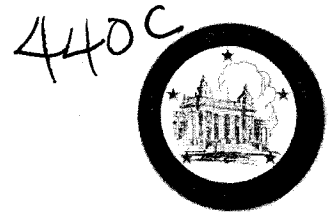


**SUBMITTAL TO THE BOARD OF DIRECTORS OF THE  
REDEVELOPMENT AGENCY  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Redevelopment Agency

**SUBMITTAL DATE:**  
June 30, 2010

**SUBJECT:** Romoland Beautification Project Phase II and III – Bid Award

**RECOMMENDED MOTION:** That the Board of Directors:

1. Make the following findings pursuant to Section 33445 of the Health and Safety Code:
  - a) The Romoland Beautification Project Phase II and III ("Project") is of primary benefit to the community of Romoland. The construction of the Project is of benefit to the I-215 Project Area ("Project Area") by helping to eliminate blight within the Project Area by improving the visual character of the area;
  - b) No other reasonable means of financing the cost of the Project are available to the community because current economic conditions are such that general County revenues are insufficient to provide such facilities; and

(Continued)

*Robert Field*  
\_\_\_\_\_  
Robert Field  
Executive Director  
By Dan Martinez, Deputy Executive Director

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 3,974,300	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

**COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA:** Yes

<b>SOURCE OF FUNDS:</b> Interstate 215 Corridor Redevelopment Project Area Capital Improvement Funds – Romoland Sub-Area	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE  
*Jennifer L. Sargent*  
\_\_\_\_\_  
By Jennifer L. Sargent

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: NEAL R. KIPNIS  
DATE: 6/30/10  
Departmental Concurrence

Dept't Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

**Prev. Agn. Ref.:** 8/10/04 4.3, 7/25/06 4.1 | **District:** 5 | **Agenda Number:** 4.2

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

**RECOMMENDED MOTION:** (Continued)

- c) The payments of funds for the cost of the Project is consistent with the Implementation Plan for the Project Area and is necessary to effectuate the purpose of the Project Area's Redevelopment Plan, which identifies the elimination of blighting conditions as an important element of the Redevelopment Plan;
2. Accept and award the construction contract to the lowest responsible bidder, All American Asphalt Inc., in the amount of \$3,303,000, to construct the Romoland Beautification Project Phase II and III;
3. Authorize the Chairman to sign the contract documents on behalf of the Board;
4. Delegate change order authority to the Executive Director of the Redevelopment Agency, or designee, in accordance with Public Contract Code; and
5. Approve a total project budget of \$3,974,300.

**BACKGROUND:** On August 10, 2004, the Redevelopment Agency entered into an Agreement with Albert A. Webb Associates to prepare Plans and Specifications for the Romoland Beautification Project which includes irrigated landscaping, curb, gutter, and sidewalk improvements on Highway 74 from Interstate 215 to Palomar Road; on Trumble Road between Highway 74 and Mapes Road; and landscaping of the I-215/Highway 74 Interchange.

The Plans and Specifications for Phase II and III have been completed. Staff prepared an Initial Study to assess the potential environmental effects of the proposed Project. The Initial Study (Environmental Assessment No. RDA/CEQA 2008-02) indicated all issues of environmental concern can be adequately mitigated to a level of insignificance. The Mitigated Negative Declaration was adopted and the Project approved on December 16, 2008.

The Notice Inviting Bids for the Interchange Phase was advertised from April 26, 2010, to May 27, 2010. On May 27, 2010, at 2:00 P.M., five bids were received. The lowest bid was received from All American Asphalt, Inc., and was responsive and complete. Therefore, it is recommended that the Board award the contract to All American Asphalt Inc., in the amount of \$3,303,000, and approve the project budget as follows:

**PROJECT BUDGET:**

The approximate allocation of the project budget is as follows:

Construction	\$3,303,000.00
Permits & Inspection Fees	\$50,000.00
Water & Sewer Fees	\$50,000.00
Electrical Fees and Misc. costs	\$100,000.00
Project Management Fees	\$110,000.00
Subtotal	\$3,613,000.00
Contingency (10%)	<u>\$361,300.00</u>

**TOTAL** **\$3,974,300.00**

**AGREEMENT FORM**

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between ALL AMERICAN PAVEMENT, hereinafter called the "Contractor" and the Redevelopment Agency for the County of Riverside, hereinafter called the "Owner".

**WITNESSETH**

That the parties hereto have mutually covenanted and agreed as follows:

**CONTRACT:** The complete Contract includes all of the Contract Documents, to wit: The Notice Inviting Bids, the Instructions to Bidders, the Contractor's Proposal, the Payment and Performance Bonds, the Plans and Specifications plus any Addenda thereto, the General Conditions, Specific Conditions, and this Agreement. All contract documents are intended to cooperate and be complementary so that any work called for in one and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all contract documents.

**STATEMENT OF WORK:** The Contractor hereby agrees to furnish all tools, equipment, services, apparatus, facilities, transportation, labor, and materials for the construction of: Romoland Beautification, Phase II & III Street Improvement and Landscaping, in strict accordance with the plans and specifications dated, \_\_\_\_\_, 2010 prepared by Albert A. Webb Associates, hereinafter called the "Engineer", including Addenda thereto as listed in the Contractor's Proposal, all of which are made a part hereof.

**TIME FOR COMPLETION:** The work shall be commenced on a date to be specified in a written order of the Engineer and shall be completed within one hundred eighty (180) calendar days from and after said date. It is expressly agreed that except for extensions of time duly granted in the manner and for the reasons specified in the General Conditions, time shall be of the essence.

**COMPENSATION TO BE PAID TO CONTRACTOR:** The Owner agrees to pay and the Contractor agrees to accept in full consideration for the performance of the Contract, subject to additions and deductions as provided in the Contract Documents, the sum of THREE MILLION THREE HUNDRED THIRTY THREE THOUSAND Dollars (\$3,303,000).

Pursuant to Labor Code Section 1861, the Contractor gives the following certifications: I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for Workmens' Compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Contract.

IN WITNESS WHEREOF, the parties hereto on the day and year first above written have executed this agreement in 3 counterparts.

Type of Contractor's organization

If other than individual or corporation, list names of all members who have authority to bind firm.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IF OTHER THAN CORPORATION, EXECUTE HERE

Attest: \_\_\_\_\_ Firm Name \_\_\_\_\_  
\_\_\_\_\_  
Signature \_\_\_\_\_  
\_\_\_\_\_  
Address \_\_\_\_\_  
Contractor's License No. \_\_\_\_\_

IF CORPORATION, FILL OUT FOLLOWING AND EXECUTE

Name of President of Corporation DAVID D. SISBMORE  
Name of Secretary of Corporation MARK LUER

Corporation is organized under the laws of the state of CALIFORNIA

AFFIX  
SEAL

Firm Name ALL AMERICAN ASPHALT  
Signature *Robert Bradley*  
Title of Office VICE PRESIDENT  
Address P.O. Box 2229 - Corona, CA 92878  
Contractor's License No. # 267073

Attest: \_\_\_\_\_ By \_\_\_\_\_  
Deputy Owner  
Seal Chairman, Board of Directors

XVIII

FORM APPROVED COUNTY COUNSEL  
BY: *Neal R. Kipnis* DATE 5/28/10

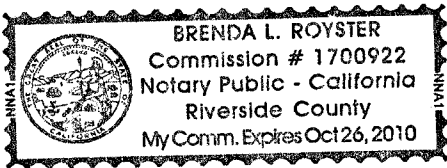
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

State of California

County of Riverside

On June 22, 2010 before me, Brenda L. Royster, Notary Public,  
Date Here Insert name and Title of the Officer

personally appeared Robert Bradley  
Name of Signer



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 PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

*Brenda L. Royster*  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

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

**Description of Attached Document**

Title or Type of Document Agreement – Redevelopment Agency County of Riverside

Document Date: June 22, 2010 Number of Pages: 2

Signer(s) Other Than Named Above: None

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Robert Bradley

- Individual
- Corporate Officer – Title(s): Vice President
- Partner –  Limited  General
- Attorney in Fact
- Trustee
- Other: \_\_\_\_\_

Signer is Representing:

All American Asphalt

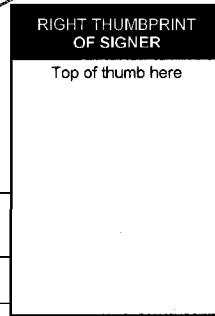


Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer – Title(s): \_\_\_\_\_
- Partner –  Limited  General
- Attorney in Fact
- Trustee
- Other: \_\_\_\_\_

Signer is Representing:

\_\_\_\_\_



Premium: \$14,038.00

Premium subject to adjustment upon completion

Bond No. 7616450

**PERFORMANCE BOND**

Executed in Three (3) Parts

The makers of this bond, All American Asphalt, as Principal, and Fidelity and Deposit Company of Maryland, as Surety, are held and firmly bound unto See 1. Below, hereinafter called the Owner, in the sum of \$Three Million, Three Hundred, Three Thousand & No/100ths (\$3,303,000.00) dollars for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. 1. Redevelopment Agency for the County of Riverside, as Owner

The condition of this obligation is such, that whereas the principal entered into a certain contract, hereto attached, with the Owner, dated \_\_\_\_\_, 20\_\_, for the construction of Romoland Beautification Project Phase II and III \_\_\_\_\_ in accordance with plans and specifications, dated \_\_\_\_\_, 20\_\_.

Now, therefore, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of said contract during the original term of said contract and any extension thereof that may be granted by the Owner, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, then this obligation to be void, otherwise to remain in full force and virtue. Without notice, Surety consents to extension of time for performance, change in requirements, change in compensation or prepayment under said contract.

DATED: June 21, 2010

Fidelity and Deposit Company of Maryland

All American Asphalt

PRINCIPAL

By Rebecca Haas-Bates  
SURETY

By Robert Bradley  
ROBERT BRADLEY

By Rebecca Haas-Bates,  
Its Attorney In Fact

Title VICE PRESIDENT  
(If corporation, affix seal)

(NOTE: This bond must be executed by both parties, with corporate seals affixed. All signatures must be acknowledged. Attach acknowledgments.)

XX

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

State of California

County of Riverside

On June 22, 2010 before me, Brenda L. Royster, Notary Public  
Date Here Insert name and Title of the Officer

personally appeared Robert Bradley  
Name of Signer(s)



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 PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Brenda L. Royster  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

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

**Description of Attached Document**

Title or Type of Document Performance Bond – Redevelopment Agency County of Riverside

Document Date: June 21, 2010 Number of Pages: 2

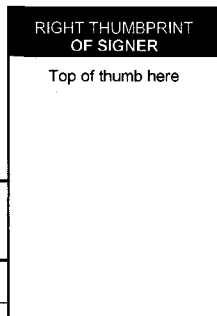
Signer(s) Other Than Named Above: Rebecca Haas-Bates, Attorney-in-Fact

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Robert Bradley

- Individual
- Corporate Officer – Title(s): Vice President
- Partner –  Limited  General
- Attorney in Fact
- Trustee
- Other: \_\_\_\_\_

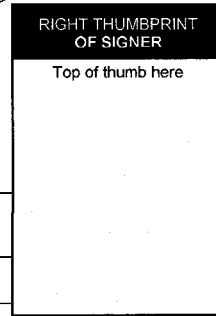
Signer is Representing:  
All American Asphalt



Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer – Title(s): \_\_\_\_\_
- Partner –  Limited  General
- Attorney in Fact
- Trustee
- Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
 County of Orange }

On 6-21-10 before me, Barbara J. Bender, Notary Public  
Date Here Insert Name and Title of the Officer

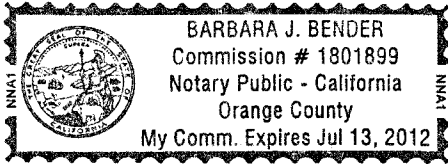
personally appeared Rebecca Haas-Bates  
Name(s) of Signer(s)

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 PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Barbara J. Bender*  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

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

**Description of Attached Document**

Title or Type of Document: Performance Bond No. 7616450

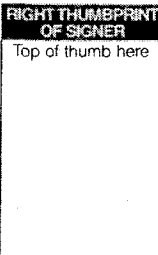
Document Date: 6-21-10 Number of Pages: One (1)

Signer(s) Other Than Named Above: All American Asphalt

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Rebecca Haas-Bates

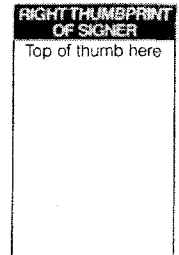
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_  
 Fidelity and Deposit Company of Maryland

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_



Bond No. 7616450

Premium charge included in Performance Bond

**PAYMENT BOND**

Executed in Three (3) Parts

(Public Work - Civil code Section 3247 et seq.)

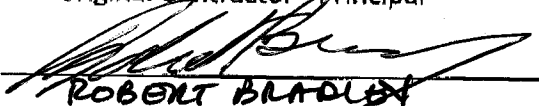
The makers of this bond are All American Asphalt, as Principal and Original Contractor, and See 1. Below, a corporation, authorized to issue Surety Bonds in California, as Surety, and this bond is issued in conjunction with that certain public works contract dated \_\_\_\_\_, between Principal and See 2. Below, a public entity, as Owner, for \$See 3. Below, the total amount payable. THE AMOUNT OF THIS BOND IS 100% OF SAID SUM. Said contract is for public work generally consisting of road improvements and rough grading. 1. Fidelity and Deposit Company of Maryland, as Surety 2. Redevelopment Agency for the County of Riverside, as Owner 3. Three Million, Three Hundred Three Thousand and No/100ths (\$3,303,000.00) Dollars

The beneficiaries of this Bond are as is stated in 3248 of the Civil Code and the requirements and conditions of this Bond are as is set forth in Sections 3248, 3249, 4250 and 3252 of said Code. Without notice, Surety consents to extension of time or performance, change in requirements, amount of compensation, or repayment under said contract.

DATED: June 21, 2010

All American Asphalt  
Original Contractor - Principal

Fidelity and Deposit Company of Maryland  
Surety

By   
**ROBERT BRADLEY**

Title VICE PRESIDENT  
(If corporation, affix seal)

By   
Rebecca Haas-Bates, Its Attorney in Fact

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) SURETYS ACKNOWLEDGMENT

On \_\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument as attorney in fact of \_\_\_\_\_, a corporation, and acknowledged that he subscribed the name of said corporation thereto, and his own as its attorney in fact.

See Attached Notary Acknowledgments

Notary Public (Seal)

Approved as to form:

Agency Counsel

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

State of California

County of Riverside

On June 22, 2010 before me, Brenda L. Royster, Notary Public  
Date Here Insert name and Title of the Officer

personally appeared Robert Bradley  
Name(s) of Signer(s)



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 PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Brenda L. Royster  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

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

**Description of Attached Document**

Title or Type of Document Payment Bond – Redevelopment Agency County of Riverside

Document Date: June 21, 2010 Number of Pages: 3

Signer(s) Other Than Named Above: Rebecca Haas-Bates, Attorney-in-Fact

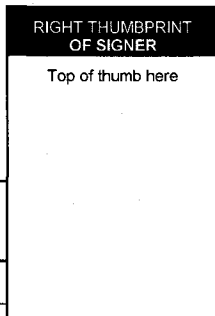
**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Robert Bradley

- Individual
- Corporate Officer – Title(s): Vice President
- Partner –  Limited  General
- Attorney in Fact
- Trustee
- Other: \_\_\_\_\_

Signer is Representing:

All American Asphalt

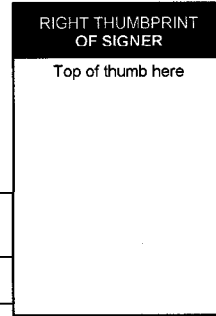


Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer – Title(s): \_\_\_\_\_
- Partner –  Limited  General
- Attorney in Fact
- Trustee
- Other: \_\_\_\_\_

Signer is Representing:

\_\_\_\_\_



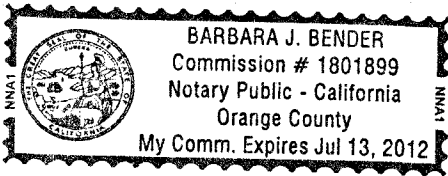
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of Orange

On 6-21-10 before me, Barbara J. Bender, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Rebecca Haas-Bates  
Name(s) of Signer(s)

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.



Place Notary Seal Above

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

WITNESS my hand and official seal

Signature Barbara J. Bender  
Signature of Notary Public

**OPTIONAL**

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

**Description of Attached Document**

Title or Type of Document: Payment Bond No. 7616450

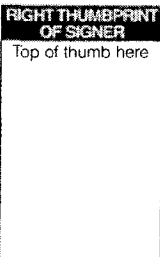
Document Date: 6-21-10 Number of Pages: One (1)

Signer(s) Other Than Named Above: All American Asphalt

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Rebecca Haas-Bates

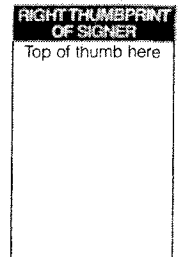
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_  
Fidelity and Deposit Company of Maryland

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**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 WILLIAM J. MILLS, 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 SYRKIN, Rebecca HAAS-BATES and Sergio D. BECHARA, all of Irvine, California, 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 SYRKIN, Rebecca HAAS-BATES, Sergio D. BECHARA, Leonard E. ZIMINSKY, dated April 8, 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 25th day of September, A.D. 2009.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gregory E. Murray*

*William J. Mills*

By:

*Gregory E. Murray Assistant Secretary*

*William J. Mills*

*Vice President*

State of Maryland }  
City of Baltimore } ss:

On this 25th day of September, A.D. 2009, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, 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, 2011

**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**

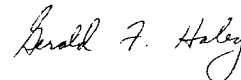
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was 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 21ST day of JUNE, 2010.



*Assistant Secretary*