

MEMORANDUM



FINANCIAL MANAGEMENT
DEPARTMENT
Purchasing Division
1112 Manatee Avenue West
Bradenton, FL 34205

MANATEE COUNTY
FLORIDA

Phone: 941.749.3055
Fax: 941.749.3034
Olga.valcich@mymanatee.org

March 12, 2013

ACCEPTED IN OPEN SESSION
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

A handwritten signature in black ink, appearing to read "O. Valcich".

To: Vicki Tessmer, Supervisor
Board Records

From: Olga Valcich, Purchasing Division

Date: March 1, 2013

Subject: Performance and Payment Bond Rider (Bond No. 024038767, Liberty Mutual Insurance Company) (Construction of SWWRF Clarifier 1 and 2 Rehab – IFB #11-2873-DC), Cardinal Contractors, Inc., Lakewood Ranch, FL (PO No. T1200073).

Please accept a copy of the attached Performance and Payment Bond Rider (via PDF) issued by Liberty Mutual Insurance Company increasing the Bond amount from \$1,191,600.00 to \$1,228,197.00 per ACA #1 which was accepted in Open Session, Manatee County Board of County Commissioners on January 29, 2013.

Original Rider will be maintained in the Purchasing Contract File under the appropriate subject matter.

Should you require any additional information, please contact me at extension 3055. Thank you.

INSTRUCTIONS TO BOARD RECORDS:

Copy to Board Records for acceptance

Notification of Acceptance to:
Kathleen Casey, Admin. Project Coordinator, Public Works Department
Olga Valcich, Purchasing Division

Cc: Kathleen Casey, Marsha Colburn, Gwen Richards

Attachments to Board Records only:

- One (1) Copy of the Performance and Payment Rider, signed, sealed and dated February 15, 2013
- One (1) Copy of the Power of Attorney

**CONSENT OF SURETY
AND (INCREASE/DECREASE) OF PENALTY**

PROJECT: IFB No. 11-2873DC SWWRF Clarifier 1 and 2 Rehabilitation

TO: County of Manatee, Florida
Board of County Commissioners
1112 Manatee Ave. West, Suite 803
Bradenton, FL 34205

CONTRACT DATE:

02 / 28 / 2012


The Performance Bond and Labor and Material Payment Bond dated February 28, 2012,
executed by Cardinal Contractors, Inc., hereinafter called the
" Contractor " as Principal, and Liberty Mutual Insurance Company, as Surety,
under Bond No. 024038767, in connection with the construction contract dated
February 28, 2012, between "Contractor" and _____, as Obligee,
is hereby extended to cover Change Order No. One for the amount of (\$ 36,597.00
Thirty-Six Thousand Five Hundred Ninety-Seven and 00/100*** Dollars.


The penal sum of the aforementioned bond is hereby (increased/decreased) from the amount of
(\$ 1,191,600.00 One Million One Hundred Ninety-One Thousand Six Hundred and 00/100*** Dollars
to
(\$ 1,228,197.00 One Million Two Hundred Twenty-Eight Thousand One Hundred Ninety-Seven and 00/100*** Dollars.

Executed this 15th day of February, 2013 (Year).

Attest: 
Robin C. Wilson Assistant Secretary

(Seal):

Cardinal Contractors, Inc.
Principal _____
By: 
Title: PRESIDENT

Liberty Mutual Insurance Company
Surety _____
By: 
Attorney-In-Fact Donna L. Welsh

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. 5940697

American Fire and Casualty Company
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Debbie L. Welsh; Donna J. Frowd; Donna L. Welsh; Michael Brophy McGowan; Susan J. McGowan

all of the city of Novato, state of CA 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 9th day of January, 2013.



American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

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

STATE OF WASHINGTON ss
COUNTY OF KING

On this 9th day of January, 2013, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, 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 Seattle, Washington, on the day and year first above written.



By: KD Riley
KD Riley, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions 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 execution of any such instruments and to attach thereto the seal of the Corporation. When so 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.

ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company 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 Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, 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, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company 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 15th day of February, 2013.



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

Not valid for mortgage, note, loan, letter of credit, bank deposit, 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.