

JUSTIFICATION FOR CHANGE	Change Order No : 1
	Project Number: 6087780
1. NECESSITY FOR CHANGE:	
<p>The SouthEast Water Reclamation Facility utilizes 4 sand filters for final cleaning of the treated source waste water. The original project contract involves the rehabilitation of filters 1&2. Subsequent to the award of the original contract filter #4 has failed leaving the plant with just 3 operating filters. It is necessary to repair filter #4 prior to beginning the contract work of repairs to filters 1&2. The contractor provided a cost to repair filter #4. Through negotiations between County utilities staff, project management and the contractor the price was reduced to the attached quote that is the subject of this change order.</p> 	
2. Is change an alternate bid? (yes / no)	NONE
3. Does change substantially alter the physical size of the project? (yes / no) (If yes, explain)	NO
4 Effect of this change on other "Prime" contractors?	NONE
5 Has the Surety and insurance company been notified, if applicable?	YES

Project Number: 6087780

The SouthEast Water Reclamation Facility utilizes 4 sand filters for final cleaning of the treated source waste water. The original project contract involves the rehabilitation of filters 1&2. Subsequent to the award of the original contract filter #4 has failed leaving the plant with just 3 operating filters. It is necessary to repair filter #4 prior to beginning the contract work of repairs to filters 1&2. The contractor provided a cost to repair filter #4. Through negotiations between County utilities staff, project management and the contractor the price was reduced to the attached quote that is the subject of this change order.

3. Does change substantially alter the physical size of the project? (yes / no) NO
(If yes, explain)

5	Has the Surety and insurance company been notified, if applicable?	YES
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SURETY RIDER

Recorded with
Manatee County Florida Clerk
Access Official Records at
www.ManateeClerk.com

To be attached to and form part of Bond Number 5272919, in favor of Manatee County, Florida on behalf of TLC Diversified, Inc. effective 11/28/17.

It is agreed that, in consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider, the Surety hereby gives its consent to increase the bond amount from:

\$894,054.70

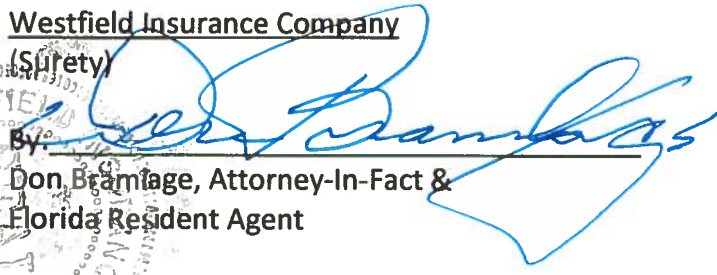
TO

\$1,196,230.83

Provide, however, that this rider shall be subject to all its agreements, limitations, and considerations except as herein expressly modified, and that the liability of the Surety under the rider and under the bond as changed by this rider shall not be cumulative.

Signed and sealed on November 15, 2017.

Westfield Insurance Company
(Surety)

By: 
Don Bramlage, Attorney-In-Fact &
Florida Resident Agent

Inquiries: (407) 330-3990
4380 St. Johns Pkwy., Ste. 110
Sanford, Florida 32771

POWER NO. 0994592 00
General Power of Attorney

Westfield Insurance Co.
Westfield National Insurance Co.
Ohio Farmers Insurance Co.
Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having their principal offices in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint **DON BRAMLAGE, LAURA D. MOSHOLDER, EDWARD M. CLARK, JOINTLY OR SEVERALLY**, of SANFORD and State of FL their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in their names, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship - - -

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY:

"**BE IT RESOLVED**, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents cancelling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon The Company as if signed by the President and sealed and attested by the Corporate Secretary."

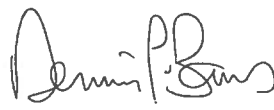
"**BE IT FURTHER RESOLVED**, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000.)

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 16th day of October, A.D., 2017.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY


By: 
Dennis P. Baus,
National Surety Leader and Senior Executive

State of Ohio
County of Medina ss.:

On this 16th day of October, A.D., 2017, before me personally came Dennis P. Baus, to me known, who, being by me duly sworn, did depose and say, that he resides in Wooster, Ohio; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Board of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



By: 
David A. Kotnik, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

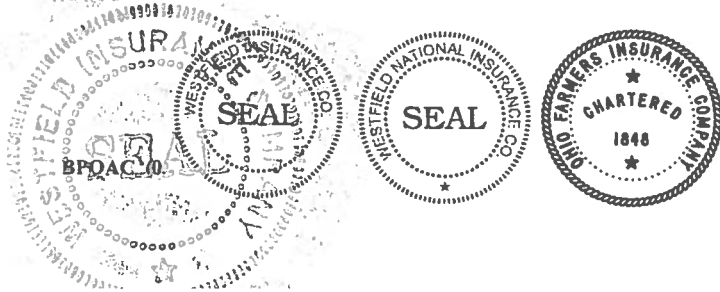
State of Ohio
County of Medina ss.:

CERTIFICATE

I, Frank Carrino, Secretary of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Company at Westfield Center, Ohio, this 15th day of November A.D., 2017.

By: 
Frank Carrino, Secretary



SURETY RIDER

To be attached to and form part of Bond Number 5272919, in favor of Manatee County, Florida on behalf of TLC Diversified, Inc. effective 11/28/17.

It is agreed that, in consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider, the Surety hereby gives its consent to increase the bond amount from:

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TO

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Provide, however, that this rider shall be subject to all its agreements, limitations, and considerations except as herein expressly modified, and that the liability of the Surety under the rider and under the bond as changed by this rider shall not be cumulative.

Signed and sealed on November 15, 2017.

Westfield Insurance Company
(Surety)

By: 

Don Bramlage, Attorney-In-Fact &
Florida Resident Agent

Inquiries: (407) 330-3990
4380 St. Johns Pkwy., Ste. 110
Sanford, Florida 32771

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and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY:

"BE IT RESOLVED, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents cancelling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon The Company as if signed by the President and sealed and attested by the Corporate Secretary."


"BE IT FURTHER RESOLVED, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000.)

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 16th day of October, A.D., 2017.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

By: 
Dennis P. Baus,
National Surety Leader and Senior Executive

State of Ohio
County of Medina ss.:

On this 16th day of October, A.D., 2017, before me personally came Dennis P. Baus, to me known, who, being by me duly sworn, did depose and say, that he resides in Wooster, Ohio; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Board of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



By: 
David A. Kotnik, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio
County of Medina ss.:

CERTIFICATE

I, Frank Carrino, Secretary of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Company at Westfield Center, Ohio, this 15th day of November A.D., 2017.

BPOAC (0)



By: 
Frank Carrino, Secretary

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the document on file in my office.

☒ No redaction ☐ Redacted pursuant to law
☒ Full Document ☐ Page ___ of ___
☒ Not LIA ☐ Letter of Administration is in full force and effect.



Witness my hand and official seal this 11/17/17
MANATEE COUNTY CLERK OF COURT
By: 
Deputy Clerk

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - November 28, 2017

November 28, 2017 - Regular Meeting
Agenda Item #16

Approved in Open Session 11/28/17,
Manatee County
Board of County Commissioners

Subject

Invitation For Bid (IFB) 17-0318DC Southeast Water Reclamation Facility (SEWRF) Automatic Backwash Filter Replacement Change Order 1

Briefings

None

Contact and/or Presenter Information

Deborah Carey-Reed, Financial Management Department, Procurement Division, Ext. 3074

Jeff Streitmatter, Public Works Department, Project Management Division, Ext. 7335

Action Requested

Authorize the County Administrator, or his designee, to execute Change Order 1 to Agreement 17-0318DC, SEWRF Automatic Backwash Filter Replacement, with TLC Diversified, Inc., Palmetto, Florida. This Change Order increases the contract sum by \$302,176.13 and adds 90 calendar days for an adjusted contract sum of \$1,196,230.83 and a revised completion date of July 14, 2018.

Authorize the County Administrator, or his designee, to accept and date the bond rider for this Change Order 1.

Enabling/Regulating Authority

Manatee County Code of Laws

Background Discussion

On May 24, 2017, Agreement No. 17-0318DC was executed with TLC Diversified in the amount of \$894,054.70 and 305 contract days for the replacement and/or refurbishment of three of the four media filters at the SEWRF due to the deteriorating operating performance of the filters.

Change Order 1 provides for the cost and time to repair the fourth media filter which has experienced failure. In accordance with bid specifications, this fourth media filter would be crucial for maintaining operations when the project filters were taken offline.

County Attorney Review

Not Reviewed (Utilizes exact document or procedure approved within the last 18 months)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Email copy to:

TLC Diversified, Inc., Attn: Linda Moore at lmoore@tlcdiversified.com

PW Project Management, Attn: Anthony Russo at anthony.russo@mymanatee.org

PW Project Management, Attn: Kathleen Casey at kathleen.casey@mymanatee.org

FMD Procurement, Attn: Deborah Carey-Reed at deborah.carey-reed@mymanatee.org

Distributed 11/30/17, RT

Cost and Funds Source Account Number and Name

\$302,176.13 Utility Rates 6087780 SE SWWRF ABW Filter Rehab

Amount and Frequency of Recurring Costs

N/A

Attachment: [Attach1 - Memo - TLC - ABF CO1.pdf](#)

Attachment: [Attach2 - Change Order - TLC - ABF CO1.pdf](#)

Attachment: [Attach3 - Bond Rider - TLC - ABF CO1.pdf](#)

MEMORANDUM



To: Theresa Webb, CPPO, CPPB, CPSM, C.P.M.
Purchasing Official

From: Jeff Streitmatter, III, P.E., Project Management Div. Manager

Date: October 13, 2017

Subject: **Contract Change Order No. 1**
17-0318DC Southeast Water Reclamation Facility
Automatic Backwash Filters Refurbishment
TLC Diversified, Inc.

RECOMMENDATION:

Execution of Change Order No. #1 to P.O. 17-0318DC with TLC Diversified, Inc. increasing the contract amount by \$302,176.13 from \$894,054.70 to \$1,196,230.83 and adding 90 calendar days to the contract time. The funding source for this contract is utility rates.

COMPREHENSIVE PLAN/POLICY DETERMINATION:

The services requested are consistent with Comprehensive Plan Goal 9.1 for wastewater and the Manatee County Purchasing Ordinance.

BACKGROUND/DISCUSSION:

- May 24, 2017, the BCC executed a contract with TLC Diversified, Inc. in the amount of \$894,054.70 for Southeast Water Reclamation Facility Automatic Backwash Filters Refurbishment (1&2).
- Change Order No. 1 is for \$302,176.13 and provides for Refurbishment of an additional filter, necessary due to its recent failure (filter 4).

JS/ar

cc: Mike Gore, Director, Utilities
Ron Schulhofer, Director, Public Works
Sia Mollanazar, P.E., Deputy Director, Engineering Services
Carmen Mosley, MA, Senior Fiscal Services Division Manager
Anthony D. Russo, PE, Project Manager
Project File: 6087780 9.2

Public Works Department
Project Management Division
1022 26th Avenue East, Bradenton, FL 34208-3926
Phone number: (941) 708-7450

PRISCILLA TRACE * CHARLES B. SMITH * STEPHEN JONSSON * ROBIN DISABATINO * VANESSA BAUGH * CAROL WHITMORE * BETSY BENAC

District 1 District 2 District 3 District 4 District 5 District 6 District 7

S:\PWD_PJM_Share\Projects\Wastewater\SEWRF-Automatic Backwash (ABW) Filters 1&2 Refurb_60877 80\PM\Construction\CO\2016 CO Utilities

Memo.docx

**NHC****NIELSON, MOSHOLDER & ASSOCIATES**

SMART UNCOMPROMISING TIMELY EFFECTIVE NIELSON, MOSHOLDER & ASSOCIATES, INC. SURETY SOLUTIONS THAT MAKE A DIFFERENCE

November 15, 2017

**Manatee County, Florida
1112 Manatee Ave W., suite 803
Bradenton, FL 34205**

**Principal: TLC Diversified, Inc.
Bond No.: 5272919
Project: SEWRF Automatic Backwash Filters Refurbishment
Amount \$1,196,230.83**

To Whom it May Concern:

The copy of the contract we received for the above referenced project was not dated. Accordingly, we could not date the bonds as the bonds can't predate the contract.

Please accept this letter as your authority to date the bonds and attached powers of attorney concurrent with the contract date. *Once dated, please fax a copy of the bonds to 407-330-3949 so that we can activate the bond coverage.*

Please do not hesitate to contact us if you have any questions in this regard.

**Sincerely,
Westfield Insurance Company**

**Don Bramlage
Attorney in Fact & Licensed Florida Agent**

4380 St. Johns Parkway
Suite 110
Sanford, FL 32771
P: 407.330.3990
F: 407.330.3949
www.nielsonbonds.com



Submitted To:

Date:	10/11/2017
Owner:	Manatee County - Purchasing Div.
Project Number:	Agreement 17-0318DC
Project Name:	SEWRF AB Filters Replace

[illegible]

Total Change Order Amount:	\$302,176.13
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Date of Acceptance:

Owner's Signature: _____

Ovivo USA, LLC

4246 Riverboat Road, Suite 300
Salt Lake City, Utah
84123-2583
USA

Telephone: 801.931.3000

Facsimile: 801.931.3080

www.ovivowater.com



Worldwide Experts in Water Treatment

To: Austin Moore / Todd Rubens – TSC-Jacobs – South

From: Todd Morris

Date: October 10, 2017 (Revised)

Subject: Manatee, FL – Traveling Hood Filter Media Pricing

Austin and Todd,

We have prepared pricing to supply three element filter media for one (1) Traveling Hood Filter (THF), 16' wide by 93'-9" long, EIMCO Water Technologies serial number BAP0116-501 originally installed in 2000. See Table 1 below for the scope of supplies provided for this project.

Media Pricing

One (1) set of Gravel, Sand and Anthracite Media for the THF referenced above _____ \$ 55,200.⁰⁰

See details below* for unloading of sand

Best Regards,

Todd Morris – Rebuild Group Marketing Manager – Sedimentation Group

Direct: (801) 931-3047

Email: todd.morris@ovivowater.com



TABLE 1

**MANATEE COUNTY – SOUTHEAST WATER RECLAMATION FACILITY
16' X 93'-9" TRAVELING HOOD FILTER MEDIA**

This pricing includes the following media system for one (1) tank.

Media System to include:

- Filter Gravel
 - 237 cubic feet in bags on pallets
 - ½" x ¾"
- Filter Sand
 - 740 cubic feet in bulk (Quantity reduced due to plant supply of approximate 750 cubic of sand from previous project – assumed 30 cubic feet per bag x 25 bags = 750 cubic feet)
 - 0.55 - 0.65mm, UC<1.5
- Filter Anthracite
 - 1,490 cubic feet in 2,250# bags without pallets
 - 0.90 – 1.00mm, UC 1.5

Items common to all above

- FCA factory, freight allowed to jobsite for Gravel and Anthracite
- FCA factory, freight allowed to jobsite for Sand. *Sand to be pneumatically conveyed from trucks. Trucks are allowed 2 hours each for unloading. Any additional time at site will be at \$150.⁰⁰ per hour.

Items NOT Included

- No Installation or labor services
- No unloading of media
- No draining or cleaning of tank prior to start of installation

Thank you for considering Ovivo equipment.