



City Council Staff Report

Date: February 21, 2015 CONSENT CALENDAR

Subject: ACCEPTANCE OF THE DEMUTH GYM FLOOR REPLACEMENT, CITY PROJECT NO. 14-06

From: David H. Ready, City Manager

Initiated by: Department of Maintenance and Facilities

SUMMARY

Formal City Council acceptance of the Demuth Gym Floor Replacement, City Project No. 14-06, is required to document the completion of the public work of improvement, and to allow the City's filing of a Notice of Completion with the Riverside County Recorder in accordance with Section 9200 of the California Civil Code.

RECOMMENDATION:

- 1) Accept the public work of improvement identified as the Demuth Gym Floor Replacement, City Project No. 14-06, and is completed; and
- 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Demuth Gym Floor Replacement, City Project No. 14-06.

STAFF ANALYSIS:

On October 15, 2014, the City Council awarded a construction contract to Dynamic Sports Construction, Inc., in the amount of \$75,598 for Demuth Gym Floor Replacement, City Project No. 14-06.

The Contractor satisfactorily completed the project on February 2, 2015. Staff has conducted a final inspection and found the work to be in compliance with the plans, specifications and standards of the City of Palm Springs. Staff recommends that the City Council accept the Demuth Gym Floor Replacement, City Project No. 14-06, as required by Section 9200 of the California Civil Code, authorizing the City Engineer to file and record a Notice of Completion within 15 days of the City Council's action. A

copy of the Notice of Completion to be submitted to the County is included as **Attachment 2**.

ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act (“CEQA”). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15301 “Existing Facilities,” Class 1 projects consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. Therefore, in accordance with Section 15301(a), staff determined that the Demuth Gym Floor Replacement, City Project No. 14-06, was considered categorically exempt from CEQA.

FISCAL IMPACT:

The City Council originally approved a total project budget of \$94,246 funded by Measure J Funds (Fund 260). The original and final construction contract amount is \$75,598; there were no Change Orders issued. The following **Table 1** is a summary of the total costs incurred for the construction of the Demuth Gym Floor Replacement, City Project No. 14-06.

Phase	City Project No. 14-06 Approved Budget (07/01/13)	City Project No. 14-06 Approved Budget (07/01/14)	Total Approved Budget	Final Cost
Administration	\$ 3,388.00	\$ 0.00	\$3,388.00	\$ 3,387.49
Construction	\$21,352.00	\$54,246.00	\$75,598.00	\$75,598.00
Design	\$14,000.00	\$0.00	\$14,000.00	\$14,000.00
Moisture Testing	\$ 1,260.00	\$ 0.00	\$ 1,260.00	\$ 1,260.00
Project Total Cost	\$40,000.00	\$54,246.00	\$94,246.00	\$94,245.49
Remaining Balance				\$0.51

Table 1

The Demuth Gym Floor Replacement, City Project No. 14-06, was funded through the following sources as show in **Table 2**:

Fund Name	Account	Actual
Measure J	260-4500-59408	\$94,245.59
Total Expenditures for Project		\$94,245.59
Project Budget		\$94,246.00
Remaining Budget		\$0.51

Table 2

The City is holding retention of \$3,779.90 for Dynamic Sports Construction, Inc. pending acceptance of the improvements and filing of the Notice of Completion with the County Recorder's office. Since this project is a maintenance effort, the Finance Department does not need to add the cost of this project to the City's fixed asset system, as no new assets have been created in compliance with Governmental Accounting Standard Board (GASB) 34 *Standards for Financial Reporting of Infrastructure Assets*.

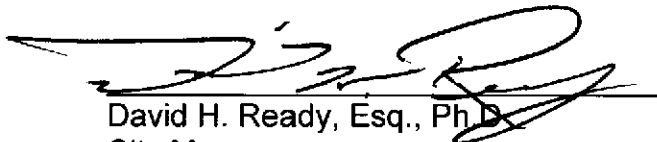
SUBMITTED

Prepared by:



Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer

Approved by:



David H. Ready, Esq., Ph.D.
City Manager

Attachments:

1. October 15, 2014, City Council staff report
2. Notice of Completion

Attachment 1



City Council Staff Report

DATE: OCTOBER 15, 2014 CONSENT CALENDAR

SUBJECT: APPROVE A PURCHASE ORDER FOR THE DEMUTH COMMUNITY CENTER GYMNASIUM FLOOR, A MEASURE J FUNDED CAPITAL PROJECT.

FROM: David H. Ready, City Manager

BY: Maintenance and Facilities Department

SUMMARY

Replacement of the Demuth Community Center gymnasium floor is an approved Measure J project. City Staff is seeking authorization from the City Council to accept the qualified low bidder, Dynamic Sports Construction, Inc. in the amount of \$75,598.

RECOMMENDATION:

1. Approve a purchase order to Dynamic Sports Construction, Inc., in the amount of \$75,598.00, for the replacement of the Demuth Community Center Gymnasium Floor.
2. Authorize the City Manager to execute the purchase order.

STAFF ANALYSIS:

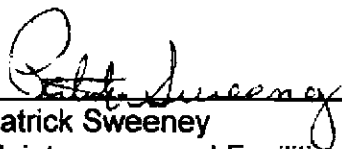
Interactive Design provided bid specifications for this project - replacement of the Demuth Community Center gymnasium floor - and the Procurement department conducted an invitation for Bids (CP 14-06). The City received and reviewed three (3) bids from qualified contractors and staff is recommending the City Council accept the low bidder Dynamic Sports Construction Inc.

FISCAL IMPACT:

The original approved estimated cost for this project was \$40,000 - to date \$18,648.00 has been expended for the design, preparation of plans and specifications, along with material testing. And additional \$54,246 is required to complete the project for a total

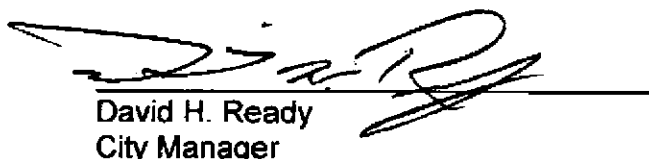
ITEM NO. 2. Q.

amount of \$72,930. Funds are available in account in the Measure J Capital Improvement Account No. 260-4500-59408.



Patrick Sweeney
Maintenance and Facilities Director

James Thompson
Chief of Staff/City Clerk



David H. Ready
City Manager

Attachments:

Dynamic Sports Construction, Inc. Bid

BID

BID TO: CITY OF PALM SPRINGS, CALIFORNIA

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into Agreement with the City in the form included in the Contract Documents (as defined in Article 4 of the Agreement) to perform the Work as specified or indicated in said Contract Documents entitled:

**(DEMUTH GYM FLOOR REPLACEMENT)
CITY PROJECT NO. CP 14-06**

Bidder accepts all of the terms and conditions of the Contract Documents, including without limitation those in the Notice Inviting Bids and Instructions to Bidders, dealing with the disposition of the Bid Security.

This Bid will remain open for the period stated in the Notice Inviting Bids unless otherwise required by law. Bidder will enter into an Agreement within the time and in the manner required in the Instructions to Bidders, and will furnish the insurance certificates, Payment Bond, Performance Bond, and Permits required by the Contract Documents.

Bidder has examined copies of all the Contract Documents including the following Addenda (receipt of which is hereby acknowledged):

Number <u>1</u>	Date <u>08/11/14</u>
Number <u>2</u>	Date <u>08/28/14</u>
Number <u>3</u>	Date <u>08/28/14</u>
Number _____	Date _____

Bidder has familiarized itself with the nature and extent of the Contract Documents, the Work, the site, the locality where the Work is to be performed, the legal requirements (federal, state, and local laws, ordinances, rules, and regulations), and the conditions affecting cost, progress or performance of the Work and has made such independent investigations as Bidder deems necessary.

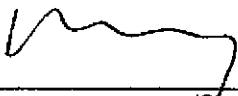
In conformance with current statutory requirements of California Labor Code Section 1860, et seq., the undersigned confirm the following as its certification:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions before commencing the performance of the work of this contract.

To all the foregoing, and including all Bid Schedule(s), List of Subcontractors, Non-collusion Affidavit, Purchase Order for Assigned Contract, Bidder's General Information, and Bid Bond contained in these Bid Forms, said Bidder further agrees to complete the Work required under the Contract Documents within the Contract Time stipulated in said Contract Documents, and to accept in full payment therefor the Contract Price based on the Lump Sum or Unit Bid Price(s) named in the afore-mentioned Bidding Schedule(s).

Dated: 09/02/14

Bidder: Dynamic Sports Construction, Inc.

By: 

(Signature)

Title: President

BID SCHEDULE
Schedule of Prices for the Construction of the:
DEMUTH GYM FLOOR REPLACEMENT
CITY PROJECT NO. CP 14-06
in Palm Springs, California

Item No.	Description	Estimated Quantity	Unit	Unit Price	Amount
1.	Initial Mobilization.	One	lump sum	1,420.00	\$ 1,420.00
2.	Removal of existing epoxy flooring and surface preparation (Shot Blast).	6,119SF	SF	1.58	\$ 9,668.02
3.	Moisture Mitigation.	6,119SF	SF	1.87	\$ 11,442.53
4.	Sport Flooring Installation including: game court striping, baseboards, and thresholds.	6,119SF	SF		\$ 52,317.45
5.	Cleaning and Close Out.	one	lump Sum	750.00	\$ 750.00
				\$ _____	\$ _____
				\$ _____	\$ _____
				\$ _____	\$ _____
TOTAL OF ALL ITEMS OF THE BID SCHEDULE:					
\$ 75,598.00					
(Price in figures)					
<u>Seventy Five Thousand Five hundred Ninety Eight Dollars and Zero Cents</u>					
(Price in words)					

QUANTITIES OF WORK:

The quantities of work or material stated in the unit price items of the Bid Schedule are supplied only to give an indication of the general scope of the Work. The City does not expressly nor by implication agree that the actual amounts of work or material will correspond therewith, and reserves the right after award to increase or decrease the quantity of any unit price bid item, by an amount up to 25 percent of increase or decrease, without a change in the unit prices, and shall have the right to delete any bid item in its entirety, and receive full credit in the amount shown in the Bid Schedule for the deleted item of Work.

Dynamic Sports Construction, Inc.

Name of Bidder or Firm

DEMUTH COMMUNITY CENTER GYM FLOOR REPLACEMENT
CITY PROJECT NO. CP 14-06
July 29, 2014

UNIT PRICE BID SCHEDULE
BID FORMS - PAGE 2

~~This is for our DynaCourt® system as an exact equal. Please Deduct (\$3,510.00) From our base bid amount for our DynaForce® system in lieu of our DynaCourt® system. Our DynaForce® system permits roller blading and skating too.~~

INFORMATION REQUIRED OF BIDDER

LIST OF SUBCONTRACTORS

As required under Section 4100, et seq., of the Public Contract Code, the Bidder shall list below the name, Contractor's License number and business address of each subcontractor who will perform Work under this Bid in excess of one-half of one percent of the Contractor's Total Bid Price, or \$10,000.00, whichever is greater, and shall also list the portion of the Work which will be done by such subcontractor. After the opening of Bids, no changes or substitutions will be allowed except as otherwise provided by law. The listing of more than one subcontractor for each item of Work to be performed with the words "and/or" will not be permitted. Failure to comply with this requirement will render the Bid as non-responsive and may cause its rejection.

Special Note: The Prime Contractor shall perform not less than 50% of the Work identified in this Bid. In the event a Bidder lists subcontractors who will perform Work under this Bid in excess of 50% of the Work identified in this Bid, the Bid shall be considered non-responsive.

Bidders shall list the total % of Work to be performed by the Prime Contractor
HERE: 100 % (shall not be less than 50%).

Work to be Performed	Contractor's License Number	Percent of Total Contract	Subcontractor's Name & Address
1. <u>n/a</u>	_____	_____	_____ _____ _____
2. _____	_____	_____	_____ _____ _____
3. _____	_____	_____	_____ _____ _____
4. _____	_____	_____	_____ _____ _____
5. _____	_____	_____	_____ _____ _____
6. _____	_____	_____	_____ _____ _____
7. _____	_____	_____	_____ _____ _____
8. _____	_____	_____	_____ _____ _____

LOCAL BUSINESS PREFERENCE PROGRAM - GOOD FAITH EFFORTS

City Project No.: CP 14-06 Bid Opening Date: September 3, 2014

The contract for this project is subject to the provisions of Palm Springs Ordinance No. 1756, and Section 7.09.030 of the Palm Springs Municipal Code, "Local Business Preference Program", subsection (5) "Local Preference in Public Works Contracts (Sub-Contracting)", which states:

The prime contractor shall use good faith efforts to sub-contract the supply of materials and equipment to local business enterprises and to sub-contract services to businesses whose work force resides within the Coachella Valley. The prime contractor shall submit evidence of such good faith efforts at the time of submission of bids. Good faith efforts may be evaluated by placing advertisements inviting proposals in local newspapers, sending request for proposals to local sub-contractors, or by demonstrating that no local sub-contracts are qualified to perform the work or supply the materials or equipment. Any notice inviting bids which may require the use of sub-contractors shall include notification of this subsection. The City Council or Director may reject as non-responsive the bid of any contractor proposing to use sub-contractors that fail to comply with the requirements of this subsection.

No subcontractors are being used Dynamic Sports Construction, Inc. will supply and install all material for this project.

Bidders shall provide sufficient information to demonstrate that they have made good faith efforts to comply with Palm Springs Ordinance No. 1756. In the event no local firm (as defined in Ordinance No. 1756) is listed as a subcontractor on the "List of Subcontractors" submitted with its Bid, Bidders shall identify local subcontractors not required to be identified on the List of Subcontractors, and/or shall identify local firms with whom the Bidder has solicited to furnish materials and supplies for incorporation into the work of this project.

Local Subcontractors not listed on the List of Subcontractors:

N/A

Local firms that will furnish materials or supplies to the Bidder for this project:

N/A

LOCAL BUSINESS PREFERENCE PROGRAM - GOOD FAITH EFFORTS (CONTINUED)

In the event no local firms (as defined in Ordinance No. 1756) will provide services, or furnish materials and supplies to the Bidder for this project, the Bidder shall provide information sufficient to demonstrate its good faith efforts to retain or hire local firms to (a) provide services and (b) to furnish materials and supplies for this project. Examples of information accepted by the City to demonstrate good faith efforts shall be included below:

- A. The names and dates of each publication in which a request for participation by local firms for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

Publications	Dates of Advertisement
No subcontractors are being used Dynamic Sports Construction, Inc. will supply and install all material for this project	

- B. The names and dates of written notices sent to local firms soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the local firms were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

Names of firms Solicited	Date of Initial Solicitation	Follow Up Methods and Dates
No subcontractors are being used Dynamic Sports Construction, Inc. will supply and install all material for this project		

- C. The items of work which the bidder made available to local firms, including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate participation by local firms.

Items of Work	Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount (\$)	Percentage Of Contract
Dynamic Sports Construction, Inc. will supply and install all material for this project				

- D. The names, addresses and phone numbers of rejected local firms, the reasons for the bidder's rejection of the local firms, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each firm if the selected firm is not a local firm:

Names, addresses and phone numbers of rejected local firms and the reasons for the bidder's rejection of the local firms:

No subcontractors are being used Dynamic Sports Construction, Inc. will supply and install all material for this project

Names, addresses and phone numbers of firms selected for the work above:

No subcontractors are being used Dynamic Sports Construction, Inc. will supply and install all material for this project


NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

**NON-COLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND
SUBMITTED WITH BID**

State of California TX)
) ss.
County of Williamson)

I, Robert Wolesensky, being first duly sworn, deposes and says that he or she is President of Dynamic Sports Construction, Inc. the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Bidder Dynamic Sports Construction, inc.

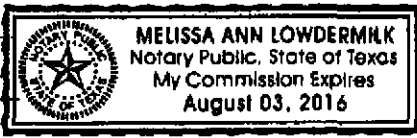
By 

Title President

Organization Dynamic Sports Construction, Inc.

Address 301 Sonny Dr. Leander, TX 78641

ALL-PURPOSE ACKNOWLEDGMENT

<p>State of <u>Texas</u></p> <p>County of <u>Williamson</u></p> <p>On <u>09/02/14</u> before me, <u>Robert Wolesensky, President</u>, Date Name, Title of Officer</p> <p>personally appeared <u>Robert Wolesensky</u>, NAME(S) OF SIGNER(S)</p> <p><input type="checkbox"/> personally known to me - OR -</p> <p><input type="checkbox"/> proved to me on the basis of satisfactory evidence to be the persons(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the persons(s) acted, executed the instrument.</p> <p>Witness my hand and official seal. _____ Signature of Notary</p> 	<p>CAPACITY CLAIMED BY SIGNER</p> <p><input type="checkbox"/> INDIVIDUAL(S)</p> <p><input type="checkbox"/> CORPORATE OFFICER(S) <u>President</u> TITLE(S)</p> <p><input type="checkbox"/> PARTNER(S)</p> <p><input type="checkbox"/> ATTORNEY-IN-FACT</p> <p><input type="checkbox"/> TRUSTEE(S)</p> <p><input type="checkbox"/> SUBSCRIBING WITNESS</p> <p><input type="checkbox"/> GUARDIAN/CONSERVATOR</p> <p><input type="checkbox"/> OTHER</p> <hr/> <hr/> <hr/> <p>SIGNER IS REPRESENTING: _____ _____</p>
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ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT: Title or Type of Document _____ Number of Pages _____ DATE of DOCUMENT _____

Signer(s) Other Than Named Above _____

BID BOND

KNOW ALL MEN BY THESE PRESENTS,

That Dynamic Sports Construction, Inc., 301 Sonny Drive, Leander, TX 78641 as Contractor, and North American Specialty Insurance Company, 650 Elm Street, Manchester, NH 03101 as Surety, are held and firmly bound unto the City of Palm Springs, hereinafter called the "City" in the sum of:

Ten Percent of Amount Bid (10%)

dollars

(not less than 10 percent of the total amount of the bid)

for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Contractor has submitted a Bid to said City to perform the Work required under the Bid Schedule(s) of the City's Contract Documents entitled:

DEMUTH GYM FLOOR REPLACEMENT CITY PROJECT NO. CP 14-06

NOW THEREFORE, if said Contractor is awarded a Contract by said City, and within the time and in the manner required in the "Notice Inviting Bids" and the "Instructions to Bidders" enters into a written Agreement on the Form of Agreement bound with said Contract Documents, furnishes the required Certificates of Insurance, and furnishes the required Performance Bond and Payment Bond, then this obligation shall be null and void, otherwise it shall remain in full force and effect. In the event suit is brought upon this Bond by said City, and City prevails, said Surety shall pay all costs incurred by said City in such suit, including a reasonable attorney's fee to be fixed by the court.

SIGNED AND SEALED, this 3rd day of September, 2014, 200.

CONTRACTOR:

Dynamic Sports Construction, Inc.

(Check one: individual, partnership, corporation)

By

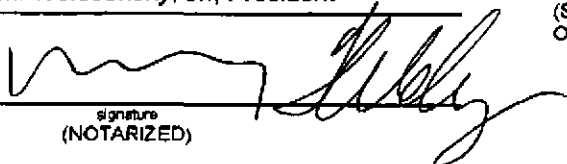


signature
(NOTARIZED)

Print Name and Title:

Robert M. Wolessensky, Jr., President

By



signature
(NOTARIZED)

Print Name and Title:

Tyree J. Wolessensky, Secretary/Treasurer

(Corporations require two signatures; one from each of the following groups: A. Chairman of Board, President, or any Vice President; AND B. Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, or Chief Financial Officer).

DEMUTH COMMUNITY CENTER GYM FLOOR REPLACEMENT
CITY PROJECT NO. CP 14-06
July 29, 2014

SURETY:

North American Specialty Insurance Company

By



Nicole L. McCollam, CA License #0F09039

Title Attorney-in-Fact

(SEAL AND NOTARIAL ACKNOWLEDGMENT
OF SURETY)

BID BOND OR SECURITY
BID FORMS - PAGE 9

STATE OF Colorado

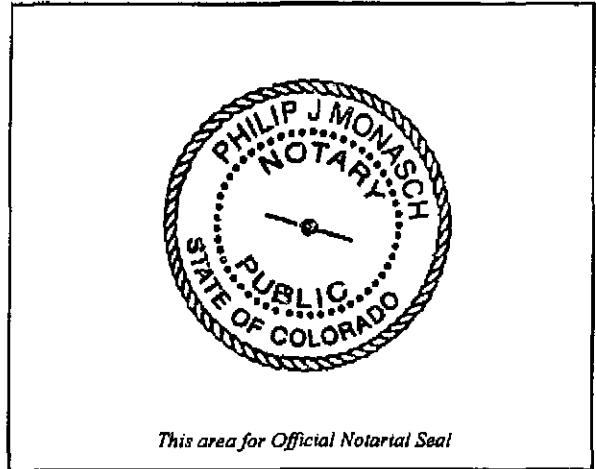
COUNTY OF Denver

} SS

On September 3, 2014 before me Philip J. Monasch

PERSONALLY APPEARED Nicole L. McCollam

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Signature

Philip J. Monasch
Philip J. Monasch

My Commission Expires: September 11, 2016

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- INDIVIDUAL
- CORPORATE OFFICER

TITLE OF TYPE OF DOCUMENT

TITLE(S)

- PARTNER(S)
- LIMITED
- GENERAL

NUMBER OF PAGES

- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER

DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

North American Specialty Insurance Company

SIGNER(S) OTHER THAN NAMED ABOVE

NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Schaumburg, Illinois, each does hereby make, constitute and appoint:

SARAH FINN, SHERYLL SHAW, NICOLE L. McCOLLAM, ROBERT L. COHEN, SUE WOOD, ROBERT J. REITER, JENNIFER BUB, BRADLEY J. JEFFRESS, KRISTEN L. McCORMICK, MICHAEL LISCHER, JR., JESSICA TALBOT and PHILIP J. MONASCH

JOINTLY OR SEVERALLY

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

FIFTY MILLION (\$50,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 9th of May, 2012:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By [Signature]
Steven P. Anderson, Senior Vice President of Washington International Insurance Company
& Senior Vice President of North American Specialty Insurance Company



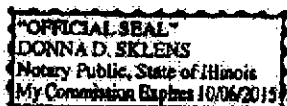
By [Signature]
David M. Layman, Vice President of Washington International Insurance Company
& Vice President of North American Specialty Insurance Company

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 20th day of June, 2012.

North American Specialty Insurance Company
Washington International Insurance Company

State of Illinois
County of Cook ss:

On this 20th day of June, 2012, before me, a Notary Public personally appeared Steven P. Anderson, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and David M. Layman, Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



[Signature]
Donna D. Sklens, Notary Public

I, Jeffrey Goldberg, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 3rd day of September, 2014.

[Signature]
Jeffrey Goldberg, Vice President & Assistant Secretary of
Washington International Insurance Company & North American Specialty Insurance Company

BIDDER'S GENERAL INFORMATION

The Bidder shall furnish the following information. Failure to complete all items will cause the Bid to be non-responsive and may cause its rejection.

1. **BIDDER/CONTRACTOR'S Name and Street Address:**
Dynamic Sports Construction, Inc.
301 Sonny Dr. Leander, TX 78641

2. **CONTRACTOR'S Telephone Number:** (512) 260-6722
Facsimile Number: (512-260) 9118

3. **CONTRACTOR'S License: Primary Classification** C61/D12
State License Number(s) 837239
Supplemental License Classifications _____

4. **Surety Company and Agent who will provide the required Bonds on this Contract:**
Name of Surety North American Specialty Insurance Co.
Address 650 Elm Street Manchester, NH 03101

Surety Company North American Specialty Insurance Co. Agent: IMA Corp.
Telephone Numbers: Agent (303) 534-4567 **Surety (877)** 433-1801

5. **Type of Firm (Individual, Partnership or Corporation):** Corporation

6. **Corporation organized under the laws of the State of:** Texas

7. **List the names and addresses of the principal members of the firm or names and titles of the principal officers of the corporation or firm:**
Robert Wolesensky, Jr. President
Tyree Wolesensky Treasurer

BIDDER'S GENERAL INFORMATION (Continued)

8. Number of years experience as a contractor in this specific type of construction work:
10 and half years

9. List at least three related projects completed to date:

- a. Owner School District of Philadelphia Address 440 North Broad Street Philadelphia, PA 19130
Contact Hunter Roberts Construction Class of Work Supply and install DynaCourt™
Phone 215-307-8167 Contract Amount 60,589.00
Project Francis Willard ES Date Completed September 2010
Contact Person Ron Rolly Telephone number 215-281-4714
- b. Owner Roseland School District Address 950 Sebastopol Rd Santa Rosa, CA 95401
Contact GCCI, Inc. Class of Work Supply and Install DynaCourt™
Phone 707-545-2134 Contract Amount \$59,800.00
Project Sheppard School Date Completed June 2006
Contact Person Ino Caspellanos Telephone number 707-545-0102 X: 4158
- c. Owner Central CU School District 301 Address 275 South St POBOX 396 Burlington, IL 60109
Contact Shales McNutt Construction Class of Work Supply and install DynaCourt™
Phone 847-622-1214 Contract Amount \$51,880.00
Project County Trail ES Date Completed July 2007
Contact Person Paul Roth Telephone number 847-717-8000

10. List the name and title of the person who will supervise full-time the proposed work for your firm: Robert Woiesensky

11. Is full-time supervisor an employee Yes contract services ?

12. A financial statement or other information and references sufficiently comprehensive to permit an appraisal of your current financial condition may be required by the Engineer.

Pages 16-19

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**CITY PROJECT # 14-06
DEMUTH GYM FLOOR REPLACEMENT**

ADDENDUM NO. 1

This Addendum is being issued for the following changes and informational items:

THE FOLLOWING REVISIONS AND/OR ADDITIONS TO THE SPECIFICATIONS AND INSTRUCTIONS ARE TO BE INCLUDED IN THE ORIGINAL DRAWINGS AND SPECIFICATIONS. THIS ADDENDUM SHALL TAKE PRECEDENCE OVER ANYTHING CONTRARY ON THE PREVIOUSLY ISSUED SPECIFICATIONS AND INSTRUCTIONS AND SHALL BE REFERRED TO HEREINAFTER AS PART OF THE CONTRACT DOCUMENTS.

Q 1: Will you be taking substitutions for this project? We have a product that is an equal to the Taraflex product that is specified.

A 1: As per Section 09 65 66, Resilient Athletic Flooring, Part 2, Item 2.1 "C", substitutions are permitted per Section 01601 (Materials and Equipment) as well as Section 01301 Contractor Submittals, Item 1.02 Proposed Substitutes or "Or Equal" Items, should be reviewed. It is the City's right to determine if a substitution is acceptable or not.

Q 2: What is the City's time frame for work to be completed?

A 2: The City is allowing two weeks from beginning of work to completion.

Q 3: Is the building water tight?

A 3: To the best of the City's knowledge, the building is weather tight. All known leaks from roof drains and irrigation have been corrected.

Q 4: Will the damaged door into storage area be done prior to work start of new floor installation?

A 4: Yes.

BY ORDER OF THE CITY OF PALM SPRINGS, CALIFORNIA

**Leigh Gileno
Procurement Specialist II**

DATE: August 11, 2014

ADDENDUM ACKNOWLEDGMENT:

Proposer Firm Name: Durham Sports Construction, Inc.

Authorized Signature: By: [Signature]

Date: 08/11/14

Acknowledgment of Receipt of Addendum 1 is required by signing and returning a copy of this addendum with your response. Failure to acknowledge this Addendum may result in your IFB being deemed non-responsive.



**CITY PROJECT # 14-06
DEMUTH GYM FLOOR REPLACEMENT**

ADDENDUM NO. 2

This Addendum is being issued for the following changes and informational items:

THE FOLLOWING REVISIONS AND/OR ADDITIONS TO THE SPECIFICATIONS AND INSTRUCTIONS ARE TO BE INCLUDED IN THE ORIGINAL DRAWINGS AND SPECIFICATIONS. THIS ADDENDUM SHALL TAKE PRECEDENCE OVER ANYTHING CONTRARY ON THE PREVIOUSLY ISSUED SPECIFICATIONS AND INSTRUCTIONS AND SHALL BE REFERRED TO HEREINAFTER AS PART OF THE CONTRACT DOCUMENTS.

Q 1: Who will be the on-site manager or project manager for the city for this project?

A 1: *Patrick Sweeney*

Q 2: If we are going to self-perform all of the work, meaning we are not going to use any subs, and the flooring material has already been selected, how are we supposed to go about fulfilling this requirement?

A 2: *If you are self-performing all work, then the Subcontractor page should reflect 100% and there would be no good faith effort since there will be no sub-contracting of any portion of the work.*

BY ORDER OF THE CITY OF PALM SPRINGS, CALIFORNIA

**Leigh Gileno
Procurement Specialist II**

DATE: August 28, 2014

ADDENDUM ACKNOWLEDGMENT:

Proposer Firm Name: *Dynmic Sports Construction, Inc.*

Authorized Signature: *[Signature]*

Date: *09/2/14*

Acknowledgment of Receipt of Addendum 2 is required by signing and returning a copy of this addendum with your response. Failure to acknowledge this Addendum may result in your IFB being deemed non-responsive.



**CITY PROJECT # 14-06
DEMUTH GYM FLOOR REPLACEMENT
ADDENDUM NO. 3**

This Addendum is being issued for the following changes and informational items:

THE FOLLOWING REVISIONS AND/OR ADDITIONS TO THE SPECIFICATIONS AND INSTRUCTIONS ARE TO BE INCLUDED IN THE ORIGINAL DRAWINGS AND SPECIFICATIONS. THIS ADDENDUM SHALL TAKE PRECEDENCE OVER ANYTHING CONTRARY ON THE PREVIOUSLY ISSUED SPECIFICATIONS AND INSTRUCTIONS AND SHALL BE REFERRED TO HEREINAFTER AS PART OF THE CONTRACT DOCUMENTS.

CORRECTION:

REPLACE THE ANSWER TO QUESTION #2, ADDENDUM #2 WITH THE FOLLOWING:

A 2: If you are self-performing all work, then the Subcontractor page should reflect 100% self-performing. There would be no good faith effort required since there will be no sub-contracting of any portion of the work.

BY ORDER OF THE CITY OF PALM SPRINGS, CALIFORNIA

**Leigh Gileno
Procurement Specialist II**

**DATE: August 28, 2014
ADDENDUM ACKNOWLEDGMENT:**

Proposer Firm Name: Dynamic Sports Construction, Inc.

Authorized Signature: [Signature]

Date: 09/2/14

Acknowledgment of Receipt of Addendum 3 is required by signing and returning a copy of this addendum with your response. Failure to acknowledge this Addendum may result in your IFB being deemed non-responsive.



COMPLIANCE TESTED by berkeley analytical

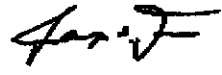
VOC Emission Test Certificate

Product Name: DynaForce®

Product Sample Information

Manufacturer: Dynamic Sports Construction, Inc
 Manf. Website: www.dynamicsportsconstruction.com
 CSI Category & No.: Rubber Sheet Flooring (096516-Rubber)
 Date Produced: 8/26/2013

Certificate Information

Certificate No: 131001-01
 Certified By: 
 Raja S. Tannous, Laboratory Director
 Date: October 1, 2013

Reference Standard: California Department of Public Health CDPH/EHLB/Standard Method Version 1.1, 2010 (Emission testing method for CA Specification 01350)

Acceptance Criteria and Results Demonstrating Compliance of Product Sample to Referenced Standard:

Exposure Scenario ¹	Individual VOCs of Concern ²		Formaldehyde ³		TVOC ⁴
	Criterion	Compliant?	Criterion	Compliant?	Range
School Classroom	≤½ Chronic REL	YES	≤9.0 µg/m ³	YES	≤ 0.5 mg/m ³
Private Office	≤½ Chronic REL	YES	≤9.0 µg/m ³	YES	≤ 0.5 mg/m ³

Mass Loading⁵: Not applicable

1. Exposure scenarios & product quantities for classroom & office are defined in Tables 4-2 – 4-5 (CDPH Std. Mtd. V1.1-2010)
2. Maximum allowable concentrations of individual target VOCs are specified in Table 4-1 (*Ibid.*)
3. Maximum allowable formaldehyde concentration is ≤9 µg/m³, effective Jan 1, 2012; previous limit was ≤16.5 µg/m³ (*Ibid.*)
4. Informative only; predicted TVOC Range in three categories, i.e., ≤0.5 mg/m³, >0.5 – 4.9 mg/m³, and ≥5.0 mg/m³
5. Informative and applicable only to tests of wet-applied products; grams of sample applied per square meter of substrate

Standards & Codes Recognizing CDPH Standard Method V1.1 (partial list)

- CALGreen, CA Code of Regulations Title 24, Part II, 2012
- USGBC LEED CI, NC, Schools, Healthcare, 2009
- USGBC LEED Version 4, BD&C, ID&C, 2013
- Collaborative for High Performance Schools (CHPS), National Core Criteria, 2013
- ANSI/GBI 01-2010, Green Building Assessment Protocol

Narrative: Dynamic Sports Construction, Inc. selected a sample representative of its DynaForce® product and submitted it for testing commencing on 9/12/2013. Berkeley Analytical measured and evaluated the emissions of VOCs from this sample following CDPH/EHLB/Standard Method V1.1-2010. The results of the test are presented in Berkeley Analytical report, 649-001-01A-Oct0113.

Berkeley Analytical is an independent, third-party laboratory specializing in the analysis of organic chemicals emitted by and contained in building products, finishes, furniture, and consumer products. We are an ISO/IEC 17025 accredited laboratory (IAS, TL-383); all standards used in performing this test are in Berkeley Analytical's scope of accreditation.

DISCLAIMER: THIS CERTIFICATE OF COMPLIANCE AFFIRMS THAT: 1) A SAMPLE OF THE LISTED PRODUCT WAS TESTED ACCORDING TO THE REFERENCED STANDARD; 2) THE MEASURED VOC EMISSIONS FROM THE SAMPLE WERE EVALUATED FOR THE DEFINED EXPOSURE SCENARIO(S); AND 3) THE RESULTS MEET THE ACCEPTANCE CRITERIA OF THE REFERENCED STANDARD(S). BERKELEY ANALYTICAL IS NOT RESPONSIBLE FOR ANY CLAIMS REGARDING A PRODUCT OR PRODUCTS ENTERED INTO COMMERCE THAT MAY BE BASED ON THIS TEST. BERKELEY ANALYTICAL PROVIDES THIS CERTIFICATE OF COMPLIANCE "AS IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PURPOSE.

Attachment 2

Recording Requested By:

City of Palm Springs

When Recorded Mail To:

Name City Clerk

Street Address 3200 E. Tahquitz Canyon Way

City & State Palm Springs, CA 92262

SPACE ABOVE THIS LINE FOR RECORDERS USE

NOTICE OF COMPLETION

(CA Civil Code §§ 8180-8190, 8100-8118, 9200-9208)

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is an owner of an interest of estate in the hereinafter described real property, the nature of which interest or estate is:
fee _____ (e.g. fee, leasehold, joint tenancy, etc.)
2. The full name and address of the undersigned owner or reputed owner and of all co-owners or reputed co-owners are:
Name _____ Street and No. _____ City _____ State _____
City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
3. The name and address of the direct contractor for the work of improvement as a whole is:
Dynamic Sports Construction, Inc., 301 Sonny Drive, Leaner, TX 78641
4. This notice is given for (check one):
 Completion of the work of improvement as a whole.
 Completion of a contract for a particular portion of the work of improvement (per CA Civ. Code § 8186).
5. If this notice is given only of completion of a contract for a particular portion of the work of improvement (as provided in CA Civ. Code § 8186), the name and address of the direct contractor under that contract is:

6. The name and address of the construction lender, if any, is:
Not Applicable
7. On the 18th day of February, 2015, there was completed upon the herein described property a work of improvement as a whole (or a particular portion of the work of improvement as provided in CA Civ. Code § 8186) a general description of the work provided:
Demuth Gym Floor Replacement, City Project No. 14-06
8. The real property herein referred to is situated in the City of Palm Springs, County of Riverside
State of California, and is described as follows:
2.65 acres more or less in a portion of Lot 10 of Palm Valley Colony Lands recorded in Map Book 14, Page 652 records of San Diego County
9. The street address of said property is:
3601 E. Mesquite Ave., Palm Springs, CA 92264
10. If this Notice of Completion is signed by the owner's successor in interest, the name and address of the successor's transferor is:
Not Applicable

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 18, 2015

By: _____

Signature of Owner or Owner's Authorized Agent
Marcus Fuller, Assistant City Manager/City Engineer

Print Name

VERIFICATION

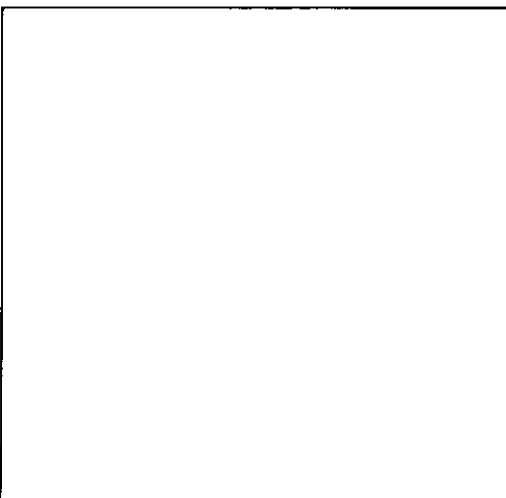
I, Marcus Fuller, state: I am the Assistant City Manager/City Engineer ("Owner", "President", "Authorized Agent", "Partner", etc.) of the Owner identified in the foregoing Notice of Completion. I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 18, 2015 (date), at Palm Springs (City), CA (State).

Signature of Owner or Owner's Authorized Agent

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



STATE OF CALIFORNIA
COUNTY OF Riverside

On _____ (date), before me, _____, Notary Public (name and title of officer) personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PURJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.