

NOV 21 2014

**CONTRACT
FOR
CONSTRUCTION OF NEW FLAGLER COUNTY SHERIFF'S OPERATIONS CENTER
PROJECT NO. B003-0-2015**

CONSTRUCTION, INC.

This Contract, entered into this 16TH day of DECEMBER, 2014 by and between the Flagler County Board of County Commissioners, hereinafter called the **COUNTY**, and C.C. Borden Construction, Inc., hereinafter called the **CONTRACTOR**.

WITNESSETH: That the **COUNTY** agrees with the **CONTRACTOR**, as follows:

1. The Contract shall consist of the following, all of which are hereby made a part thereof:
 - a. Advertisement for Bids, Instructions to Bidders, Bidders Check List, Standard General Conditions, Standard Terms and Conditions and Bid and accompanying documents.
 - b. Plans and Specifications, Special Provisions, Technical Specifications, Project Permits, any Addendum (No. 1 & 2) or other information provided to the prospective bidders prior to receipt of bids.
 - c. Bid Bond, Public Construction Bond, Payment Bond and Warranty Bond
 - d. Insurance Certificate(s)
 - e. Project Forms

2. The **CONTRACTOR** agrees to furnish all labor, equipment, material and the skill necessary for the complete work as set forth in the component parts of the Contract, now on file in the Office of the Clerk of the Circuit Court at the Flagler Courthouse, Bunnell, Florida, described herein and to the satisfaction of the **COUNTY** or its duly authorized representative.

3. The **CONTRACTOR** agrees to commence the work to be done under this Contract on the date to be specified in the Notice to Procure and fully complete all work hereunder within Two Hundred Seventy (270) calendar days from the date set forth in the Notice-to-Proceed as completion date.

4. The **COUNTY** agrees to pay the **CONTRACTOR** for the faithful performance under this Contract the approximate amount of Four Million One Hundred Ninety-Seven Thousand Two Hundred Twenty-Six Dollars and Zero Cents (\$ 4,197,226.00) based on the estimated quantities and unit or lump sum prices contained herein and subject to additions or deductions as herein provided.

ATTEST:

FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS

APPROVED 12-01-14

Gail Wadsworth
Gail Wadsworth, Clerk of the Circuit
Court & Comptroller

Frank Meeker
Frank Meeker, Chairman

SEAL:

APPROVED-AS-TO-FORM

Mark Meeker
County Attorney

ATTEST:

CONTRACTOR: C.C. Borden Construction, Inc.

BY: *Roxanne L. Garcia*
(Signature)

BY: *Camille C. Borden*
(Signature)

Roxanne L. Garcia
(Typed or Printed Name)

Camille C. Borden
(Typed or Printed Name)

Proj. Mgr. Asst.
(Title)

President
(Title)

CORPORATE SEAL:

BOND NO. 08814247

PUBLIC CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS, that C.C. Borden Construction, Inc. as **Principal**, with a principal business address at 1019 Rosselle Street, Jacksonville, Florida 32204, and a phone number of (904) 354-3458, and Fidelity and Deposit Company of Maryland, a surety duly organized and existing under the laws of the State of Maryland and duly authorized to conduct and carry on a general surety business in the State of Florida, as "**Surety**" are each held and firmly bound unto the Flagler County Board of County Commissioners, 1769 E. Moody Boulevard, Building No. 2, Bunnell, Florida 32110, and a phone number of (386) 313-4001, hereinafter called "**Owner**" in the sum of Four Million One Hundred Ninety-Seven Thousand Two Hundred Twenty-Six Dollars and Zero Cents (\$ 4,197,226.00), for the payment of which we bind ourselves, our heirs, our personal representatives, our successors, and our assignees jointly and severally, firmly by these presents.

Whereas, Principal has entered into an Agreement, dated as of the 16th day of December, 2014, with Owner for accomplishing the construction of the Project known as "**CONSTRUCTION OF NEW FLAGLER COUNTY SHERIFF'S OPERATIONS CENTER, PROJECT NO. B003-0-2015**", for the County of Flagler, Florida, in accordance with the Contract Documents related thereto, which Agreement is on file in the Office of the Clerk of Circuit Court at the Flagler County Courthouse, Bunnell, Florida, and which Agreement is incorporated herein by reference and made a part hereof (hereinafter, the "Agreement").

THE CONDITION OF THIS BOND is that if Principal:

1. Performs the Agreement at the times and in the manner prescribed in the Agreement; and
2. Pays Owner any and all losses, damages, expenses, costs and attorney's fees, including appellate proceedings, that Owner sustains because of any default by Principal under the Agreement; and
3. Performs the guarantee of all work and materials furnished under the Agreement for the time specified in the Agreement, then this Bond is void; otherwise it remains in full force.

Any changes in or under the Agreement and compliance or noncompliance with any formalities connected with the Agreement, or alterations which may be made in the terms of said Agreement, or increases or decreases in the Agreement amount, or in the work to be done under it, or the giving by the Owner of any extension of time for the performance of said Agreement, or any other forbearance on the part of the Owner or Principal to the other, shall not in any way release the Principal and the Surety, or either or any of them, their heirs, their personal representatives, their successors or their assigns from liability hereunder, notice to the Surety of any such changes, alterations, extensions, or forbearance being hereby waived.

IN WITNESS WHEREOF, this instrument is executed in three (3) counterparts, each one of which shall be deemed an original, this 10th day of Dec, 2014

Signed Sealed and Delivered in the Presence of:

WITNESS: Xoxanne Garcia (Signature) PRINCIPAL: C.C. Borden Construction, Inc. (Typed or Printed Name)
Xoxanne L. Garcia (Typed or Printed Name)

WITNESS: M. Z. T. T. W. (Signature) BY: Camille Borden (Signature)
Richard McInturff (Typed or Printed Name) Camille Borden (Typed or Printed Name)

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 10 day of December, 2014, by Camille Borden (officer's name), as President (title) of CC Borden Construction (company name), a

(state) Florida (corporation, limited liability corporation), who swore or affirmed that _____ he/she is authorized to execute this Bond and to bind

_____ (company name), a _____ (state) _____ (corporation, limited liability corporation). _____ is personally known to me

or has produced _____ as identification and who did (did not) take an oath.

My Commission Expires: _____

Signature of Notary: Linda Mason

Printed: LINDA MASON

(Affix Official Seal) Notary Public

Commission No. _____



SURETY: Fidelity and Deposit Company of Maryland

(Typed or Printed Company Name)

c/o Zurich American Insurance

1400 American Lane

Schamburg, IL 60196

(Business Address)

(Surety Authorized Signature)

(Printed Name)

Witness as to Surety _____

(Signature)

(Printed Name)

Witness as to Surety _____

(Signature)

(Printed Name)

OR

T. Love

As Attorney in Fact (Signature)

Teresita Love

(Printed Name)

751 Oak St, Jacksonville FL 32204

(Business Address)

904-421-8600

(Telephone Number)

Witnessed by: *Haley Spiers*

(Signature)

Haley Spiers

(Printed Name)

Witnessed by: *Richard McInturff*

(Signature)

Richard McInturff

(Printed Name)

STATE OF Florida

COUNTY OF Duval

The foregoing instrument was acknowledged before me this 10th day of Dec, 2014, by

Teresita Love (officer's name), as Attorney-In-Fact (title) of

Fidelity and Deposit of Maryland (company name), a Maryland

(state) corporation (corporation, limited liability corporation), who swore or

affirmed that she he/she is authorized to execute this Bond and to bind

C.C. Borden

Construction, Inc. (company name), a FL (state) corporation (corporation,

limited liability corporation). Camille Borden is personally known to me

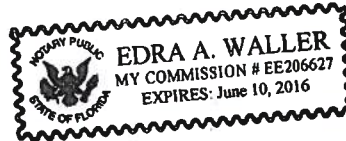
or has produced _____ as identification and who did (did not) take an oath.

My Commission Expires: June 10, 2016

Signature of Notary: [Signature]

Printed: EDRA A WALLER

(Affix Official Seal) Notary Public



Commission No. EE206627

NOTE: DATE OF BOND MUST NOT BE PRIOR TO DATE OF CONTRACT EXECUTION

PUBLIC PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS, that C.C. Borden Construction, Inc., hereinafter called "Principal", with a principal business address at 1019 Rosselle Street, Jacksonville, Florida 32204, and a phone number of (904) 354-3458, and Fidelity and Deposit Company of Maryland, a surety duly organized and existing under the laws of the State of Maryland, and duly authorized to conduct and carry on a general surety business in the State of Florida, hereinafter called "Surety", are each held and firmly bound unto the Flagler County Board of County Commissioners, 1769 E. Moody Boulevard, Building No. 2, Bunnell, Florida 32110, and a phone number of (386) 313-4001, hereinafter called "Owner", in the penal sum of Four Million One Hundred Ninety-Seven Thousand Two Hundred Twenty-Six Dollars and Zero Cents (\$ 4,197,226.00) for the payment of which we bind ourselves, our heirs, our personal representatives, our successors, and our assignees, jointly and severally firmly by these presents.

Whereas, Principal has entered into an Agreement, dated as of the 16th day of December, 2014, with Owner for accomplishing the construction of the Project known as "**CONSTRUCTION OF NEW FLAGLER COUNTY SHERIFF'S OPERATIONS CENTER, PROJECT NO. B003-0-2014**", for the County of Flagler, Florida, in accordance with the Contract Documents related thereto, which Agreement is on file in the Office of the Clerk of Circuit Court at the Flagler County Courthouse, Bunnell, Florida, and which Agreement is incorporated herein by reference and made a part hereof (hereinafter, the "Agreement").

NOW THEREFORE, THE CONDITION OF THIS BOND IS THAT IF THE PRINCIPAL:

1. Shall promptly make payments to all claimants as defined in Section 255.05(1), Florida Statutes, supplying Principal with labor, materials or supplies, used directly or indirectly by Principal in the prosecution of the work provided for in the Agreement; and
2. Shall pay the Owner for all losses, damages, expenses, costs, and attorney's fees, including those resulting from appellate proceedings, that the Owner sustains because of a default by the Principal under the Agreement in regard to payment for such labor, materials, or supplies furnished to the Principal; then this Bond is void; otherwise it remains in full force.

BE IT FURTHER KNOWN:

1. Any changes in or under the Agreement and compliance or noncompliance with any formalities connected with the Agreement, or alterations which may be made in the terms of said Agreement, or increases or decreases in the Agreement amount, or in the work to be done under it, or the giving by the Owner of any extension of time for the performance of said Agreement, or any other forbearance on the part of the Owner or Principal to the other, shall not in any way release the Principal and the Surety, or either or any of them, their heirs, their personal representatives, their successors or their assigns from liability hereunder, notice to the Surety of any such changes, alterations, extensions, or forbearance being hereby waived.
2. Any action instituted by a claimant under this Bond for payment must be in accordance with the strict notice and time limitation provisions set forth in Section 255.05(2) and Section 255.05(10), Florida Statutes, and as otherwise provided by law.

IN WITNESS WHEREOF, this instrument is executed in three (3) counterparts, each one of which shall be deemed an original, this 10th day of Dec, 2014.

Signed Sealed and Delivered in the Presence of:

PRINCIPAL: C.C. Borden Construction, Inc.
(Typed or Printed Name of Company)

WITNESS: Roxanne L. Garcia
(Signature)

BY: Camille Borden
(Authorized Signature)

Roxanne L. Garcia
(Typed or Printed Name)

Camille Borden
(Typed or Printed Name)
President
(Title)

WITNESS: Richard M. Inturff
(Signature)

Richard M. Inturff
(Typed or Printed Name)

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 10 day of December, 2014, by Camille Borden (officer's name), as President (title) of CC Borden Construction (company name), a _____ (state) Florida (corporation, limited liability corporation), who swore or affirmed that he/she is authorized to execute this Bond and to bind _____ (company name), a _____ (state) _____ (corporation, limited liability corporation).

_____ is personally known to me or has produced _____ as identification and who did (did not) take an oath.

My Commission Expires: _____

Signature of Notary: Linda Mason

Printed: LINDA MASON

(Affix Official Seal) Notary Public

Commission No. _____



SURETY: Fidelity and Deposit Company of Maryland

(Typed or Printed Company Name)

c/o Zurich American Insurance

1400 American Lane

Schamburg, IL 60196

(Business Address)

(Surety Authorized Signature)

(Printed Name)

Witness as to Surety

(Signature)

(Printed Name)

Witness as to Surety

(Signature)

(Printed Name)

OR



As Attorney in Fact (Signature) (Attach Power)

Teresita Love

(Printed Name)

751 Oak St, Jacksonville FL 32204

(Business Address)

904-421-8600

(Telephone Number)

Witnessed by:

(Signature)



Haley Spiers

(Printed Name)

Witnessed by:

(Signature)

(Printed Name)

STATE OF Florida

COUNTY OF Duval

The foregoing instrument was acknowledged before me this 10th day of Dec, 2014, by Teresita Love (officer's name), as Attorney-In-Fact (title) of Fidelity and Deposit Company of Maryland (company name), a Maryland (state) corporation (corporation, limited liability corporation), who swore or affirmed that he/she is authorized to execute this Bond and to bind C.C. Borden Construction, Inc. (company name), a FL (state) corporation (corporation, limited liability corporation).

Camille Borden is personally known to me or has produced _____ as identification and who did (did not) take an oath.

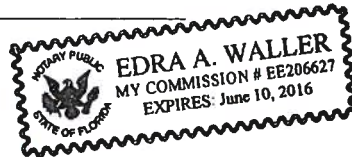
My Commission Expires: June 10, 2016

Signature of Notary: [Signature]

Printed: EDRA A. WALLER

(Affix Official Seal) Notary Public

Commission No. EE206627



NOTE: DATE OF BOND MUST NOT BE PRIOR TO DATE OF CONTRACT EXECUTION

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by FRANK E. MARTIN JR., Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **William R. HARDAKER, Teresita Aranjuez LOVE and Sarah Ann LAMBERT, all of Jacksonville, Florida, EACH** its true and lawful agent and Attorney-in-fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.** This power of attorney revokes that issued on behalf of William R. HARDAKER, Teresita Aranjuez LOVE, dated November 25, 2008.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 2nd day of December, A.D. 2011.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

By:

Frank E. Martin Jr.

Gregory E. Murray Assistant Secretary

Frank E. Martin Jr.

Vice President

State of Maryland } ss:
City of Baltimore }

On this 2nd day of December, A.D. 2011, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came FRANK E. MARTIN JR., Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Maria D. Adamski

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2015

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, ...and to affix the seal of the Company thereto."

CERTIFICATE

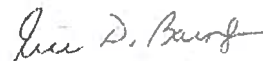
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 16th day of December, 2014.



Assistant Secretary