Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 14(A)(4)

Date: May 17, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Approving Change Order No. 5 and Final to the Construction Contract between Miami-Dade County and Suffolk Construction Company, Inc. for the New Miami-Dade County Children's Courthouse - ISD Project No. W40114 ESP; ISD Contract No. W40114-C

Recommendation

It is recommended that the Board of County Commissioners (Board) approve Change Order No. 5 and Final to the construction contract between Miami-Dade County (County) and Suffolk Construction Company, Inc. (Suffolk) for the new Miami-Dade County Children's Courthouse. This change order in the amount of $250,000.00 will increase the contract amount from $93,819,317.00 to $94,069,317.00 and addresses the following:

- Provides a full and final settlement of Suffolk's claims related to smoke evacuation, including elevator pressurization issues, identified during the course of final inspections. This resolution authorizes the settlement sum to be funded from the remaining allocations in the project's Contingency, Remediation, and Permit allowances, and will increase the contract amount by $250,000.00.

This project was added to the County's Economic Stimulus Plan (ESP) approved projects list on May 19, 2009 through Resolution No. R-616-09. As such, this change order does not require committee review. Pursuant to Resolution No. R-1001-15, it is required that contracts with small business measures meet at least 85 percent of the applicable goal for the portion of the contract work performed to date before a change order is considered for approval by the Board. According to the Internal Service Department's Small Business Development Division, Suffolk has met 87 percent of the Small Business Enterprise Construction Services goal. Penalties assessed to Suffolk have been paid, and Suffolk will be required to make-up double the deficit on a future County contract.

Scope

Although the project is located within the boundaries of District 3, which is represented by Commissioner Audrey M. Edmonson, the impact of this project is countywide in nature.

Fiscal Impact/Funding Source

This Change Order will not increase the overall budgeted project amount of $140.6 million for the Children's Courthouse, Project #3020081, as shown in Volume 2, page 71, of the FY 2014-15 Adopted Budget and Multi-Year Capital Plan. The $250,000.00 being requested for Change Order No. 5 and Final will be funded through the 2003 Juvenile Courthouse Bond Interest proceeds, which remain available within the overall project budget.

Track Record/Monitor

Jorge Orol, Construction Manager, in the Design and Construction Services Division of the Internal Services Department, has managed this capital project on behalf of the Administrative Office of the Courts.

Background

On November 3, 2010, the County approved a contract for the construction of the new Children's Courthouse. This state of the art, 14-story, 371,500-square foot facility was designed to accommodate up to 18 courtrooms and office space for the Juvenile and Unified Family Court Divisions of the Eleventh Judicial Circuit of Florida and related agencies. Construction on the courthouse was substantially completed on October 30, 2014, and a grand opening was held on April 24, 2015.

As the project was approaching completion, technical issues with the design of the smoke evacuation system, such as duct-sizing and configuration as well as the type of fans utilized for the elevator pressurization system, impacted the opening date. Suffolk requested $2,976,639.00 as a result of issues caused by the late resolution of the elevator pressurization issue. After negotiations between Suffolk and County staff, the parties agreed to cap the settlement at $1,543,595.54. The settlement amount will be paid from the balance in the Contingency, Remediation and Permit allowances ($1,293,595.54), and this change order funded through 2003 Juvenile Courthouse Bond Interest proceeds ($250,000.00).

This will release and fully discharge the County from any and all claims, liabilities, actions and causes of action by Suffolk under the contract.

Edward Marquez
Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 14(A)(4)

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**

_____ **Statement of social equity 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)(4)
5-17-16

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NO. 5 AND FINAL TO THE CONSTRUCTION CONTRACT BETWEEN MIAMI-DADE COUNTY AND SUFFOLK CONSTRUCTION COMPANY, INC. FOR THE NEW MIAMI-DADE CHILDREN'S COURTHOUSE, ISD PROJECT NO. W40114 ESP, ISD CONTRACT NO. W40114-C; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO FUND SETTLEMENT WITH REMAINING CONTRACT BALANCES IN THE AMOUNT OF $1,293,596.00 AND INCREASING THE CONTRACT AMOUNT BY $250,000.00 FUNDED FROM 2003 JUVENILE COURTHOUSE BOND INTEREST PROCEEDS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME

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 approves Change Order No. 5 and Final to the construction contract between Miami-Dade County and Suffolk Construction Company, Inc. ("Suffolk") for the new Miami-Dade Children's Courthouse, ISD Project No. W40114 ESP, ISD Contract No. W40114-C, in substantially the form attached hereto and made a part hereof; authorizes the Mayor or Mayor's designee to fund a settlement with Suffolk with the remaining contract balances in the Contingency, Remediation and Permit allowances ($1,293,596.00) and increasing the amount of the contract by $250,000.00 funded through 2003 Juvenile Courthouse Bond Interest proceeds; and authorizes the County Mayor or the County Mayor's designee to execute the Change Order for and on behalf of Miami-Dade County.

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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Hugo Benitez

MIAMI-DADE COUNTY, FLORIDA

INTERNAL SERVICES DEPARTMENT

CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO: 5 and Final **CONTRACT NO:** W40114-C ESP **DATE:** 2/8/2016

PROJECT TITLE: New Miami-Dade Children's Courthouse

TO CONTRACTOR: Suffolk Construction Company, Inc., 1 Harvard Circle, Ste. 100, W. Palm Beach, FL 33401

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: This change order in the amount of $250,000 will increase the contract amount from $93,819,317 to $94,069,317 and addresses the following issues:

1) Provides a full and final settlement of Suffolk's claims related to the contractor's Smoke Evacuation Claim, including elevator pressurization issues identified during the course of required inspections (copy attached). In consideration for this change order, the County and Suffolk have agreed to settle the cost component of the aforementioned claim in the amount of $1,543,595.54. Once approved, the proposed change order will allow for utilization by Suffolk of certain project funds, namely the remainder allocations for Contingency, Remediation, and Permit Allowances, and will increase the contract amount by $250,000.

2) Provides release and full discharge to the County for any and all claims, liabilities, actions and causes of action under the Contract. In the event that the Board does not approve Change Order No. 5, Suffolk reserves the right to claim compensation for the Smoke Evacuation Claim, which in no event shall exceed $1,543,595.54.

Monetary Justification: Full and final settlement of Suffolk's claims related to the contractor's Smoke Evacuation Claim, including elevator pressurization issues, by permitting the utilization of the aforementioned funds in order to increase the contract amount by $250,000. This action is recommended in order to allow the County to receive a full release and discharge for any and all claims, liabilities, actions and causes of action under the Contract.

Time Justification: There is no impact on the contract's term.

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	$79,305,500
COST OF CHANGES PREVIOUSLY ORDERED	$14,513,817
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$93,819,317
COST OF CHANGES WITH THIS DOCUMENT	$250,000
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$94,069,317
PERCENT INCREASE WITH THIS CHANGE	0.27%
TOTAL PERCENT INCREASE TO DATE	18.62%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	936 / 280 / 0
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	94 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	1,310

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.

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.

Accepted By:

Organization	Name	Title	Date
Suffolk Construction Company, Inc		Contractor	March 18, 2016
	Juan Diaz, General Counsel-SE / Asst. Sec.		
Surety	Rebecca S. Gross, Attorney-in-Fact	Surety	03/18/2016
Fidelity and Deposit Company of Maryland / Safeco Insurance Company of America / Federal Insurance Company		Bond No. 9029398 / 6718868 / 82204766	

Title	Name	Date
Approved By: **County Attorney** (for legal sufficiency)		
Approved By: **County Mayor**		
Attested By: **Clerk of the Board**		

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 **Debra J. SCARBOROUGH, Christy M. BRAILE, Mary T. FLANIGAN, Laura M. BUHRMESTER, Charissa D. LECUYER, Larissa SMITH, Wendy A. CASEY, Rebecca S. GROSS, C. Stephens GRIGGS and Tahitia M. FRY, all of Kansas City, Missouri, 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 8th day of January, A.D. 2016.

ATTEST:

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

By: Eric D. Barnes

Secretary
Eric D. Barnes

Thomas O. McClellan

Vice President
Thomas O. McClellan

State of Maryland
County of Baltimore

On this 8th day of January, A.D. 2016, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **THOMAS O. MCCLELLAN, Vice President, and ERIC D. BARNES,** Secretary, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

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

Constance A. Dunn

Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2019

POA-F 076-5892U

EXTRACT FROM BY-LAWS OF THE COMPANIES

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

CERTIFICATE

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

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

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

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

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this ____ day of MAR 1 8 2016, 20____.

Michael Bond, Vice President

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.
This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 7175642

First National Insurance Company of America
General Insurance Company of America
Safeco Insurance Company of America

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That First National Insurance Company of America, General Insurance Company of America, and Safeco Insurance Company of America are corporations duly organized under the laws of the State of New Hampshire (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, C. Stephens Griggs; Charissa D. Lecuyer; Charles R. Teter, III; Christy M. Braile; Debra J. Scarborough; Evan D. Sizemore; Jeffrey C. Carey; Larissa Smith; Laura M. Buhrmester; Mary T. Flanigan; Patrick T. Pribyl; Rebecca S. Gross; Tabitha M. Fry; Wendy A. Casey

all of the city of Kansas City, state of MO each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 11th day of November, 2015.

First National Insurance Company of America
General Insurance Company of America
Safeco Insurance Company of America

By: David M. Carey
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 11th day of November, 2015, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of First National Insurance Company of America, General Insurance Company of America, and Safeco Insurance Company of America, and that he, as such, being authorized so to do, execute 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 have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2017
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-law and Authorizations of First National Insurance Company of America, General Insurance Company of America, and Safeco Insurance Company of America, which are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of First National Insurance Company of America, General Insurance Company of America, and Safeco Insurance Company of America do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this _____ day of MAR 18 2016, 20_____.

By: Gregory W. Davenport
Gregory W. Davenport, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

POA - FNICA, GICA & SICA
LMS_12874_122013 - 3 Company

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 Christy M. Braile, Laura M. Buhrmester, Jeffrey C. Carey, Mary T. Flanigan, Tahitia M. Fry, C. Stephens Griggs, Rebecca S. Gross, Charissa D. Lecuyer, Patrick T. Pribyl, Debra J. Scarborough, Evan D. Sizemore, Larissa Smith and Charles R. Teter III of Kansas City, Missouri----------

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 25th day of January, 2016.

Dawn M. Chioros, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY

ss.

County of Somerset

On this 25th day of January, 2016 before me, a Notary Public of New Jersey, personally came Dawn M. Chioros, 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 Dawn M. Chioros, being by me duly sworn, did depose and say that she 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 she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she 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, 2019

Notary Public

CERTIFICATION

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

> "Except as otherwise provided in these By-Laws or by law or as otherwise directed by the Board of Directors, the President or any Vice President shall be authorized to execute and deliver, in the name and on behalf of the Corporation, all agreements, bonds, contracts, deeds, mortgages, and other instruments, either for the Corporation's own account or in a fiduciary or other capacity, and the seal of the Corporation, if appropriate, shall be affixed thereto by any of such officers or the Secretary or an Assistant Secretary. The Board of Directors, the President or any Vice President designated by the Board of Directors may authorize any other officer, employee or agent to execute and deliver, in the name and on behalf of the Corporation, agreements, bonds, contracts, deeds, mortgages, and other instruments, either for the Corporation's own account or in a fiduciary or other capacity, and, if appropriate, to affix the seal of the Corporation thereto. The grant of such authority by the Board or any such officer may be general or confined to specific instances."

I, Dawn M. Chioros, 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 the U.S. Virgin Islands, and Federal is licensed in Guam, Puerto Rico, 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 March 18, 2016

Dawn M. Chioros, 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- 3498 Fax (908) 903- 3658 e-mail: surety@chubb.com

Form 15-10- 02258- U GEN CONSENT (rev. 07-15)

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