
TOTAL DURATION:	1606	0	0	1606

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	\$0.00	0
Design Omissions Change	\$0.00	0
County Requested Change	\$6,500,000.00	0
Unforeseen / Unforeseeable Change	\$0.00	0
<u>Other</u>	<u>\$0.00</u>	<u>0</u>
	\$6,500,000.00	0

TRACK RECORD
/ MONITOR

PERFORMANCE
RECORD:

There are no performance evaluations in CIIS for PCL Construction Services.

PRIME
CONTRACTOR:

PCL Construction Services Inc.

COMPANY
PRINCIPAL:

Jeff Westphal

COMPANY
QUALIFIERS:

Blake Holtom

COMPANY EMAIL
ADDRESS:

bholtom@pcl.com

COMPANY STREET
ADDRESS:

6675 Westwood Blvd., Suite 200

COMPANY CITY-
STATE-ZIP:

Orlando, Florida 33821

**YEARS IN
BUSINESS AT TIME
OF AWARD:** 107

**PREVIOUS
CONTRACTS WITH
COUNTY IN THE
LAST FIVE YEARS
AT TIME OF
AWARD:**

According to the Regulatory and Economic Resources Department, the Contractor has had no contracts with Miami-Dade County in the last five years.

**SUB
CONTRACTORS
AND SUPPLIERS
(SECTION 10-34
MIAMI DADE
COUNTY CODE):**

To be provided upon completion of Guaranteed Maximum Price Negotiations

**REVIEW
COMMITTEE
ASSIGNED
CONTRACT
MEASURES:**

<u>TYPE</u>	<u>GOAL</u>	<u>ESTIMATED VALUE</u>	<u>ACHIEVED</u>
CSBE	10.72%	\$3,805,165	0.34%

**CONTRACT
MANAGER NAME /
PHONE / EMAIL:**

John Gutierrez (305) 755-7830 Jgx@miamidade.gov

**PROJECT
MANAGER NAME
/ PHONE / EMAIL:**

Angel Trujillo (305)755-7972 ANGELT@miamidade.gov

BACKGROUND

This contract with PCL Construction Services, Inc. awarded in October, 2013, established a Construction Manager @ Risk contract for the Florida Exhibit and Front Visitor Entry at Zoo Miami. The contract's Pre-Construction Phase services included reviews of the construction documents for constructability, phasing, value engineering, and developing cost estimates and construction schedules. The Construction Phase services include, but are not limited to: construction, construction management, estimating and scheduling, and executing all aspects of the work including site work, buildings, landscaping and special exhibit themes, life support systems, all pursuant to the construction plans and specifications. Authorization from the Mayor or Mayor's Designee to initiate the various packages is a pre-requisite to start construction.

The project was designed by the URS Corporation and is consistent with the Zoo's general plan vision; design was completed in early 2013. The project consists of approximately 5 acres of lushly landscaped Florida themed exhibits and a new entry experience for guests.

The new Entry Plaza has been designed with the comfort of visitors in mind. A large canopy resembling a "cloud" will provide shade to guests while they are purchasing tickets and gifts and enjoying the relocated Flamingo exhibit in the plaza. The new entry sequence will also include a multi-purpose facility that will serve as a rental venue and group sales headquarters for the Zoo. In addition to being a revenue generating rental venue, the facility will also include public restrooms for visitors at the entry plaza and will be the receiving and departure point for large groups. Additionally, the new entry will include a new gift shop combined with the ticket sales facility. The Plaza has also been designed to serve as a rental venue in the evenings.

Just beyond the Zoo's entry plaza and guest welcome area, visitors will be immersed in a native Florida habitat representing a transect through the Everglades to the pine rocklands and beyond to the coast. The proposed exhibits include native Florida animals, large exhibit pools and a large wet and dry children's playground. The Florida Exhibit will celebrate the unique location and culture of Miami and educate visitors about the special characteristics of our location. The exhibit has been designed for evening use to increase revenue.

Due to the upturn in the construction industry the prices for the designed elements of the project have increased and exceeded the original budget. PROS is recommending an increase to the contract amount to complete the highest priority elements of the project within the proposed schedule – the multi-purpose building and the boat ride. The recommended \$6,500,000 increase is funded by BBC – GOB 48 (Zoo Wide Improvements and Entry); and future financing through the Zoo Miami Improvement Trust Fund and a Sunshine State Loan that will be repaid by a \$2.00 increase to Zoo Miami admission fees in FY 2014-15, and two subsequent \$2.00 admission fee increases in FY's 2015-16 and 2016-17. These

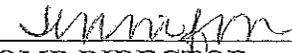
fee increases are phased over the next three years in anticipation of the completion of these new visitor amenities. The Zoo Oversight Board approved a Resolution at their April 29, 2014 Board meeting supporting the funding of the multi-purpose building at the new Zoo Miami entry utilizing BBC – GOB 48 (Zoo Wide Improvements and Entry) and securing the necessary financing for the Boat Ride.

With the approval of this increase, the budget will include the following elements: Multi-Purpose Building, Ticket Sales/Gift Shop, Flamingo Exhibit, Cloud structure, Plaza, Bicycle/Food Concession Facility, Bicycle Shelter, Florida Exhibit Plaza, Boat Ride and Florida Animal Exhibits (including Wading Birds, Crocodile, Otter, Bear, Panther, and Alligator). The Discovery Lab element will remain unfunded.

PROS and its partner, the Zoological Society of Florida will continue to look for funding opportunities for the remaining unfunded element. The Discovery Lab is proposed as an air-conditioned space with interpretive elements relating the story of water and its importance to South Florida as well as its cultural history. This facility is programmed to contain live Florida native marine tanks/exhibits.

If/when additional funds are identified for the Discovery Lab PROS will submit another change order to increase the contract amount for the funded scope.

**BUDGET APPROVAL
FUNDS AVAILABLE:**

AS  5/27/14
OMB DIRECTOR DATE

**APPROVED AS
TO LEGAL
SUFFICIENCY:**

COUNTY ATTORNEY DATE

 6/2/14
SENIOR ADVISOR DATE
OFFICE OF THE MAYOR

CLERK DATE:

DATE



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 17, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 14(A) (2)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(2)
6-17-14

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NO. ONE (1) TO A CONSTRUCTION MANAGER AT RISK CONTRACT BETWEEN MIAMI-DADE COUNTY AND PCL CONSTRUCTION SERVICES, INC. FOR \$5,950,000.00 FOR THE CONSTRUCTION OF A MULTI-PURPOSE BUILDING IN THE ENTRY PLAZA AND A BOAT RIDE IN THE FLORIDA EXHIBIT AND FRONT ENTRY PROJECT; RELEASE OF THE SPECIAL DEDICATED ALLOWANCE OF \$550,000; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SUCH CHANGE ORDER AND EXERCISE ALL AUTHORITY DELEGATED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the Mayor or the Mayor's designee to execute Change Order No. 1 to the Construction Manager at Risk Contract between Miami-Dade County and PCL Construction Services, Inc., to increase the contract amount by \$5,950,000.00 for the construction of a multi-purpose building in the entry plaza and a Boat Ride in the Florida Exhibit and Front Entry Project – PROS CM12-PARK-01 GOB ESP Contract No. 592500-06-001; and release the Special Dedicated Allowance of \$550,000; substantially in the form attached hereto and made a part hereof; and authorizes the Mayor or Mayor's designee to execute the Change Order and exercise all authority delegated therein.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of June, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Monica Rizo

LISTING OF ATTACHMENTS

Change Order No. One for Miami Metro Zoo, Florida Exhibit - Project No: CM12-Park-01 GOB ESP; Contract No: 592500-06-01, to PCL Construction Services, Inc.

Attachment A

- Firm History Report – SBD e-mail

Attachment B

- Negotiation Authorization
- Tabulation Sheet

Attachment C

- Contract Award Recommendation

Attachment D

- Funding Spreadsheet
- SBD Compliance Memo

Attachment E

- Change Order To Original Contract

ATTACHMENT A

Gutierrez, John (MDPR)

From: Adams-Parish, Traci (ISD)
Sent: Wednesday, April 30, 2014 2:08 PM
To: Gutierrez, John (MDPR)
Subject: RE: Firm History Report - Miami Metro Zoo, Florida Exhibit - Project No: CM12-Park-01
GOB ESP; Contract No: 592500-06-003-01, to PCL CONSTRUCTION SERVICES INC.

Hi John –

Our database shows that there have been no awards for PCL Construction Services, Inc. in the last five years. Please advise if I may be of further assistance to you. Have a GREAT day! ☺

Regards,
Traci

From: Gutierrez, John (MDPR)
Sent: Wednesday, April 30, 2014 2:04 PM
To: Adams-Parish, Traci (ISD)
Subject: Firm History Report - Miami Metro Zoo, Florida Exhibit - Project No: CM12-Park-01 GOB ESP; Contract No: 592500-06-003-01, to PCL CONSTRUCTION SERVICES INC.

Hi Traci:

Please provide a Firm History Report for the Subject Vendor.

Thanks,

John Gutierrez, Special Projects Administrator
Miami Dade County Parks, Recreation and Open Spaces Department
(305) 755-7830
www.miamidade.gov/parks
"Delivering Excellence Every Day"

ATTACHMENT B

Memorandum



Date: May 1, 2013

To: Lester Sola, Director
Internal Services Department

Through: Miriam Singer, CPPO, Assistant Director
Internal Services Department

From:
Faith Samuels
Faith Samuels, Sr. A&E Consultant Selection Coordinator
Chairperson, Competitive Selection Committee

Subject: NEGOTIATION AUTHORIZATION
Miami-Dade Parks, Recreation and Open Spaces Department (PROS)
Construction Manager at Risk, Miami Metro Zoo – Florida Exhibit a/k/a Zoo Miami
Florida Exhibit
ISD Project No. CM12-PARK-01 GOB ESP

The Competitive Selection Committee (CSC) has completed the evaluation of the proposals submitted in response to the referenced Project consistent with Resolution R-46-13 approved on January 23, 2013 by the Board of County Commissioners and the guidelines published in the Request for Proposals (RFP). The CSC evaluated the Proposers qualifications for the services set forth in the scope of services, approach to providing the services, a price proposal for the pre-construction phase services and a CM multiplier fee proposal for the construction management services during the construction phase. The County will request and negotiate at a later date a Guaranteed Maximum Price(s) from the successful Proposer for one or more construction packages for the Zoo Miami Florida Exhibit.

ISD Project No.: CM12-PARK-01 GOB ESP

Project Title: Construction Manager at Risk, Miami Metro Zoo – Florida Exhibit a/k/a Zoo Miami Florida Exhibit

Scope of Services Summary: A Construction Manager-at-Risk ("CM@Risk") is required to provide pre-construction and construction management at-risk services for the Miami Metro Zoo – Florida Exhibit a/k/a Zoo Miami Florida Exhibit. The Project will include a new entry to Zoo Miami and the new "Florida Mission Everglades" Exhibit ("Florida Exhibit"). Designed to give visitors a glimpse of the adventures that lie ahead and a space to contemplate the magnitude of the zoo, the new entryway will progress organically, enabling the visitor to freely explore, lounge and have fun. The new entry will include but not be limited to a ticketing/gift shop/concessions building; a multipurpose building containing offices, restrooms and multipurpose rental spaces; the very popular flamingo exhibit; turnstiles and a shade structure.

The Florida Exhibit will be accessed via the main walkway just east of the existing snack bar. The Florida Exhibit will include a series of native species in habitats similar to where they would be found in nature and the design of the animal habitats have taken advantage of the distinctive plant communities of each habitat; coastal estuaries, coastal mangrove forests, the sawgrass prairie, oak hammocks, cypress stand, cabbage palm hammock and pine flatwood. Live animal exhibits are grouped into four zones: Estuarine (wading birds, otters and crocodiles); Discovery Lab (fishes, reptiles and invertebrates); Pinelands (bear, panther and gopher tortoise, armadillo,

burrowing owl); and Hammocks (alligators, eagles, bobcat, fox and raccoon). The Florida Exhibit will include but not be limited to live animal exhibits; an entry plaza; life support buildings; a boat ride; indoor air conditioned exhibit building; landscaping; and other related interactive and interpretive signage and elements that will bring the exhibit to life for all of Zoo Miami's visitors to explore and enjoy.

All proposed Project-related improvements have taken into consideration the existing Zoo Miami facilities and thoughtful integration of the Project improvements into Zoo Miami in order to minimize the disruption and impact to onsite and neighboring infrastructure and environment. During construction, the CM@Risk shall exercise similar care in its selected means and methods to successfully achieve these precise objectives.

The CM@Risk will provide a dedicated team to perform the requested pre-construction and construction management services, all as more specifically set forth in the attached draft Agreement. PROS anticipates that several Guaranteed Maximum Price construction packages ("GMP") will be developed and negotiated based on phasing, permit packages and the schedule will be negotiated including, but not limited to a Temporary Entry; the New Zoo Entry; the Bike and Concession Area; and the Florida Exhibit Area. This represents PROS current assessment of project phasing and may change to fewer or more GMP's as may be deemed necessary. The GMP's will be cumulative, leading to a final GMP for the entire scope of the project.

A general description of the types of services to be provided is set forth below.

A. Pre-Construction Phase Services

Pre-construction services provided by the CM@Risk will include but not be limited to:

- Review and advise on project scope of work, description and development information provided by the Owner, Architects and Engineers.
- Review of design plans.
- Perform a constructability review of the construction documents and report findings.
- Review cost and time estimates prepared by the architects and engineers in order to validate and report findings.
- Prepare cost and time estimates, to include clarifications, basis of estimate, allowances, and exclusions.
- Value engineering.
- Prepare scheduling for each of the GMP construction packages, including preliminary and final project construction schedules indicating major construction milestones and variances.
- Prepare phasing schemes for each of the GMP construction packages which address the site logistics, operational needs of Zoo Miami, scope and budget.

B. Construction Phase Services

The CM@Risk will perform construction management services during the construction phase of the Project, and will include but not be limited to estimating; scheduling; construction and/or construction management of site work and utilities, buildings, landscaping, specialized attraction theming, life support systems, interactive elements; and other work as necessary to complete the intended scope.

Term of Contract: One CM@Risk contract will be awarded for four (4) years from the effective date of the executed contract by the parties or until completion of the warranty period, whichever occurs first. This contract period includes the pre-construction services, permitting, design review, construction oversight, closeout and one-year warranty on each of the construction phases/packages.

Community Small Business Enterprise Goal/Measure: The Department of Regulatory and Economic Resources (RER) established, on June 8, 2012 and resubmitted to RER on September 19, 2012, a 10.72% Community Small Business Enterprise (CSBE) goal.

Date of County Mayor's approval to advertise/initiate: September 12, 2012.

Revisions to the RTA: February 13, 2013 and February 22, 2013 respectively to modify the minimum qualifications.

Selection Process:

A two-step selection process was utilized for this design-build solicitation, Step 1 – Evaluation of Minimum Qualifications and Step 2 – Evaluation of Technical/Qualification Proposal.

STEP 1:

The Step 1 process is the evaluation of minimum qualifications of the proposers. The minimum qualifications set forth in the RFP: Proposers must have a minimum of ten (10) years of experience in building zoos and/or themed attractions. Additionally, proposers must have completed no less than three (3) projects (not necessarily zoos or themed attractions) with construction costs above \$20,000,000.

Step 1 Proposals: Four (4) proposals were received by the Clerk of the Board on March 22, 2013.

Name of Proposer(s): Please refer to the attached List of Respondents (LOR).

CSBE Compliance Review for Step 1: CSBE compliance is required at the time that the GMP is submitted.

Step 1 Evaluation: On April 15, 2013, the CSC evaluated the four (4) firms to determine whether the proposers met the minimum qualifications established in the RFP. The CSC found two firms compliant, PCL Construction Services, Inc. (PCL) and Turner Construction Company (Turner), in meeting the minimum qualifications and motioned to invite those two firms to the Step 2 meeting (oral presentations).

STEP 2:

Step 2 Evaluation: The CSC heard presentations from PCL and Turner and scored the firms in accordance with the evaluation criteria established in the RFP.

Step 2 Results: Upon completion of the oral presentations by the aforementioned firms, the CSC assigned point values based upon the established evaluation criteria. Upon completion of scoring, the final qualitative scores for PCL (non-local) and Turner (local) were 570 and 532.

Negotiation Authorization

Miami-Dade Parks, Recreation and Open Spaces Department
ISD Project No. CM12-PARK-01 GOB ESP

respectively, therefore the PCL was ranked number one and Turner ranked number two. Local preference was applied in accordance with Section 2-8.5 of the Code. The local proposer, Turner, was not within the five percent ranking obtained by the non-local proposer, therefore, the final ranking was PCL ranked number one and Turner ranked number two. See attached Step 2 Tabulation Report.

Request for Appointment of Negotiation Committee: ISD hereby requests the County Mayor or his designee approve the following Negotiation Committee, for the purpose of negotiating one CM@Risk agreement for this solicitation with the top ranked firm:

Negotiation Committee
Maggie Tawil, PROS
Eric Stephens, PROS
Robert Stebbins, WASD

Request for Authorization to Enter Negotiations: It is hereby requested that the County Mayor or his designee approve the selection of the following firms for negotiations. See below:

SELECTION FOR CM@RISK NEGOTIATION
ONE AGREEMENT WITH A 10.72% CSBE GOAL

PCL Construction Services, Inc.

The following team will serve as the alternate:

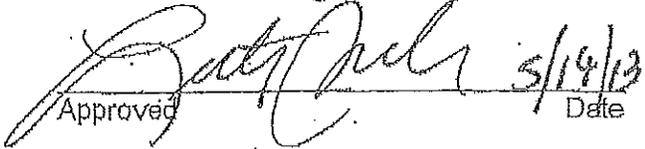
Turner Construction Company, Inc.

Pursuant to the Code of Silence legislation included in the Conflict of Interest and Code of Ethics Ordinance, and Section 2-11.1 of the County Code, the County Mayor or his designee will report to the Board of County Commissioners any of the following instances:

- When negotiations do not commence, or other affirmative action is not taken, within 30 days of the Competitive Selection Committee's recommendation.
- When the County Mayor or his designee's recommendation to award or reject is not made within 90 days from the date of the Competitive Selection Committee's recommendation.

If a satisfactory agreement cannot be reached within the above noted timeline, a report is required to be prepared fully explaining all problems resulting from the negotiations. If negotiations are proceeding within a reasonable timeframe, then negotiations are to continue and the report is to be submitted upon completion. The final contract and report should be sent to this office.

Authorization to negotiate is:


Approved _____ Date 5/14/13

Not Approved _____ Date _____

Page 5

Negotiation Authorization

Miami-Dade Parks, Recreation and Open Spaces Department

ISD Project No. CM12-PARK-01 GOB ESP

Attachments:

1. List of Respondents

2. Step 2 Tabulation Report

c: Clerk of the Board of County Commissioners
Competitive Selection Committee



MIAMI DADE COUNTY
INTERNAL SERVICES DEPARTMENT
Amended 04-08-13

LIST OF RESPONDENTS

ISD Project Name: CONSTRUCTION MANAGER AT RISK MIAMI METRO ZOO – FLORIDA EXHIBIT
ISD Project No.: CM12-PARK-01 GOB ESP
Measures: 10.72% CSBE
Number of Agreements: 1
Contract Type: CONSTRUCTION MANAGER AT RISK
Submittal Date: 03/22/2013

Submittal No. 1

Prime Name: PCL CONSTRUCTION SERVICES, INC. FEIN No.: 840957552
Trade Name:

Submittal No. 2

Prime Name: ZOO MIAMI EXHIBIT CONSTRUCTION MANAGEMENT TEAM, A JOINT VENTURE FEIN No.: 261239404 (Facchina Construction of Florida, LLC)
260138994 (Outside the Lines, Inc.)

Trade Name:
Subconsultants/ Subcontractors: FLORIDA LEMARK CORPORATION FEIN No.: 592784516
DR. BRADLEY BENNETT

Submittal No. 3

Prime Name: MANHATTAN CONSTRUCTION (FLORIDA), INC. FEIN No.: 591530885

Trade Name:

Submittal No. 4

Prime Name: TURNER CONSTRUCTION COMPANY FEIN No.: 131401980
Trade Name:

Subconsultants/ Subcontractors: FLORIDA LEMARK CORPORATION FEIN No.: 592784516

STEP 2 MEETING
APRIL 29, 2013

PARKS, RECREATION AND OPEN SPACES DEPARTMENT
CONSTRUCTION MANAGER AT RISK FOR
MIAMI METRO ZOO - FLORIDA EXHIBIT
ISD PROJECT NO. CM12-PARK-01 GOB ESP

TABULATION SHEET

RANKING CRITERIA	COMPETITIVE SELECTION COMMITTEE								SUB-TOTAL	System Ranking	Local Preference Range	FINAL RANK
	Margie Tawil	Ryle Stephens	Robert Stebbins	Ryan Alva	Franklin Strupp	Jose Luis Posada	TOTAL					
1 Qualifications of Firm and Proposed Team Members (Max. 25 points)	25	25	22	25	22	25	22	144				
2 Relevant Construction Experience (Max. 20 points)	20	20	18	20	18	20	18	116				
3 Past Performance of the Firm (Max. 20 points)	20	19	18	20	18	19	19	114				
4 Knowledge of Project Scope (Max. 10 points)	10	10	9	9	9	10	9	57				
5 Pre-Construction Phase Fee Proposal (Max. 5 points)	5	5	5	3	4	5	5	27				
6 CM Fee Multiplier for Construction Phase (Max. 20 points)	20	20	20	15	18	19	18	112		502	1	
Turner Construction Company (LP)	100	99	92	92	89	98	98	570	1		1	
1 Qualifications of Firm and Proposed Team Members (Max. 25 points)	20	25	24	25	22	24	22	140				
2 Relevant Construction Experience (Max. 20 points)	10	19	16	18	18	18	18	101				
3 Past Performance of the Firm (Max. 20 points)	20	18	18	20	18	18	18	112				
4 Knowledge of Project Scope (Max. 10 points)	10	9	9	7	9	9	9	55				
5 Pre-Construction Phase Fee Proposal (Max. 5 points)	3	4	4	3	3	4	3	21				
6 CM Fee Multiplier for Construction Phase (Max. 20 points)	20	20	17	15	16	18	16	105				
Faith Samuels, ISD Non-Voting Chairperson	83	94	88	88	86	93	86	552	2		2	
LP - Local Preference												

PROJECT LOCATION: Zoo Miami, 12400 SW 152nd Street, Miami, FL 33177

PROJECT SITES:	<u>SITE #</u>	<u>LOCATION 1</u>	<u>DIST</u>	<u>ESTIMATE</u>	<u>T-S-R</u>
	#70431	12400 SW 152ND ST	9	\$35,495,946.10	55-25-39

PRIMARY COMMISSION DISTRICT: District 9 Dennis C. Moss

APPROVAL PATH: Mayor's Authority Economic Stimulus Package

USING DEPARTMENT: Parks, Recreation and Open Spaces

MANAGING DEPARTMENT: Parks, Recreation and Open Spaces

Fiscal Impact / Funding Source

FUNDING SOURCE:	<u>SOURCE</u>	<u>PROJECT NO.</u>	<u>SITE #</u>	<u>AMOUNT</u>
	Building Better Communities GOB Future Financing	933650	#70431	Not to exceed \$35,495,946.10

OPERATIONS COST IMPACT / FUNDING: To be provided upon completion of Guaranteed Maximum Price negotiations.

MAINTENANCE COST IMPACT / FUNDING: To be provided upon completion of Guaranteed Maximum Price negotiations.

LIFE EXPECTANCY OF ASSET: To be provided upon completion of Guaranteed Maximum Price negotiations.

PTP FUNDING: No

GOB FUNDING: Yes

ARRA FUNDING: No

CAPITAL BUDGET PROJECT:	CAPITAL BUDGET PROJECT # - DESCRIPTION	<u>AWARD ESTIMATE</u>
	933650- ZOO MIAMI - CONSTRUCTION OF PHASE V - FLORIDA EXHIBIT - BUILDING BETTER COMMUNITIES BOND PROGRAM Book Page:184 · Funding Year: Adopted Capital Budget Book for Future Years' Funds through FY 15-16	Not to exceed \$35,495,946.10

GOB PROJECT:	GOB PROJECT # - DESCRIPTION	<u>AWARD</u> <u>ESTIMATE</u>
	47 - Zoo Miami - Construction of Phase V - Florida Exhibit.	Not to exceed \$35,495,946.10
PROJECT TECHNICAL CERTIFICATION REQUIREMENTS:	Not Applicable	
BID PACKAGES ISSUED:	4	
BIDS RECEIVED:	4	
ESTIMATED ORIGINAL CONTRACT PERIOD:	1460 Days.	Excludes Warranty Administration. This total estimated duration includes the Pre-Construction and Construction Phases as follows: Pre-Construction Phase: 365 calendar days (Not Contiguous) Construction Phase: 1095 calendar days (Not Contiguous)
TOTAL CONTRACT PERIOD:	1460 Days.	Excludes Warranty Administration Period
CONTINGENCY PERIOD:	146 Days.	
IG FEE INCLUDED IN BASE CONTRACT:	Yes	
ART IN PUBLIC PLACES:	Yes	
BASE ESTIMATE:	\$32,549,764.04	
BASE CONTRACT AMOUNT:	\$32,549,764.04	This amount includes \$57,013 of negotiated Pre-Construction Phase services. This Base Contract Amount covers Pre- Construction and Construction Phases.
CONTINGENCY ALLOWANCE (SECTION 2- 8.1 MIAMI DADE COUNTY CODE):	TYPE New Construction	PERCENT 5% AMOUNT \$1,627,488.20 COMMENT
ART IN PUBLIC PLACES :	\$524,570.63	1.50% of Base, Contingency, and Dedicated Allowance
PERMIT FEES:	\$244,123.23	0.75% of the Base Contract Amount
SPECIAL DEDICATED ALLOWANCE:	\$550,000.00	1.69% of the Base Contract Amount
TOTAL DEDICATED ALLOWANCE:	\$1,318,693.86	
TOTAL AMOUNT:	\$35,495,946.10	Total CM @ Risk Contract not to exceed this Amount.

Track Record / Monitor

SBD HISTORY OF VIOLATIONS:

No- (See attachment 4)

EXPLANATION:

On January 23, 2013 this project was added to the list of Economic Stimulus Projects via Resolution No. R-46-13. Four (4) proposals were received by the Clerk of The Board on March 22, 2013. The proposers were PCL Construction Services, Inc. (PCL), Zoo Miami Exhibit Construction Management Team (A Joint Venture), Manhattan Construction Florida, Inc., and Turner Construction, (Turner).

A two-step selection process was used for this Construction Manager @ Risk solicitation. Step one (1) Evaluation of Minimum Qualifications and Step Two (2) – Evaluation of Technical/Qualification Proposal. The Step one (1) qualifications are as follows: Proposers must have a minimum of ten (10) years of experience in building zoos and/or themed attractions, and completed no less than three (3) projects with construction costs above \$20,000,000. On April 15, 2013 the Selection Committee (CSC), evaluated the four (4) firms and found two (2) firms compliant with the minimum qualifications; PCL, and Turner.

Step two (2) evaluations consisted of hearing oral presentation from both PCL and Turner, then scoring the presentations with assigned point values pursuant to the evaluation criteria established in the RFP. Upon completion of the scoring, PCL was the highest ranked firm and Turner ranked number two. Negotiation Authorization was approved on May 14, 2013 by the Director of the Internal Services Department. The Negotiation Committee entered into negotiations with PCL on May 30, 2013, and concluded negotiations of the Pre-Construction Phase services in the Base Contract Amount of \$57,013 and the terms and conditions for the Construction Manager at Risk Agreement on June 24, 2013. The negotiated Construction Manager's Fees for the construction phase are as stated in Article 8 of the Construction Manager at Risk Agreement. Pursuant to the Agreement, negotiations with PCL will ensue for the Construction Phase services Guaranteed Maximum Price (GMP) packages not to exceed a Total Amount of \$35,495,946.10. After successful execution and filing of this revised Contract Award Recommendation with the Clerk of The Board and expiration of the protest period in accordance with 2-8.3 and 2-8.4 of the Code of Miami-Dade County and Implementing Order 3-21; the Department will execute the Construction Manager at Risk Agreement, identifying the negotiated \$57,013 in Pre-Construction Phase services as well as a Total Amount not to exceed \$35,495,946.10 for the total CM @ Risk project. As separate Guaranteed Maximum Price (GMP) packages are negotiated for Construction Phase Services towards the total CM @ Risk work, the Department will prepare Amendments to the existing Construction Manager at Risk Agreement to be executed by the Mayor or Mayor's designee.

A current Small Business Development Firm History Report was requested but PCL had no contracts awarded over the last five years through Miami-Dade County. A thorough "Vendor Due Diligence Investigation Summary" has been included for your convenience as well as a copy of the approved Request to Advertise.

On July 31, 2013, the Department recommended that the Mayor or Mayor's designee award the Pre-Construction Phase Services of this Construction Manager @ Risk Contract to the highest ranked firm PCL. This recommendation was executed and stamped by the Clerk of The Board on August 14th 2013. However, the July 31, 2013 was issued in error because the solicitation for CM at Risk Construction Manager for the Florida Exhibit contemplated that a CM at Risk Contract for the entire scope of work, including Pre-Construction Services, would be awarded by the County. By way of this revised Contract Award Recommendation (CAR), the Department is recommending that the July 31, 2013 be rescinded and superseded by this Award Recommendation to PCL for Construction Manager @ Risk Services in a Total Amount not to exceed \$35,495,946.10, and present the contract award to the Board for ratification at the next available meeting.

ESTIMATED NOTICE TO PROCEED: 11/19/2013

PRIME CONTRACTOR: PCL CONSTRUCTION SERVICES INC

COMPANY PRINCIPAL: Jeff Westphal

COMPANY QUALIFIERS: Blake Holtman

COMPANY EMAIL ADDRESS: bholtom@pcl.com

COMPANY STREET ADDRESS: 6675 Westwood Blvd., Suite 200

COMPANY CITY-STATE-ZIP: Orlando, Florida 33821

YEARS IN BUSINESS: 107

PREVIOUS CONTRACTS WITH COUNTY IN THE LAST FIVE YEARS: According to the Regulatory and Economic Resources Department, the Contractor has had no contracts with Miami-Dade County in the last five years.

SUB CONTRACTORS AND SUPPLIERS (SECTION 10-34 MIAMI DADE COUNTY CODE):

To be provided upon completion of Guaranteed Maximum Price negotiations.

MINIMUM QUALIFICATIONS EXCEED LEGAL REQUIREMENTS: No; However, Proposers must have a minimum of ten (10) years of experience in building zoos and/or themed attractions, and completed no less than three (3) projects with construction costs above \$20,000,000.

STANDARD PAYMENT AND PERFORMANCE BOND: Yes

REVIEW COMMITTEE: MEETING DATE: 6/27/2011 SIGNOFF DATE: 7/13/2011
RESUBMIT DATE: 6/8/2012 RESUBMIT SIGNOFF: 6/8/2012

APPLICABLE WAGES: Yes
(RESOLUTION No. R-54-10)

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:	<u>TYPE</u>	<u>GOAL</u>	<u>ESTIMATED VALUE</u>	<u>COMMENT</u>
	CSBE	10.72%	\$3,805,165	The CSBE goal will be met in the Construction Phase of this project.

MANDATORY CLEARING
HOUSE: Yes

CONTRACT MANAGER NAME / PHONE / EMAIL:	John Gutierrez	305-755-7830	JGX@miamidade.gov
PROJECT MANAGER NAME / PHONE / EMAIL:	Angel Trujillo	305-755-7972	ANGELT@miamidade.gov

Background

BACKGROUND:

This project is for the management and construction of the Miami Metro Zoo's Florida Exhibit consistent with the Zoo's general plan vision. Just beyond the Zoo's entry plaza and guest welcome area, visitors will be immersed in a native Florida habitat representing a transect through the Everglades to the pine rocklands and beyond to the coast. The proposed exhibits include native Florida animals, large exhibit pools along with a boat dock and monorail station. The Florida Exhibit will celebrate the unique location of Zoo Miami and educate all visitors (resident and non-resident) about the special characteristics of this location.

BUDGET APPROVAL
FUNDS AVAILABLE: *[Signature]* 10/8/13
OMB DIRECTOR DATE

APPROVED AS TO
LEGAL SUFFICIENCY: *[Signature]* 10/11/13
COUNTY ATTORNEY DATE

[Signature] 10/15/13
SENIOR ADVISOR DATE
OFFICE OF THE MAYOR

CLERK DATE 10/17/2013
DATE

ZOO MIAMI
 FLORIDA EXHIBIT
 PROJECT #: 592500-06-003
 CHANGE ORDER 1,
 BASE CONTRACT

	TOTAL DISTRIBUTION	GOB 2015 SERIES "J" SITE: 48-77709 INDEX CODE IBD	GOB 2016 SERIES "K" SITE: 48-77709 INDEX CODE IBD	WO#	WO#
CONTRACT AWARD BREAKDOWN					
CHANGE ORDER 1, BASE CONTRACT - CONSTRUCTION	\$ 2,700,000.00	\$ 2,025,000.00	\$ 675,000.00	104660	104659
TOTAL	\$ 2,700,000.00	\$ 2,025,000.00	\$ 675,000.00		

Note: AIPP is not applied to Construction Change Orders

MWR

Michael W. Ruiz 2014/05/05

Michael W. Ruiz

Chief, Budget and Financial Management Division

2014/05/05
 Date

Memorandum



Date: May 6, 2014

To: Jack Kardys, Director
Parks, Recreation and Open Spaces Department

From: Gary T. Hartfield, Division Director
Small Business Development
Internal Services Department

A handwritten signature in black ink, appearing to read "Gary T. Hartfield", written over the "From:" field.

Subject: Project No. CM12-Park-01 GOB ESP, Miami Metrozoo - Florida Exhibit (Formerly CM09-Park-01 GOB and CM11-Park-01 GOB) (SIC 15)

The subject project was reviewed by Small Business Development (SBD), for compliance with the Community Small Business Enterprise (CSBE) 10.72% Goal. To date, the CSBE firms meeting the goal have been paid \$115,427.60 or 10.5% of the dollars paid to the prime. This amount is equal to 0.34% of the original contract amount for base plus contingency. The prime is in compliance with the CSBE requirements at this time. The prime contractor and its subcontractors are in compliance with the applicable wage requirements.

Please do not hesitate to contact Veronica Clark, Assistant to the Director at 305-375-4770 if you need additional information.

c: John Gutierrez, Special Projects Administrator, Parks
Lester Sola, Director, ISD
Veronica Clark, Assistant to Director, SBD, ISD

ATTACHMENT E

MIAMI-DADE COUNTY, FLORIDA PARKS, RECREATION AND OPEN SPACES CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER One (1)
NO:

CONTRACT NO: 592500-06-003-01

DATE: 5/23/2014

PROJECT TITLE: Miami Metro Zoo, Florida Exhibit

TO PCL CONSTRUCTION SERVICES INC 6675 Westwood Blvd., Suite 200 Orlando, Florida 33821
CONTRACTOR:

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 17% or \$5,950,000.00 from \$35,495,946.10 to \$41,445,946.10.

Monetary Justification: The Department recommends an increase of \$5,950,000.00 to the contract amount to include the construction of the multi-purpose building as part of the Front Entry sequence and a boat ride within the proposed Florida Exhibit. The multi-purpose building is a rental venue and group sales headquarters for the Zoo. In addition to serving as revenue generating rental venue, the facility will also include public restrooms for visitors at the entry plaza and a receiving point for large groups. (Continued below)

Time Justification: Not applicable

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-----	\$35,495,946.10
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT, PRIOR TO THIS CHANGE-----	\$35,495,946.10
COST OF CHANGES WITH THIS DOCUMENT-----	\$5,950,000.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$41,445,946.10
PERCENT INCREASE WITH THIS CHANGE-----	17%
TOTAL PERCENT INCREASE TO DATE-----	17%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	1460 / 0 / 0
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	146 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	1606

CERTIFYING STATEMENT: *The Contractor certifies that the changes and supporting cost data included is in its considered opinion necessary and accurate and that the prices quoted are fair and reasonable.*

Bond No. 6340153, 105829084, 82325518

<u>Organization</u>	<u>Name</u>	<u>Accepted By:</u>	<u>Title</u>	<u>Date</u>
PCL CONSTRUCTION SERVICES INC	Jeff Westphal, Vice President & District Manager		Contractor	May 28, 2014
Surety	Fidelity and Deposit Company of Maryland, Travelers Casualty and Surety Company of America, Federal Insurance Company		Surety	May 28, 2014
		By:		
	Sandra M. Winsted, Attorney-in-Fact			

<u>Title</u>	<u>Name</u>	<u>Date</u>
Approved By: <u>County Attorney</u> (for legal sufficiency)	_____	_____
Approved By: <u>County Mayor</u>	_____	_____
Attested By: <u>Clerk of the Board</u>	_____	_____

Monetary Justification: (Continued)

The boat ride is an Everglades themed family ride providing an alternate method of transportation and enhanced viewing opportunity for an additional charge. The boat ride will wind its way throughout the exhibit within a dedicated water channel with one entry and exit point located at the plaza entrance of the Florida Exhibit.

Time Justification Declaration:

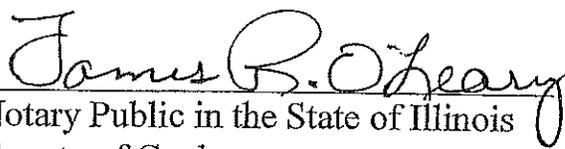
A time extension is provided for additional work performed outside the scope of the original Contract that affects the critical path schedule of the contracted work or previously approved changes. Should additional work be required which does not affect the critical path schedule, no time extension will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

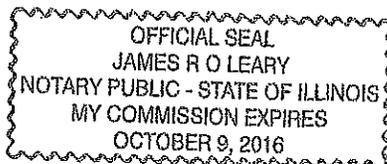
ACKNOWLEDGEMENT BY SURETY

STATE OF ILLINOIS
COUNTY OF COOK

On this 28th day of May, 2014 before me, James R. O'Leary, a Notary Public, within and for said County and State, personally appeared Sandra M. Winsted to me personally known to be the Attorney-in-Fact of and for Fidelity and Deposit Company of Maryland, Travelers Casualty and Surety Company of America, Federal Insurance Company and acknowledged that she executed the said instrument as the free act and deed of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.


Notary Public in the State of Illinois
County of Cook



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

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by THOMAS O. MCCLELLAN, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Sandra M. WINSTED, Susan A. WELSH, Judith A. LUCKY-EFTIMOV, James B. MCTAGGART, Debra J. DOYLE, Sandra M. NOWAK, Melissa L. FORTIER and Jessica B. YATES, all of Chicago, Illinois, 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 Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

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

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 24th day of April, A.D. 2014.

ATTEST:

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



Gerald F. Haley

By: _____

Assistant Secretary
Gerald F. Haley

Thomas O. McClellan

Vice President
Thomas O. McClellan

State of Maryland
City of Baltimore

On this 24th day of April, A.D. 2014, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, THOMAS O. MCCLELLAN, Vice President, and GERALD F. HALEY, Assistant Secretary, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

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

Maria D. Adamski

Maria D. Adamski, Notary Public
My Commission Expires: July 8, 2015





POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 227874

Certificate No. 005866830

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Debra J. Doyle, Diane M. O'Leary, James B. McTaggart, Jennifer L. Jakaitis, Judith A. Lucky-Eftimov, Sandra M. Winsted, Sandra M. Nowak, Susan A. Welsh, and Melissa L. Fortier

of the City of Chicago, State of Illinois, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory 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, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 14th day of April, 2014.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

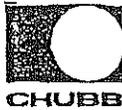
By: [Signature]
Robert L. Raney, Senior Vice President

On this the 14th day of April, 2014, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.



[Signature]
Marie C. Tetreault, Notary Public



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 Marcia K. Cesafsky, Karen L. Daniel, Debra J. Doyle, Robert E. Duncan, Melissa L. Fortier, Jennifer L. Jakaitis, James B. McTaggart, Linda M. Napolillo, Sandra M. Nowak, Diane M. O'Leary, Christopher P. Troha, Susan A. Welsh and Sandra M. Winsted of Chicago, Illinois

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 1st day of October, 2012.

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY

County of Somerset

ss.

On this 1st day of October, 2012 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.

Notarial Seal



KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No 2316685
Commission Expires July 16, 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 28 day of May, 2014



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