

Memorandum



Date: April 20, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

Agenda Item No. 8(O)(1)

From: Daniella Levine Cava
Mayor

Daniella Levine Cava
Consent Decree Project

Resolution No. R-342-21

Subject: Resolution Approving Change Order No. 2 for the CD 5.05 Upgrades of Sewage Pump Station No. 0415 to Poole & Kent Company of Florida, Contract No. S-905R

Recommendation

It is recommended that the Board of County Commissioners (the "Board"), through its Water and Sewer Department ("WASD"), approve Change Order No. 2 (the "Change Order") to Contract No. S-905R (the "Contract") between Miami-Dade County and Poole & Kent Company of Florida ("P&K") for Upgrades to Sewage Pump Station No. 0415. This Change Order provides for a 368-day non-compensable time extension and an increase in the total contract amount by \$923,133.72. Approval of this Change Order will extend the Contract's Final Completion Date from July 12, 2019 to July 14, 2020 and increase the contract amount from \$6,065,211.00 to \$6,988,344.72.

Consent Decree Project

Change Order No. 2 is for an increase in the contract amount of \$923,133.72 and a 368-day non-compensable time extension between Miami-Dade County Water and Sewer Department and Poole and Kent Company of Florida for CD 5.05 Upgrades of Sewage Pump Station No. 0415, Contract No. S-905R.

Scope

Pump Station No. 0415 is located within District 1, which is represented by Commissioner Oliver G. Gilbert, III. However, because pump stations are interconnected through the WASD system, upgrades to Pump Station No. 0415 are of countywide impact. See Exhibit A, which provides basic information about Change Order No. 2.

Fiscal Impact/Funding Source

Change Order No. 2 will be funded from the Sewer Pump Station Systems – Consent Decree Projects, Project # 964440, FY2020-21 Adopted Budget and Multi-Year Capital Plan, Page # 67. Funding Sources are: Wastewater Connection Charges, WASD Revenue Bonds Sold, and Future WASD Revenue Bonds.

Delegation of Authority

This Contract was awarded to P&K pursuant to Section 2-8.2.12 of the Code of Miami-Dade County related to WASD's Consent Decree and Capital Improvement Programs Acceleration Ordinance ("WASD Acceleration Ordinance"), which delegates authority to the County Mayor or County Mayor's designee to award certain projects and, among other things, negotiate and settle claims and execute change orders that do not exceed ten percent (10%) of the base contract amount. Because Change Order No. 2 exceeds 10% of the base contract amount, Board approval is required for this item. See Change Order No. 2, attached hereto as Exhibit B.

Track Record/Monitoring

WASD Senior Program Manager for Capital Projects and Compliance, Daniel J. Edwards, will oversee the implementation of Change Order No. 2 to Contract No. S-905R.

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, negotiate and issue change orders for funded capital projects, and 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. WASD’s Acceleration Ordinance authorized the award of Contract No. S-905R to P&K and Change Order No. 1 to the Contract.

After a competitive solicitation, this Contract was awarded to P&K for Upgrades to Sewage Pump Station No. 0415. The upgrades include four new vertical centrifugal pumps and motors; new pump station valves and piping; and an electrical building expansion to install new switchgear and variable frequency drives (“VFDs”). The total amount of the award was \$5,646,610.00 with a contract duration of 420 days for Final Completion and a Contingency Time Allowance of 42 days.

The Notice to Proceed was issued on October 11, 2017 and established December 5, 2018 as the Contract’s Original Final Completion Date. During construction, WASD approved an extension of 42 days through the Contract’s Contingency Allowance Account, which brought the Final Completion Date to January 16, 2019. Change Order Number 1 to the Contract extended the Contract Final Completion Date by 178 days to July 12, 2019.

In order to improve safety and increase the efficiency and effectiveness of operations at the pump station, WASD Operations requested that the Contractor perform six items of additional work totaling \$662,392.17. The additional work consisted of the following:

- 1) Electrical modifications, totaling \$416,819.39 and 276 days to complete. These modifications were requested to minimize safety risks during emergencies and allow the pump station to be controlled remotely in the event of Pump Controller failure.
- 2) Installation of an additional bypass pump, at a cost of \$76,935.56, to handle an abnormal sewage flow to the pump station caused by a heavy rain event.
- 3) Installation of an additional 100 linear feet of 8-inch force main piping, costing \$53,300.56, to provide service for future sewer projects being planned for the area. WASD determined that performing this installation as part of this Contract, while the pipe was already exposed, would save time and be more cost-effective than closing the area now and re-opening it again for the future sewer projects.
- 4) Replacement of the circuit breaker, at a cost of \$38,926.93, because the existing circuit breaker did not perform properly when tested. The scope of the pump station rehabilitation included electrical upgrades. To ensure the existing pump station generator would perform properly with the upgraded electrical components, WASD requested that the Contractor test the performance of the existing generator circuit breaker. The circuit breaker did not perform properly. As a result, the circuit breaker was replaced.
- 5) Relocation of soft start keypads for VFDs from inside the electrical room to the outside of the electrical room at a cost of \$52,909.73. VFDs are used to adjust the pressure of the pumps, and the keypads allow for manual controls. Having personnel attempt to manually control the VFDs from inside the electrical room, especially in the event of flooding or other emergencies, was determined to be a safety risk.

6) The installation of an additional Wet Well access hatch and relocation of the existing vent, at a cost of \$23,500.00 and 92 days to complete. The existing access hatch location made it difficult for WASD Operations to perform maintenance on the Wet Well.

During construction, the Contractor encountered seven situations that required additional work and increased the Contract cost by \$260,741.55:

- 1) Replacement of gate valves with plug valves, costing \$85,477.95. During an inspection, it was noted that current WASD policy is to use plug valves instead of gate valves whenever feasible. Plug valves control the flow during maintenance. WASD’s policy has standardized plug valves to improve maintenance efficiency.
- 2) Due to the rehabilitation work performed in the pump, motor, and generator rooms, it was determined that these rooms should be painted at a cost of \$52,217.78.
- 3) During testing to obtain a certification of the pump station from the Department of Environmental Resource Management (“DERM”), an existing 30-inch valve had to be exercised to allow flow. The valve could not be exercised. To perform the testing, the Contractor installed a steel reducer and two 18-inch valves to bypass the inoperable 30-inch valve at a cost of \$51,501.65.
- 4) Although the plans called for the existing midpoint shaft support beams to support the vertical pumps, it was determined that additional support was required at a cost of \$25,883.74.
- 5) The existing generator performed erratically during testing. To address this, the Contractor performed full-service preventative maintenance and repairs at a total cost of \$21,043.29.
- 6) The Contractor was required to install supports for four reducing suction elbows and four check valves not included in the plans at a cost of \$19,983.55. The elbows and check valves are needed to direct and control flows in the pump room.
- 7) The Contractor was required to re-route the Heating, Ventilation, and Air Conditioning (HVAC) ductwork to avoid obstructing the three floor openings in the lower-level Pump Room at a cost of \$4,633.59.

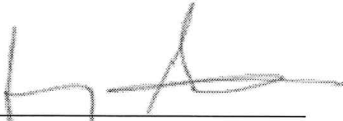
The Consent Decree Program Management Consultants (“PMCM”) and WASD determined that the costs related to the additional work described in Change Order No. 2 in the amount of \$923,133.72 are fair and reasonable. Change Order Number 2 to the Contract provides for: (1) a non-compensable time extension of 368 days, which extends Final Completion from July 12, 2019 to July 14, 2020, and (2) increases the total contract amount by \$923,133.72, bringing the total Contract amount from \$6,065,211.00 to \$6,988,344.72.

Small Business Enterprise Measures

Prior to the issuance of Change Order No. 2, on August 31, 2020, the Internal Services Department’s Small Business Development (“SBD”) Division reviewed the Contract for compliance with a 2.40 percent SBE-Goods and Services (“SBE-G/S”) goal, a 17.05 percent SBE-Construction (“SBE-Con”), Responsible Wages and Benefits, and Residents First Training and Employment Program requirements August of 2020 and determined that P&K was in compliance. See the SBD memorandum, attached hereto as Exhibit C.

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
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A copy of the original construction contract is available upon request from the Department's Construction Contracts Division.

A handwritten signature in black ink, appearing to read 'Jimmy Morales', written over a horizontal line.

Jimmy Morales
Chief Operations Officer

Exhibit A

Summary of Change Order No. 2 to Contract No. S-905R.

Item No.	Type of Solicit.	Contract No.	Project Name	Firm Awarded	Commission District	Change Order Amount	Original Contract Amount	Funding Source(s)	Est. Start Date	Contract Measures	Brief Project Description
	Contract Type					Change Order Time	Adjusted Contract Amount		Est. End Date		Change Order Description
1	County Bid Process; Construction Contract	Contract No. S-905R	CD 5.05 Upgrade of Sewage Pump Station No. 0415	Poole & Kent Company of Florida	District 1, Oliver G. Gilbert, III.	\$923,133.72; 368 calendar day time extension	Original Contract Amount \$5,646,610; Adjusted Contract Amount \$6,988,344.72	Future WASD Revenue Bonds; WASD Revenue Bonds Sold; Wastewater Connection Charges	Notice to Proceed Date: 10/11/2017 Completion Date: 07/14/2020	SBE G/S - 2.4%; SBE Const. - 17.05%	This project consists of furnishing all materials, labor and equipment necessary to rehabilitate and upgrade Sewage Pump Station 0415 located in Miami Gardens. This Change Order increases the contract amount by \$923,133.72 and provides a 368 non-compensable calendar day time extension.

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



CHANGE ORDER NO: 2 CONTRACT NO: S-905R
 PROJECT TITLE: CD 5.05 Upgrades of Sewage Pump Station No. 0415
 TO CONTRACTOR: Poole & Kent Company of Florida 1781 NW North River Drive Miami, FL 33125

DATE: 11/17/2020

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 \$923,133.72 and increase the contract duration by 368 days.

Monetary Justification: The Contract was awarded to Poole and Kent Company of Florida (Contractor) for Upgrades of Sewage Pump Station No. 0415. The upgrade includes four new vertical centrifugal pumps and motors, new pump station valves and piping, and an electrical building expansion to install new switchgear and variable frequency drives (VFDs). The total amount of the award was \$5,646,610.00 with a contract duration of 420 days for Final Completion and a Contingency Time Allowance of 42 days. (Continued below)

Time Justification: The Notice to Proceed was issued on October 11, 2017 and established December 5, 2018 as the Contract's original Final Completion date. During construction, WASD approved an extension of 42 days through the Contract's Contingency Allowance Account, which brought the Final Completion date to January 16, 2019. Change Order Number 1 to the Contract extended the Contract Final (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-----	\$5,646,610.00
COST OF CHANGES PREVIOUSLY ORDERED-----	\$418,601.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$6,065,211.00
COST OF CHANGES WITH THIS DOCUMENT-----	\$923,133.72
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$6,988,344.72
PERCENT INCREASE WITH THIS CHANGE-----	15%
TOTAL PERCENT INCREASE TO DATE-----	24%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	420 / 178 / 368
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	42 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	1008

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 # 106768866, 82458816

Accepted By:

<u>Organization</u>	<u>Name</u>	<u>Title</u>	<u>Date</u>
Poole & Kent Company of Florida	<i>[Signature]</i>	Contractor	11/20/20
Surety	Travelers Casualty and Surety Company of America - Federal Insurance Company	Surety	Carille Maitland 11/23/2020
			Carille Maitland, Attorney-In-fact
<u>Title</u>	<u>Name</u>	<u>Date</u>	
Approved By: <u>County Attorney</u> (for legal sufficiency)	<i>[Signature]</i>	12/9/20	
Approved By: <u>County Mayor</u>	_____	_____	
Attested By: <u>Clerk of the Board</u>	_____	_____	

Time Justification: (Continued)

Completion date by 178 days, thereby extending it to July 12, 2019.

There were two items that affected the Contract's critical path. First, the electrical modifications outlined in the monetary justification section required 276 days to complete the work and close the Building Permit. Second, the installation of the additional wet well access hatch and vent relocation outlined in the monetary justification section required 92 days to complete. Therefore, this Change Order extends the Contract duration by a total of 368 days and extends the final completion date to July 14, 2020.

Monetary Justification: (Continued)

Change Order No. 1 to the Contract increased the contract amount by \$418,601.00, bringing the total to \$6,065,211.00.

During construction WASD Operations requested that the Contractor perform six (6) items of additional work, totaling \$662,392.17, in order to improve safety and increase the efficiency and effectiveness of operations at the pump station. This additional work consisted of the following:

- 1) Electrical modifications, totaling \$416,819.39, to minimize safety risks during emergencies and allow the pump station to be controlled remotely in the event of Pump Controller failure.
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During construction, the Contractor encountered seven (7) situations that required additional work and increased the Contract cost by \$260,741.55:

- 1) Replacement of gate valves with plug valves, costing \$85,477.95. During an inspection, it was noted that current WASD policy is to use plug valves instead of gate valves whenever feasible. These valves control the flow during maintenance. WASD's policy has standardized plug valves to improve maintenance efficiency.
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Change Order Number 2 to the Contract provides for: (1) a non-compensable time extension of 368 days, which extends Final Completion from July 12, 2019 to July 14, 2020, and (2) increases the total contract amount by \$923,133.72, bringing the total Contract amount from \$6,065,211.00 to \$6,988,344.72.

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

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 **Camille Maitland 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 3rd day of February, 2017.



State of Connecticut

City of Hartford ss.

By: Robert L. Raney
Robert L. Raney, Senior Vice President

On this the 3rd day of February, 2017, 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 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, 2021



Marie C. Tetreault
Marie C. Tetreault, 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 23rd day of November, 2020



Kevin E. Hughes
Kevin E. Hughes, Assistant Secretary

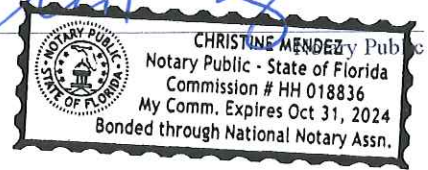
To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney-in-Fact and the details of the bond to which the power is attached.

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

HARTFORD, CT 06183

PRINCIPAL'S ACKNOWLEDGMENT

State of Florida, County of Miami-Dade, ss. Brian MacCluguse
 On this 20th day of November in the year 2020, before me, the undersigned, personally appeared Brian MacCluguse
 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.



SURETY COMPANY'S ACKNOWLEDGMENT

State of NEW YORK, County of NASSAU } ss.
 On this 23rd day of November in the year 2020, before me, the undersigned, personally appeared Camille Maitland,
 personally known to me, and who, being by me duly sworn, did depose and say: That he/she resides in
Kings 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.

Nelly Renchiwicz
 Notary Public
NELLY RENCHIWICH
 Notary Public, State of New York
 No. 01RE6218158
 Qualified in Nassau County
 Commission Expires March 1, 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	825,255
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, Desiree Cardlin, Colette R. Chisholm, Dana Granice, Susan Lupski, Gerard S. Macholz, Camille Maitland, Robert T. Pearson, Nelly Renchwich, 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 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 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 **November 23, 2020**



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

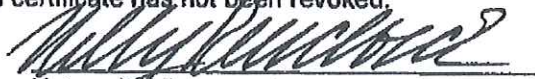
IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:
Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com

ACKNOWLEDGMENT OF SURETY COMPANY

STATE OF New York }

COUNTY OF Nassau }

On this November 23 2020, before me personally came Camille Maitland
to me known, who, being by me duly sworn, did depose and say; that he/she resides in
Kings 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

NELLY M RENCHWICH
Notary Public-State of New York
No. 01RE6218168
Qualified in Nassau County
Commission Expires March 1, 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	1,029,733	Other Liabilities	849,544
TOTAL INVESTMENTS	10,506,613	TOTAL LIABILITIES	11,474,327
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	1,306,881
Chubb Indemnity Ins. Co.	178,808	SURPLUS TO POLICYHOLDERS	4,039,335
Chubb National Ins. Co.	181,053		
Other Affiliates	97,150		
Premiums Receivable	1,511,096		
Other Assets	2,302,210		
TOTAL ADMITTED ASSETS	\$ 15,513,662	TOTAL LIABILITIES AND SURPLUS	\$ 15,513,662

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.

Subscribed before me this April 14, 2020

John Taylor

Senior 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



Date: August 31, 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-905R, CD 5.05 Upgrades of Sewage Pump Station No. 0415 - Change Order No. 2

Project No. S-905R, CD 5.05 Upgrades of Sewage Pump Station No. 0415 was reviewed for compliance with the 17.05% Small Business Enterprise – Construction (SBE-Construction) goal, 2.40% Small Business Enterprise – Goods and Services (SBE- Goods and Services) goal, Responsible Wages and Benefits, Residents First Training and Employment Program, Community Workforce Program, and Employ Miami-Dade Program requirements. Change Order No. 2 increases the contract value and extends the time. The SBE-Construction and the SBE- Goods and Services goals will apply to this change order. Resolution R-1001-15 requires that 85% of the SBE goal applicable to the portion of the contract work performed to date be met before the Board of County Commissioners considers a change order/amendment.

For compliance with Resolution R-100-15, the SBE-Construction subcontractors should have performed \$862,966 to date. The SBE-Construction firm meeting the goal has performed and been paid \$965,093. The 2.40% SBE-Goods & Services goal inclusive of Change Order No. 1 is valued at \$145,565. The SBE-Goods & Services firm meeting the goal has performed and been paid \$213,320. As such, the prime, Poole & Kent Company of Florida (Poole & Kent) is in compliance with R-1001-15.

Poole & Kent and its subcontractors are in compliance with responsible Wages and Benefits requirements. Poole & Kent's workforce plan, accepted on October 26, 2017, reported a total workforce of thirty-two employees including seventeen Miami-Dade County residents. To date, five employees have been found on site without OSHA-10 safety training. SBD is pending submittal of proof of OSHA-10 safety training. Six employees are approved to meet the Employ Miami-Dade and Community Workforce Program goals, one of which has worked sufficient days for compliance with the program. Poole & Kent's compliance with the workforce programs will be determined at project completion. Please contact Alice Hidalgo-Gato, SBD Section Chief, at 786-322-8547 for additional information.

c: Alissa Penaloza, Deputy Director, WASD
Hardeep Anand, Deputy Director, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Edith Brown, Chief, Contract Compliance Division, WASD
Jose A. Santiago-Caban, Project Manager, WASD
Alice Hidalgo-Gato, SBD Sections Chief, ISD
Laurie Johnson, SBD Section Chief, ISD
Rossi Siewnarine, ISD Operations Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 20, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(1)

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. 8(O)(1)
4-20-21

RESOLUTION NO. R-342-21

RESOLUTION APPROVING CHANGE ORDER NO. TWO IN THE AMOUNT OF \$923,133.72 TO POOLE & KENT COMPANY OF FLORIDA FOR CONTRACT NO. S-905R, CD 5.05 UPGRADE OF SEWAGE PUMP STATION NO. 0415 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

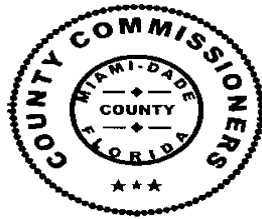
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves Change Order No. Two, attached to the accompanying memorandum as Exhibit B, in the amount of \$923,133.72 to Poole & Kent Company of Florida for Contract No. S-905R, for CD 5.05 Upgrade to Sewage Pump Station No. 0415. 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 **Eileen Higgins** and upon being put to a vote, the vote was as follows:

	Jose "Pepe" Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of April, 2021. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis