

Memorandum



Date: October 6, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A blue ink signature of Carlos A. Gimenez, Mayor of Miami-Dade County.

Agenda Item No. 3(B)(3)

Resolution No. R-926-20

Subject: Resolution Ratifying the Action Related to Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance pursuant to Section 2-8.2.12 of the Miami-Dade County Code

Recommendation

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance (WASD Acceleration Ordinance) for the funded project identified below and on Exhibit A, as attached.

Capital Improvement Project

Item 1— Change Order No. 2 to Contract No. S-870 is for an increase in the contract amount of \$85,422.17 and a retroactive 92-day non-compensable time extension between Miami-Dade County Water and Sewer Department (WASD) and Poole and Kent Company of Florida (P&K) for Central District Wastewater Treatment Plant (CDWWTP) Industrial Injection Well Surface Facilities.

Scope

The commission district of the project location is District 7, Commissioner Xavier L. Suarez, and is included on Exhibit A, which provides basic information about Change Order No. 2 for which ratification is being requested. The Change Order approved through WASD's Acceleration Ordinance has a countywide impact.

Fiscal Impact/Funding Source

Funding for this change will be from project Outfall Legislation, Project # 962670, of FY2019-20 Adopted Budget and Multi-Year Capital Plan, page 62. The funding sources are: Wastewater Special Construction Fund, Wastewater Connection Charges, WASD Revenue Bond Sold, State Revolving Loan Wastewater, Future WASD Revenue Bonds.

Track Record/Monitoring

WASD Deputy Director of Capital Improvements, Hardeep Anand, will oversee the implementation of Change Order No. 2 to Contract No. S-870.

Background

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor or County Mayor's designee to award and amend contracts, and negotiate and issue change orders for funded capital projects and to accelerate the approval of WASD's: 1) Consent Decree projects, and 2) projects identified in WASD Multi-Year Capital Plan's Capital Improvements Program, subject to ratification by the Board.

In January 2017, after a competitive solicitation, Contract S-870 ("Contract") was awarded to P&K for furnishing and installing surface facilities for existing industrial injection wells at the Central District Wastewater Treatment Plant (CDWWTP). The total amount of award was \$25,982,500 with a Contract duration of 510 calendar days for Substantial Completion and 540 calendar days for Final Completion with a Contingency Time Allowance of 54 days. In order to close out the Contract, Change Order Number 2 addresses two items: 1) cost associated with the permit design modifications and 2) a time extension for the delivery of new pumps and flowmeter.

Permit Design Modifications

The Contract includes the construction of a New Injection Well Pump Station (IWPS) as part of the Ocean Outfall Program. The original design included two open/close valves, one manual and one motor operated. These valves would adjust the flow of centrate to the IWPS (centrate is the liquid extracted from wastewater sludge). The centrate flow is controlled to prevent exceeding Total Suspended Solids (TSS) permit limits for the IWPS.

On February 19, 2018, the Florida Department of Environmental Protection (FDEP) required a change to eliminate the one manual valve and replace it with a motor operated valve so that both open/close valves would be motor operated. On April 25, 2019, FDEP and WASD determined that the two open/close valves needed to be equipped with spring returns which would operate in case of a power failure.

The cost of these changes was determined to be \$103,152.00. The amount of \$17,729.83 was paid through the contract Contingency Allowance Account and the balance of \$85,422.17 is to be paid through this Change Order.

Delivery of Pumps/Flowmeter

In order for FDEP to approve the permit for the Industrial Wells, a portion of the flow needed to come from a non-domestic wastewater source. The original contract documents called for the non-domestic wastewater source to originate from the Virginia Key Landfill Groundwater Remediation System (GRS). When the Industrial Wells were ready for operational testing, the GRS had not been completed. Rather than delay the operational testing of the Industrial Wells, WASD decided to install new pumps and a flow meter to simulate input from the GRS and allow the testing to proceed. Delivery of the pumps and flow meter took 92-days with a cost of \$82,204.09. The cost of the pumps and flowmeter was paid through the Contract's Contingency Allowance and P&K was granted a 92-calendar day non-compensable time extension through Change Order No. 2.

The Contract was completed on November 10, 2019. Pursuant to the authority under WASD's Acceleration Ordinance, the County Mayor or County Mayor's designee approved Change Order No. 2 on August 26, 2020 which provides for: 1) a retroactive non-compensable time extension of 92 days which extends Substantial Completion to October 11, 2019 and Final Completion to November 10, 2019 and 2) increases the total contract amount by \$85,422.17 from \$25,982,500 to \$26,067,922.17. This Change Order No. 2 closes out the Contract.

Small Business Enterprise Measures

In March of 2020, prior to the issuance of Change Order No. 2, the Internal Services Department's Small Business Development (SBD) Division reviewed Contract S-870 for compliance with a 2.89 percent Small Business Enterprise - Goods and Services (SBE-G/S) goal; a 4.21 percent SBE-Construction (SBE-Con) goal; and Responsible Wages and Benefits requirements and determined that P&K was in compliance. P&K's compliance with the Residents First Training and Employment Program and Employ Miami-Dade Program goals will be determined at project completion. See the SBD memorandum attached hereto as Exhibit B.

Exhibit C is the Change Order identified in this memorandum, which has been executed by the County Mayor or County Mayor's designee in accordance with WASD's Acceleration Ordinance. A copy of the original construction contract is available upon request from the Department's Procurement Division.

Attachments

A handwritten signature in blue ink, appearing to read "J. Osterholt", is positioned above a horizontal line.

Jack Osterholt
Deputy Mayor

Exhibit A

Ratification of Amendments/Change Orders Authorized by the WASD Accelerate Ordinance

No.	Type of Solicit.	Contract No.	Project Name	Firm Awarded	Comm. District	Change Order		Original Contract		Funding Source(s)	Est. Start Date		Contract Measures	Brief Project Description	
	Contract Type	Project No.				Amount	Time	Amount	Adjusted Contract Amount			Est. End Date		Change Order Description	
41	County Bid Process; Construction Contract	Con-tract No. S-870	CDWWTP Industrial Injection Well Surface Facilities	Poole & Kent Company of Florida	District 7 (Xavier L. Suarez)	\$85,422.17; Retroactive 92-day non-compensable time extension		Original Contract Amount \$25,982,500; Adjusted Contract Amount \$26,067,922.17		Waste-water Special Construction Fund; Waste-water Connection Charges; WASD Revenue Bond Sold; State Revolving Loan Waste-water; Future WASD Revenue Bonds	Notice to Proceed Start Date: 05/01/2017 Completion Date: 11/10/2019		SBE G/S - 2.89% SBE A/E - N/A SBE Const. - 4.21% CWP Prog. - N/A	This project is for the construction of the proposed surface facilities, which will include a pump station, electrical power supply, instrumentation, controls and associated appurtenances. *** This Change Order is for an increase in the contract amount of \$85,422.17 and a retroactive 92-day of non-compensable time extension.	

Memorandum



Date: March 17, 2020

To: Kevin Lynskey, Director
Miami-Dade Water and Sewer Department

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

Subject: Project No. S-870, CDWWTP Industrial Injection Well Surface Facilities.

Project No. S-870, CDWWTP Industrial Injection Well Surface Facilities. was reviewed for compliance with the 4.21% Small Business Enterprise – Construction (SBE-Con) goal and 2.89% Small Business Enterprise – Goods and Services (SBE-G&S) goals, and the Responsible Wages and Benefits and Residents First Training and Employment Program requirements. Change Order No. 2 increases the value of the contract by \$85,422 and extends the time by 92 days. The SBE-Con and SBE-G&S will apply to this change order. Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for Board approval.

The 4.21% SBE-Construction goal is valued at \$1,097,863. The SBE-Construction firms meeting the goal have performed and been paid \$2,617,159.88. The 2.89% SBE-Goods & Services goal is valued at \$753,362. The SBE-Goods firm meeting the goal has requisitioned and been paid \$909,285. As such, the prime is in compliance with the goals and R-1001-15.

The prime, Poole and Kent Company of Florida (P&K), and subcontractors are currently in compliance with the Responsible Wages and Benefits. P&K's workforce plan, accepted on May 8, 2017, reported a total workforce of forty-nine (49) employees including thirty-two (32) Miami-Dade County residents. To date, five (5) employees have been found on site without OSHA-10 safety training. SBD is pending submittal of proof of OSHA-10 safety training for four (4) employees. Twenty-three (23) employees have been recruited from the Employ Miami-Dade Program, three (3) of which have worked sufficient days for compliance with the program. P & K's compliance with the Residents First Training and Employment Program and Employ Miami-Dade Program goals will be determined at project completion.

Please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153 for additional information.

c: Doug Yoder, Deputy Director, WASD
Hardeep Anand, Deputy Director, WASD
Laura Verdaguer, Legislative and Municipal Affairs Manager, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Donna Palmer, SPA, WASD
Edith Brown, Chief, Contract Compliance Division, WASD
Patty Palomo, Chief, Intergovernmental Affairs, WASD
Daniel Edwards, Project Manager, WASD
Tracie Auguste, SBD Section Chief, ISD
Alice Hidalgo-Gato, SBD Section Chief, ISD

MIAMI-DADE COUNTY, FLORIDA
WATER AND SEWER
CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 2 CONTRACT S-870 NO: DATE: 5/6/2020
 PROJECT CDWWTP Industrial Injection Well Surface Facilities
 TITLE:
 TO Poole & Kent Company of Florida 1781 NW North River Drive Miami, FL 33125
 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 \$85,422.17 and increase contract duration by 92 days
Monetary Justification: This contract was awarded to Poole & Kent Company of Florida for furnishing and installing surface facilities for existing industrial injection wells at the Central District Wastewater Treatment Plant (CDWWTP). The total amount of award was \$25,982,500 with a contract duration of 510 calendar days for Substantial Completion and 540 calendar days to Final Completion with a Contingency Time Allowance of 54 days. (Continued below)
Time Justification: In order for FDEP to approve the permit for the Industrial Wells, a portion of the flow needed to come from a non-domestic wastewater source. The original contract documents called for the non-domestic wastewater source to originate from the Virginia Key Landfill Groundwater Remediation System (GRS). When the Industrial Wells were ready for operational testing, the GRS had not (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-----	\$25,982,500.00
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$25,982,500.00
COST OF CHANGES WITH THIS DOCUMENT-----	\$85,422.17
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$26,067,922.17
PERCENT INCREASE WITH THIS CHANGE-----	0%
TOTAL PERCENT INCREASE TO DATE-----	0%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	540 / 183 / 92
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	54 / 54 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	923

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 # 106690431 / 82451900

Accepted By: _____
 Organization Name Title Date

Poole & Kent
 Company of Florida

[Signature]

Contractor

7/20/20

Travelers Casualty and Surety
 Company of America and
 Federal Insurance Company

Surety

Rita Lasquedo

Attorney-in-Fact

Title

Name

Date

Approved By: County Attorney
 (for legal sufficiency)

Approved By: County Mayor

Attested By: Clerk of the Board



Time Justification: (Continued)

been completed. Rather than delay the operational testing of the Industrial Wells, WASD decided to install new pumps and a flow meter to simulate input from the GRS and allow the testing to proceed. Delivery of the pumps and flow meter took 92-days with a cost of \$82,204.09. The cost of the pumps and flowmeter was paid through the Contract's Contingency Allowance and P&K was granted a 92-calendar day non-compensable time extension through Change Order No. 2.

Monetary Justification: (Continued)

The Contract includes the construction of a New Injection Well Pump Station (IWPS) as part of the Ocean Outfall Program. The original design included two (2) open/close valves, one (1) manual and one (1) motor operated. These valves would adjust the flow of centrate to the IWPS (centrate is the liquid extracted from wastewater sludge). The centrate flow is controlled to prevent exceeding Total Suspended Solids (TSS) permit limits for the IWPS.

On February 19, 2018, the Florida Department of Environmental Protection (FDEP) required a change to eliminate the one (1) manual valve and replace it with a motor operated valve so that both open/close valves would be motor operated. On April 25, 2019, FDEP and WASD determined that the two (2) open/close valves needed to be equipped with spring returns which would operate in case of a power failure. The cost of these changes was determined to be \$103,152.00. The amount of \$17,729.83 was paid through the contract Contingency Allowance Account and the balance of \$85,422.17 is to be paid through this Change Order.

Change Order Number 2 to the contract provides for: (1) a retroactive non-compensable time extension of 92 days which extends Substantial Completion to October 11, 2019 and Final Completion to November 10, 2019 and (2) increases the total contract amount by \$85,422.17 from \$25,982,500 to \$26,067,922.17.

This change order is revocable if not ratified by the Board of County Commissioners. In the event the Board of County Commissioners does not ratify this Change Order, the Contractor is not entitled to lost profits of other consequential or indirect damages; however, the Contractor is eligible for payment for any work done prior to failure of ratification.

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.



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Rita Losquadro** of **UNIONDALE**

New York, their true and lawful Attorney-in-Fact 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 **17th** day of **January**, **2019**.



State of Connecticut

City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the **17th** day of **January**, **2019**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance 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 said Companies 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**, **2021**




Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice 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 Resident Vice Presidents, Resident 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 on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **22nd** day of **July**, **2020**.




Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney-in-Fact and the details of the bond to which this Power of Attorney is attached.**

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

HARTFORD, CT 06183

PRINCIPAL'S ACKNOWLEDGMENT

State of _____, County of _____ } ss.

On this _____ day of _____ in the year 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SURETY COMPANY'S ACKNOWLEDGMENT

State of New York, County of Nassau } ss.

On this 22nd day of July in the year 2020, before me, the undersigned, personally appeared Rita Losquadro, personally known to me, and who, being by me duly sworn, did depose and say: That he/she resides in Nassau County, New York; that he/she is Attorney-in-Fact of **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**, the corporation described in and which executed the within instrument; that he/she knows the corporate seal of said Company; that the seal affixed to said instrument is such corporate seal; and that he/she signed said instrument as Attorney-in-Fact by authority of the Board of Directors of said Company; and affiant did further depose and say that the Superintendent of the State of New York Department of Financial Services has, pursuant to Section 1111 of the New York Insurance Law, issued to **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA** his/her certificate that said Company is qualified to become and be accepted as surety or guarantor on all bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law; and that such certificate has not been revoked.

Donnamarie A. Kissane
Notary Public

DONNAMARIE A. KISSANE
Notary Public-State of New York
No. 01K16297783
Qualified in Nassau County
Commission Expires March 3, 2022

HARTFORD, CONNECTICUT 06183

FINANCIAL STATEMENT AS OF DECEMBER 31, 2019

AS FILED IN THE STATE OF NEW YORK

CAPITAL STOCK \$ 6,480,000

ASSETS		LIABILITIES & SURPLUS	
CASH AND INVESTED CASH	\$ 90,238,215	UNEARNED PREMIUMS	\$ 1,079,715,557
BONDS	3,590,884,327	LOSSES	772,047,572
STOCKS	297,933,044	LOSS ADJUSTMENT EXPENSES	174,714,866
INVESTMENT INCOME DUE AND ACCRUED	37,250,410	COMMISSIONS	46,970,467
OTHER INVESTED ASSETS	3,986,514	TAXES, LICENSES AND FEES	14,728,588
PREMIUM BALANCES	263,364,263	OTHER EXPENSES	43,134,646
NET DEFERRED TAX ASSET	52,134,926	CURRENT FEDERAL AND FOREIGN INCOME TAXES	12,674,197
REINSURANCE RECOVERABLE	31,203,529	REMITTANCES AND ITEMS NOT ALLOCATED	17,964,746
SECURITIES LENDING REINVESTED COLLATERAL ASSETS	3,732,602	AMOUNTS WITHHELD / RETAINED BY COMPANY FOR OTHERS	26,565,278
RECEIVABLES FROM PARENT, SUBSIDIARIES AND AFFILIATES	11,831,826	RETROACTIVE REINSURANCE RESERVE ASSUMED	826,255
ASSUMED REINSURANCE RECEIVABLE AND PAYABLE	567,396	POLICYHOLDER DIVIDENDS	11,482,845
OTHER ASSETS	3,574,968	PROVISION FOR REINSURANCE	9,837,205
		ADVANCE PREMIUM	2,140,883
		PAYABLE FOR SECURITIES LENDING	3,732,602
		CEDED REINSURANCE NET PREMIUMS PAYABLE	46,059,812
		OTHER ACCRUED EXPENSES AND LIABILITIES	421,937
		TOTAL LIABILITIES	\$ 2,263,017,456
		CAPITAL STOCK	\$ 6,480,000
		PAID IN SURPLUS	433,803,760
		OTHER SURPLUS	1,683,400,804
		TOTAL SURPLUS TO POLICYHOLDERS	\$ 2,123,684,564
TOTAL ASSETS	\$ 4,386,702,020	TOTAL LIABILITIES & SURPLUS	\$ 4,386,702,020



Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company

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 Katherine Acosta, Thomas Bean, George O. Brewster, Deslree Cardlin, Colette R. Chisholm, Dana Granice, Susan Lupski, Gerard S. Macholz, Camille Maitland, Robert T. Pearson, Nelly Renchiwlich, Rita Losquadro, Vincent A. Walsh and Michelle Wannamaker of Uniondale, New York-

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 ball 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 March, 2019.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY

County of Hunterdon

SS

On this 25th day of March, 2019, before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, 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. Chloros, 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 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 Stephen M. Haney, and knows him to be Vice President of said Companies; and that the signature of Stephen M. Haney, subscribed to said Power of Attorney is in the genuine handwriting of Stephen M. Haney, and was thereto subscribed by authority of said Companies and in deponent's presence.

Notarial Seal



ROSE CURTIS
NOTARY PUBLIC OF NEW JERSEY
No. 50072400
Commission Expires November 22, 2022

Rose Curtis
Notary Public

CERTIFICATION

Resolutions adopted by the Boards of Directors of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** on August 30, 2016:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect,
- (ii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this **22nd day of July, 2020**



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

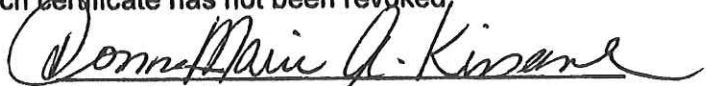
IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:
Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com

ACKNOWLEDGMENT OF SURETY COMPANY

STATE OF NEW YORK }

COUNTY OF NASSAU }

On this July 22, 2020, before me personally came Rita Losquadro to me known, who, being by me duly sworn, did depose and say; that he/she resides in Nassau County, State of New York that he/she is the Attorney-In-Fact of the Federal Insurance Company the corporation described in which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that is was so affixed by the Board of Directors of said corporation; and that he/she signed his/her name thereto by like order; and the affiant did further depose and say that the Superintendent of Insurance of the State of New York, has pursuant to Section 1111 of the Insurance Law of the State of New York, issued to Federal Insurance Company (Surety) his/her certificate of qualification evidencing the qualification of said Company and its sufficiency under any law of the State of New York as surety and guarantor, and the propriety of accepting and approving it as such; and that such certificate has not been revoked.


Notary Public

NY acknowledgement

DONNAMARIE A. KISSANE
Notary Public-State of New York
No. 01K16297783
Qualified in Nassau County
Commission Expires March 3, 2022

FEDERAL INSURANCE COMPANY
STATEMENT OF ASSETS, LIABILITIES AND SURPLUS TO POLICYHOLDERS

Statutory Basis

December 31, 2019

(in thousands)

ASSETS		LIABILITIES AND SURPLUS TO POLICYHOLDERS	
Cash and Short Term Investments	\$ (429,780)	Outstanding Losses and Loss Expenses	\$ 6,823,691
United States Government, State and Municipal Bonds	4,559,706	Reinsurance Payable on Losses and Expenses	1,433,250
Other Bonds	5,314,219	Unearned Premiums	2,014,727
Stocks	32,735	Ceded Reinsurance Premiums Payable	353,115
Other Invested Assets	<u>1,029,733</u>	Other Liabilities	<u>849,544</u>
TOTAL INVESTMENTS	<u>10,506,613</u>	TOTAL LIABILITIES	<u>11,474,327</u>
 Investments in Affiliates:		 Capital Stock	20,980
Great Northern Ins. Co.	395,442	Paid-In Surplus	2,711,474
Vigilant Ins. Co.	341,290	Unassigned Funds	<u>1,306,881</u>
Chubb Indemnity Ins. Co.	178,808	SURPLUS TO POLICYHOLDERS	<u>4,039,335</u>
Chubb National Ins. Co.	181,053		
Other Affiliates	97,150		
Premiums Receivable	1,511,096		
Other Assets	<u>2,302,210</u>		
 TOTAL ADMITTED ASSETS	<u>\$ 15,513,662</u>	 TOTAL LIABILITIES AND SURPLUS	<u>\$ 15,513,662</u>

Investments are valued in accordance with requirements of the National Association of Insurance Commissioners, At December 31, 2019, investments with a carrying value of \$508,749,121 were deposited with government authorities as required by law.

STATE OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

John Taylor, being duly sworn, says that he is Senior Vice President of Federal Insurance Company and that to the best of his knowledge and belief the foregoing is a true and correct statement of the said Company's financial condition as of the 31 st day of December, 2019.

Documented before me this April 14, 2020

John Taylor

D28C1F6D53810F Vice President

Diane Wright
Notary Public

August 8, 2023
My commission expires

Commonwealth of Pennsylvania - Notary Seal
Diane Wright, Notary Public
Philadelphia County
My commission expires August 8, 2023
Commission number 1235745
Member, Pennsylvania Association of Notaries



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(B)(3)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 3(B)(3)
10-6-20

RESOLUTION NO. R-926-20

RESOLUTION RATIFYING APPROVAL BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF CHANGE ORDER NO. 2 TO CONTRACT NO. S-870 FOR AN INCREASE OF \$85,422.17 AND A RETROACTIVE 92-DAY NON-COMPENSABLE TIME EXTENSION TO POOLE & KENT COMPANY OF FLORIDA FOR CDWWTP INDUSTRIAL INJECTION WELL SURFACE FACILITIES; PURSUANT TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE COUNTY CODE

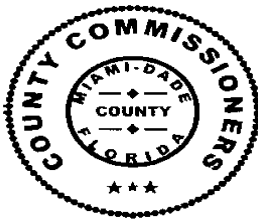
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that, as authorized by Section 2-8.2.12 of the County Code, this Board ratifies Change Order No. 2, attached to the accompanying memorandum as Exhibit C, for an increase in the contract amount of \$85,422.17 and a retroactive 92-day non-compensable time extension to Poole & Kent Company of Florida for Contract S-870 for CDWWTP Industrial Injection Well Surface Facilities. The original contract documents are on file with and are available upon request from the Procurement Division of the Miami-Dade Water and Sewer Department.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	absent	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2020. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Henry N. Gillman