

KEYSTONE EXCAVATORS, INC.

371 Scarlet Blvd
Oldsmar, FL 34677
Phone 813-854-2342

CUC 056698
FPSCV 725207000196
Fax 813-854-2993

CM@Risk Contract for Long Center Site Improvements – Parking Lot Asphalt Resurfacing

Date April 28, 2021

TO: Leroy Chin, Park, Planning & Project Manager
City of Clearwater – Parks & Recreation Department
100 S. Myrtle Ave., Suite 120
Clearwater, FL 33756

RE: **Long Center Site Improvements – Parking Lot Asphalt Resurfacing
City of Clearwater Parks & Recreation Department Project**

As requested, enclosed is the proposal for construction of the **Long Center Site Improvements – Parking Lot Asphalt Resurfacing Project**, submitted in accordance with specs/plans/study/clarifications of this letter/attached line item work, etc., for a **Guaranteed Maximum Price of \$491,519.16**.

Scope of Work:

Improvements to site consisting of: removal and reinstallation of wheel stops & concrete curbing, milling and resurfacing of existing parking lots and drive lanes, installation of speed tables, restriping parking lots and drive lanes to match existing striping layout, and removal and reinstallation of select signage on site.

Cost Detail: Cost Detail:

Description	Amount
Cost of Work	\$446,835.60
Contingency 10%	\$ 44,683.56
Guaranteed Maximum Price	\$491,519.16

Project Duration shall be 30 calendar days from the date of the Notice to Proceed.

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Existing Contract: This proposal is submitted in conjunction with the existing Construction Manager at Risk Services Continuing Contract entered into with the City of Clearwater on September 23, 2020, based on RFQ #40-20.

If GMP Exceeds \$150,000: Per Section III, Article 5.1 of the Contract Specifications, the contractor shall provide to the public entity a certified copy of the recorded bond. Once the City receives a certified copy of the recorded bond, a Notice to Proceed may be issued. Include the attached bond form as well as the Power of Attorney.

For work performed, invoices shall be submitted to the City of Clearwater, Parks & Recreation Department, Attn: Leroy Chin; Park, Planning, & Project Manager. P.O. Box 4748, Clearwater, Florida, 33758-4748. Contingency services may be billed only after written authorization is provided by the City to proceed with those services.

KEYSTONE EXCAVATORS, INC.

By: Robert C. Fornwalt, PRES.
Robert C. Fornwalt, President

Date

CITY OF CLEARWATER, FLORIDA

Approved as to form:

Attest:

Owen Kohler,
Assistant City Attorney

By: _____
Rosemarie Call,
City Clerk

Countersigned:

Frank V. Hibbard,
Mayor

William B. Horne II,
City Manager

Date

Date

PUBLIC CONSTRUCTION BOND

(1)

This bond is given to comply with § 255.05, Florida Statutes, and any action instituted by a claimant under this bond for payment must be in accordance with the notice and time limitation provisions in subsections (2) and (10).

Pursuant to § 255.05(1)(b), Florida Statutes, “**Before commencing the work** or before recommencing the work after a default or abandonment, **the contractor shall provide to the public entity a certified copy of the recorded bond**. Notwithstanding the terms of the contract or any other law governing prompt payment for construction services, the public entity may not make a payment to the contractor until the contractor has complied with this paragraph.”

<u>CONTRACTOR</u>	<u>SURETY</u>	<u>OWNER</u>
Keystone Excavators, Inc. 371 Scarlet Blvd. Oldsmar, FL 34677 (813) 854-2342	The Ohio Casualty Insurance Company 17771 Cowan Ave., Suite 200 Irvine, CA 92614 (727) 781-9797	City of Clearwater Engineering Department 100 S. Myrtle Avenue, Ste 220 Clearwater, FL 33756 (727) 562-4750

PROJECT NAME: *Long Center Site Improvements – Parking Lot Asphalt Resurfacing*
PROJECT NO.: *TBD*

PROJECT DESCRIPTION: Improvements to site consisting of: removal and reinstallation of wheel stops & concrete curbing, milling and resurfacing of existing parking lots and drive lanes, installation of speed tables, restriping parking lots and drive lanes to match existing striping layout, and removal and reinstallation of select signage on site.

BY THIS BOND, We, **Keystone Excavators, Inc.**, as Contractor, and **The Ohio Casualty Insurance Company**, a corporation, as Surety, are bound to the City of Clearwater, Florida, herein called Owner, in the sum of **\$491,519.16**, for payment of which we bind ourselves, our heirs, personal representatives, successors, and assigns, jointly and severally.

THE CONDITION OF THIS BOND is that if Contractor:

1. Performs the proposal dated April 26, 2021, between Contractor and Owner for construction of ***Long Center Site Improvements – Parking Lot Asphalt Resurfacing***, the contract documents being made a part of this bond by reference (which include the Advertisement for Bids, Proposal, Contract, Surety Bond, Instructions to Bidders, General Conditions, Plans, Technical Specifications and Appendix, and such alterations as may be made in said Plans and Specifications as therein provided for), at the times and in the manner prescribed in the contract; and
2. Promptly makes payments to all claimants, as defined in Section 255.05(1), Florida Statutes, supplying Contractor with labor, materials, or supplies, used directly or indirectly by Contractor in the prosecution of the work provided for in the contract; and
3. Pays Owner all losses, damages, expenses, costs, and attorney’s fees, including appellate proceedings, that Owner sustains because of a default by Contractor under the contract; and

PUBLIC CONSTRUCTION BOND

(2)

4. To the limits of § 725.06(2), Florida Statutes, shall indemnify and hold harmless Owner, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of Contractor and persons employed or utilized by Contractor in the performance of the construction contract; and

5. Performs the guarantee of all work and materials furnished under the contract for the time specified in the contract, then this bond is void; otherwise it remains in full force.

6. Any action instituted by a claimant under this bond for payment must be in accordance with the notice and time limitation provisions in Section 255.05(2), Florida Statutes.

7. Any changes in or under the contract documents and compliance or noncompliance with any formalities connected with the contract or the changes does not affect Surety's obligation under this bond, and Surety does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the specifications.

IN TESTIMONY WHEREOF, witness the hands and seals of the parties hereto this _____ day of _____, 20__.

(If sole Ownership or Partnership, two (2) Witnesses required).

(If Corporation, Secretary only will attest and affix seal).

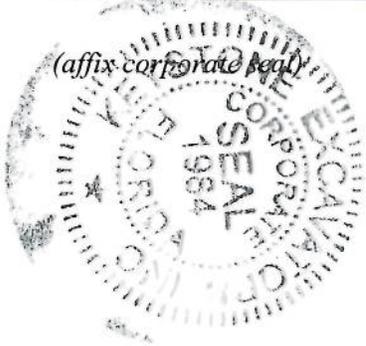
KEYSTONE EXCAVATORS, INC.

By: *Robert Fornwalt*, PRES.
Title: President
Print Name: Robert Fornwalt

WITNESS:

Marcus Spring
Corporate Secretary or Witness
Print Name: MARCUS SPRING

(affix corporate seal)



(Power of Attorney must be attached)

WITNESS:

Michael Hignory
Print Name: MICHAEL HIGNORY

The Ohio Casualty Insurance Company

By: *Kelly Hall*
ATTORNEY-IN-FACT

Print Name: Kelly Hall

(affix corporate seal)





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.

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

Certificate No: 8205565-988653

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation 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, Angelica Roman; Jacqueline M. Torres; Jazmarie Sanchez; Kelly M. Hall; Nancy P. Gaitan; Peder J. Fjare; Stephen A. Murray; Tammy Wheeler; Tina M. Haase; Todd Buetcher

all of the city of Saint Petersburg state of FL 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 10th day of May, 2021.



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

By: David M. Carey, Assistant Secretary

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

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 10th day of May, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of 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 King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of 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:

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

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

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

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, 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 10th day of May, 2021.



By: Renee C. Llewellyn, Assistant Secretary

Bond No.: HK 235234

PUBLIC CONSTRUCTION BOND

(1)

This bond is given to comply with § 255.05, Florida Statutes, and any action instituted by a claimant under this bond for payment must be in accordance with the notice and time limitation provisions in subsections (2) and (10).

Pursuant to § 255.05(1)(b), Florida Statutes, "Before commencing the work or before recommencing the work after a default or abandonment, the contractor shall provide to the public entity a certified copy of the recorded bond. Notwithstanding the terms of the contract or any other law governing prompt payment for construction services, the public entity may not make a payment to the contractor until the contractor has complied with this paragraph."

<u>CONTRACTOR</u>	<u>SURETY</u>	<u>OWNER</u>
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2. Promptly makes payments to all claimants, as defined in Section 255.05(1), Florida Statutes, supplying Contractor with labor, materials, or supplies, used directly or indirectly by Contractor in the prosecution of the work provided for in the contract; and
3. Pays Owner all losses, damages, expenses, costs, and attorney's fees, including appellate proceedings, that Owner sustains because of a default by Contractor under the contract; and

Bond No.: 41K235234

PUBLIC CONSTRUCTION BOND

(2)

4. To the limits of § 725.06(2), Florida Statutes, shall indemnify and hold harmless Owner, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of Contractor and persons employed or utilized by Contractor in the performance of the construction contract; and

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IN TESTIMONY WHEREOF, witness the hands and seals of the parties hereto this _____ day of _____, 20__.

*(If sole Ownership or Partnership, two (2) Witnesses required).
(If Corporation, Secretary only will attest and affix seal).*

KEYSTONE EXCAVATORS, INC.

By: *Robert Fornwalt, PRES.*
Title: President
Print Name: Robert Fornwalt

WITNESS:

Marcus Epling
Corporate Secretary or Witness
Print Name: MARCUS EPLING

WITNESS:

Michael Higgins
Print Name: MICHAEL HIGGINS

The Ohio Casualty Insurance Company

By: *Kelly Hall*
ATTORNEY-IN-FACT

Print Name: Kelly Hall



(Power of Attorney must be attached)



STATE OF FLORIDA-PINELLAS COUNTY
I hereby certify that the foregoing is a true copy as recorded in the official records of Pinellas County.
This 11 day of May, 2021
KEN BURKE
Clerk of Circuit Court & Comptroller
By: *[Signature]*
Deputy Clerk



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.

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

Certificate No: 8205565-988653

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation 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, Anglica Roman; Jacqueline M. Torres; Jazmarie Sanchez; Kelly M. Hall; Nancy P. Gaitan; Peder J. Fjare; Stephen A. Murray; Tammy Wheeler; Tina M. Haase; Todd Butcher

all of the city of Saint Petersburg state of FL 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 10th day of May, 2021.



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

By: *[Signature]*
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 10th day of May, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of 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 King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126944
Member, Pennsylvania Association of Notaries

By: *[Signature]*
Teresa Pastella, Notary Public

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 10th day of May, 2021.



By: *[Signature]*
Renee C. Llewellyn, Assistant Secretary

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

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