

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Engineering & Construction Management

AGENDA DATE: February 1, 2011

CONTACT PERSON/PHONE: R. Alan Shubert, P.E., City Engineer, 541-4423

DISTRICT(S) AFFECTED: ALL

SUBJECT:

Award bid 2011-092 for Landfill Wells - 2010 to WDC Exploration & Wells for a total amount of \$204,710.00.

BACKGROUND / DISCUSSION:

The City of El Paso will be installing two (2) new piezometer wells (to groundwater monitoring well standards), one (1) new groundwater monitoring well and four (4) new gas monitoring probes at two separate landfill sites. The two piezometer wells will be installed at the McCombs Landfill in the northeast part of El Paso and the groundwater monitoring well will be installed at the Clint Landfill east of El Paso.

The total contract time is for a period of 90 consecutive calendar days, 60 calendar days for substantial completion and 30 calendar days for remaining work.

This is a low bid, unit-priced contract. WDC Exploration & Wells is the lowest responsible, responsive bidder. It is requested that the City Manager be authorized to sign the reference contract.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING: Disposal – garbage collection fees

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

CONSTRUCTION PROJECT FORM
Unit Price

DATE: January 18, 2011
PROJECT: Landfill Wells - 2010
SOLICITATION NO: 2011-092
FUNDING SOURCE: Disposal – garbage collection fees
DEPARTMENT: Engineering and Construction Management
DISTRICT(S): ALL **LOCATION:** 2300 Darrington Rd, Clint, TX and 13660 McCombs, El Paso, TX

AGENDA DATE: February 1, 2011 **Lowest responsible bidder**
CONTRACTOR: WDC Exploration & Wells
TOTAL ESTIMATED AMOUNT: \$204,710.00

Award of Solicitation No. 2011-092 for the Landfill Wells - 2010 for a total estimated amount of \$204,710.00.

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder.

DESCRIPTION OR EXPLANATION:

Base Bid \$204,710.00

TOTAL ESTIMATED AWARD: \$204,710.00
TIME FOR COMPLETION: 90 Consecutive Calendar Days
SUBSTANTIAL COMPLETION: 60 Consecutive Calendar Days
REMAINING WORK: 30 Consecutive Calendar Days
LIQUIDATED DAMAGES: \$875.00/Consecutive Calendar Day
\$450.00/Consecutive Calendar Day

APPROVED:



R. Alan Shubert, P.E.
City Engineer

RECOMMENDATION

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



MEMORANDUM

To: Sandra Jimenez, Contract Compliance Specialist
From: Miguel Parra, ESD Engineering Division Manager *MP*
Date: January 13, 2011
Subject: Landfill Wells – 2010, Solicitation No. 2011-092

We have reviewed the above subject bid and we recommend Base Bid be awarded to WDC Exploration and Wells, as the lowest most responsive and responsible bidder with a bid amount of \$204,710.00.

If you have any questions or need anything further please feel free to call me at 599-6235.

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



ENVIRONMENTAL SERVICES DEPARTMENT

7968 SAN PAULO, EL PASO, TEXAS 79907 · 915-621-6700 · FAX 915-621-6711 · WWW.ELPASOTEXAS.GOV

Landfill Wells - 2010

Solicitation No. 2011-092

Groundwater Monitoring Wells and Gas monitoring Probes Installation Project
Clint Landfill MSW TCEQ Permit No. 2284
McCombs Landfill TCEQ Permit No. 0729A

Project Summary:

The City of El Paso will be installing two (2) new piezometer wells (to groundwater monitoring well standards), one (1) new groundwater monitoring well and four (4) new gas monitoring probes at two separate landfill sites. The two piezometer wells will be installed at the McCombs Landfill in the northeast part of El Paso and the groundwater monitoring well will be installed at the Clint Landfill east of El Paso. The piezometers and groundwater monitoring well will be constructed with 4-inch PVC screen and casing surrounded by a gravel pack and bentonite grout. The three wells range in depth from 403 to 459 feet below ground surface.

The four gas monitoring probes will be installed at the Clint Landfill east of El Paso. They range in depth from 47 to 71 feet below ground surface and will be constructed of 1-inch PVC screen and casing surrounded by a gravel pack and bentonite grout.

CITY OF EL PASO BID TABULATION

BID TITLE: LANDFILL WELLS - 2010
BID DATE: December 15, 2010

BID NO: 2011-092
DEPARTMENT: ESD

				LAYNE CHRISTENSEN COMPANY AURORA, CO		WDC EXPLORATION & WELLS PERALTA, NM			
ITEM #	EST. QTY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
UNIT PRICE SCHEDULE BASE BID:									
1	1	LS	MOBILIZATION COST	\$23,000.00	\$23,000.00	\$18,500.00	\$18,500.00		
2	1,360	VF	DRILLING MONITORING WELLS	\$99.00	\$134,640.00	\$76.00	\$103,360.00		
3	1,310	VF	4 - INCH PVC CASING	\$12.00	\$15,720.00	\$16.00	\$20,960.00		
4	70	VF	4 - INCH PVC SCREEN	\$16.00	\$1,120.00	\$16.00	\$1,120.00		
5	100	VF	GRAVEL PACK MATERIAL	\$18.00	\$1,800.00	\$17.00	\$1,700.00		
6	20	VF	BENTONITE ANNULAR SEAL	\$84.00	\$1,680.00	\$17.00	\$340.00		
7	1,260	VF	BENTONITE CASING SEAL	\$9.00	\$11,340.00	\$17.00	\$21,420.00		
8	3	EA	CLEANING, DEVELOPING, & TESTING	\$3,200.00	\$9,600.00	\$1,650.00	\$4,950.00		
9	3	EA	SURFACE COMPLETIONS	\$2,400.00	\$7,200.00	\$1,650.00	\$4,950.00		
10	250	VF	DRILLING GAS MONITORING	\$80.00	\$20,000.00	\$58.00	\$14,500.00		
11	50	VF	1" PVC CASING	\$4.00	\$200.00	\$3.00	\$150.00		
12	220	VF	1" PVC SCREEN	\$6.00	\$1,320.00	\$3.00	\$660.00		
13	230	VF	GRAVEL PACK	\$15.00	\$3,450.00	\$22.00	\$5,060.00		

Approved By: *ML*

CITY OF EL PASO BID TABULATION

BID TITLE: LANDFILL WELLS - 2010
 BID DATE: December 15, 2010

BID NO: 2011-092
 DEPARTMENT: ESD

				LAYNE CHRISTENSEN COMPANY AURORA, CO		WDC EXPLORATION & WELLS PERALTA, NM			
ITEM #	EST. QTY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
UNIT PRICE SCHEDULE BASE BID:									
14	5	VF	SAND SEAL	\$15.00	\$75.00	\$22.00	\$110.00		
15	15	VF	BENTONITE SEAL	\$55.00	\$825.00	\$22.00	\$330.00		
16	4	EA	SURFACE COMPLETION	\$2,300.00	\$9,200.00	\$1,650.00	\$6,600.00		
SUM TOTAL BASE BID (ITEMS 1 - 16)				\$241,170.00		\$204,710.00			
AMENDMENT NO. 1 ACKNOWLEDGED				YES		YES			
BID BOND				YES		YES			

Approved By: *mh*

PROPOSAL

TO THE HONORABLE CITY MANAGER AND CITY COUNCIL
CITY OF EL PASO
EL PASO, TEXAS

The undersigned having familiarized themselves with the local conditions affecting the cost of work and with the Contract documents consisting of Invitation to Bid, Instructions to Bidders, General Conditions, the Contractor's Proposal, Special Bid Conditions, Applicable Wage Rates, the Contract Form, plans, specifications, drawings, and addenda on file in the office of the Financial Services Department of the City of El Paso, hereby propose to perform everything required to be performed and to provide furnish and install all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services, and to complete in a workmanlike manner all the work required for the

Landfill Wells - 2010

SOLICITATION NO. 2011-092

GROUNDWATER MONITORING WELLS AND GAS MONITORING PROBES INSTALLATION PROJECT CLINT LANDFILL TCEQ MSW PERMIT NO. 2284 McCOMBS LANDFILL TCEQ MSW PERMIT NO. 0729A

within the specified limits and in accordance with the plans, including Addenda numbers #1 , AT THE FOLLOWING UNIT PRICES:

EACH PROPOSAL MUST BE SUBMITTED ON THE PRESCRIBED FORM AND all blank spaces on the proposal form for proposal prices must be filled in, in ink or typewritten. FAILURE TO FILL IN ALL BLANK SPACES SHALL CAUSE THE BID PROPOSAL TO BE DEEMED NOT RESPONSIVE AND BID PROPOSAL WILL NOT BE CONSIDERED IN DETERMINING THE LOWEST RESPONSIBLE BIDDER.

Note: For this solicitation, the lowest responsible bid will be determined in the following manner:

The lowest responsible bid will be determined based on the SUM TOTAL of the Base Bid. The project will be awarded to one bidder.

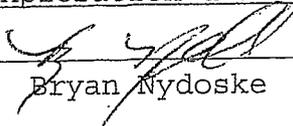
NOTE: The quantities shown in the unit price schedule are ESTIMATES ONLY. They are shown here only for the purpose of comparing bids as an expected total expenditure. The City, at its sole discretion, will direct exactly how many actual units will be placed, and will pay for only those units that are ordered and accepted. No payments will be made regarding the estimated quantities, they are estimates only.

Estimates are minimums, but not guaranteed minimums, and the contract cost can increase so long as the unit costs remain the same and the increased funds are appropriated in the budget.

Line item entries shall prevail over sum total entries. When discrepancies exist between unit prices and corresponding extended prices, unit prices shall prevail.

COMPANY NAME: WDC Exploration & Wells

BIDDER'S SIGNATURE: _____


Bryan Nydoske

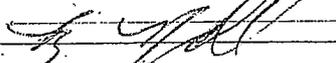
Proposal - Landfill Wells - 2010
Solicitation No. 2011-092

11/11/2010

UNIT PRICE SCHEDULE BASE BID:

Item No.	Estimated Quantity	Unit	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures)	Total Amount (Quantity x Unit Price) (In Figures)
1.	1	LS	MOBILIZATION COST (NOT TO EXCEED 10% OF BID PRICE), FOR THE SUM OF:	<u>\$ 18,500.00</u>	<u>\$ 18,500.00</u>
2.	1,360	VF	DRILLING MONITORING WELLS, PREPARATION OF DRILLING LOG, ALL SPECIFIED TESTING, ALL STANDBY TIME, AND ANY NECESSARY CLEANING, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$ 76.00</u>	<u>\$ 103,360.00</u>
3.	1,310	VF	4-INCH PVC CASING FOR MONITORING WELL, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$ 16.00</u>	<u>\$ 20,960.00</u>
4.	70	VF	4-INCH PVC SCREEN FOR MONITORING WELL, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$ 16.00</u>	<u>\$ 1,120.00</u>
5.	100	VF	GRAVEL PACK MATERIAL FOR MONITORING WELL, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$ 17.00</u>	<u>\$ 1,700.00</u>
6.	20	VF	BENTONITE ANNULAR SEAL FOR MONITORING WELL, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$ 17.00</u>	<u>\$ 340.00</u>
7.	1,260	VF	BENTONITE CASING SEAL FOR MONITORING WELL, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$ 17.00</u>	<u>\$ 21,420.00</u>
8.	3	EA	CLEANING, DEVELOPING AND TESTING EACH MONITORING WELL, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$ 1,650.00</u>	<u>\$ 4,950.00</u>

COMPANY NAME: WDC Exploration & Wells

BIDDER'S SIGNATURE: 

Proposal - Landfill Wells - 2010
Solicitation No. 2011-092

Bryan Nydoske

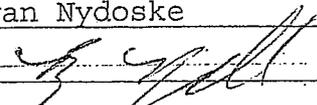
11/11/2010

Item No.	Estimated Quantity	Unit	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures)	Total Amount (Quantity x Unit Price) (In Figures)
9.	3	EA	SURFACE COMPLETIONS FOR EACH MONITORING WELL, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$1,650.00</u>	<u>\$ 4,950.00</u>
10.	250	VF	DRILLING GAS MONITORING PROBES, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$58.00</u>	<u>\$ 14,500.00</u>
11.	50	VF	1" PVC CASING FOR GAS MONITORING PROBES, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$3.00</u>	<u>\$ 150.00</u>
12.	220	VF	1" PVC SCREEN FOR GAS MONITORING PROBES, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$3.00</u>	<u>\$ 660.00</u>
13.	230	VF	GRAVEL PACK FOR GAS MONITORING PROBES, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$22.00</u>	<u>\$ 5,060.00</u>
14.	5	VF	SAND SEAL FOR GAS MONITORING PROBES, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$22.00</u>	<u>\$ 110.00</u>
15.	15	VF	BENTONITE SEAL FOR GAS MONITORING PROBES, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$22.00</u>	<u>\$ 330.00</u>
16.	4	EA	SURFACE COMPLETION FOR GAS MONITORING PROBES, FURNISHED AND INSTALLED, FOR THE SUM OF:	<u>\$1,650.00</u>	<u>\$ 6,600.00</u>

SUM TOTAL BASE BID (Items 1 thru 16):

\$204,710.00

COMPANY NAME: Bryan Nydoske

BIDDER'S SIGNATURE: 

Proposal - Landfill Wells - 2010
Solicitation No. 2011-092

Bryan Nydoske

11/11/2010

CONTRACT TIME AND LIQUIDATED DAMAGES

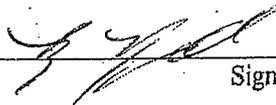
Bidder agrees to commence work on a date to be specified in a written "Notice to Proceed" issued by the Owner. The Contract Time shall begin on the date to commence work specified in the Notice to Proceed and shall run for **ninety (90)** additional consecutive calendar days thereafter. Bidder shall Substantially Complete the project within **sixty (60) CONSECUTIVE CALENDAR DAYS** after the date to commence work in the Notice to Proceed. Bidder agrees to pay, as liquidated damages, the sum of **eight hundred seventy-five dollars (\$875.00)** for each consecutive calendar day after the date of Substantial Completion, as hereinafter provided in the General Conditions. Bidder further agrees to pay as liquidated damages the sum of **four hundred fifty dollars (\$450.00)** for each consecutive calendar day after the expiration of the Contract Time for Remaining Work, as provided in Paragraph 6.8.3.1 of the General Conditions. The unit price quantities of this contract are estimated.

PROPOSAL

Enclosed with this proposal is a certified check or bid bond for five percent (5%) of the TOTAL bid price including base bid(s) and alternate(s) which is agreed shall be collected and retained by the owner(s) as liquidated damages in the event this proposal is accepted by the Owner within sixty (60) consecutive calendar days after the date advised for the reception of bids and the undersigned fails to execute the contract and the required performance and payment bonds with the Owner within fourteen (14) consecutive calendar days after the date said proposal is accepted; otherwise, the said bid security shall be returned to the undersigned upon demand.

THE UNDERSIGNED BIDDER REPRESENTS TO THE CITY AND TO THE OTHER BIDDERS THAT HIS/HER BID, AND THE ESTIMATES ON WHICH IT IS BASED, HAS BEEN CAREFULLY CHECKED AND CONTAINS NO ERRORS, AND NOTHING HAS BEEN OMITTED OR OVERLOOKED IN DETERMINING THE AMOUNTS BID.

BIDDER'S NAME: WDC Exploration & Wells
(AS IT APPEARS ON ORGANIZATION CERTIFICATE ISSUED BY STATE IN WHICH COMPANY WAS ORGANIZED)

BY:  Signature 12/14/2010 Date

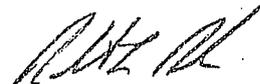
Bryan Nydoske, District Manager 800-914-7506 505-865-5151
Print Signer's name & title Telephone Fax

500 Main Street Woodland, CA 95695
Address City, State, Zip Code

3621 Highway 47 Peralta, NM 87042
Physical Address of Business - if different from above City, State, Zip Code

IF THE BIDDER BE A CORPORATION, THE FOLLOWING CERTIFICATE SHOULD BE EXECUTED:

I, Rob Ruck, certify that I am the President/CEO Secretary of the corporation named as Bidder hereinabove; that Bryan Nydoske, who signed the foregoing contract on behalf of the Bidder, was then District Manager of said corporation; that said proposal was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.



CORPORATE SECRETARY SIGNATURE AND CORPORATE SEAL

President/CEO

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that WDC Exploration & Wells
(hereinafter called the Principal), as Principal, and Westchester Fire Insurance Company
as Surety, are hereby held and firmly bound unto THE CITY OF EL PASO, as Owner, in the penal sum of
Five Percent of the Total Amount Bid (5%)

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

SIGNED, this 15th day of December, 20 10.

The conditions of the above obligation are such that whereas the Principal has submitted to the City of El Paso a certain bid,
attached hereto and hereby made a part hereof, to enter into a contract in writing for the Landfill Wells - 2010,
Solicitation No. 2011-092. NOW, THEREFORE,

- a) If said bid shall be rejected, or in the alternate,
- b) If said bid shall be accepted and within fourteen (14) consecutive calendar days after the Principal has received notice of his acceptance, the Principal shall properly complete, execute, and deliver insurance certificates and a contract in the form approved by the Owner and shall furnish a bond for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void; otherwise the same shall remain in force and effect, it being expressly understood and agree that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation, as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the OWNER MAY ACCEPT such bid, such extension to be upon notice to the Surety by the Principal.

IN WITNESS, WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

WDC Exploration & Wells
Principal * Company Name

3621 Highway 47
Address

Peralta, NM 87042
City, State, Zip Code

 (Seal)
Signed by (Principal Agent)

Brian Nydoske
Principal Agent's Name (Printed or Typed)

800-914-7500 505-865-5151
Telephone No. Fax No.

Westchester Fire Insurance Company
Surety * Company Name

2233 112th Ave NE
Address

Bellevue, WA 98004
City, State, Zip Code

 (Seal)
Signed by (Surety Agent)

Elizabeth R. Hahn, Attorney-in-Fact
Surety Agent's Name (Printed or Typed)

(425) 709-3600 (425) 709-7460
Telephone No. Fax No.

Power of Attorney

WESTCHESTER FIRE INSURANCE COMPANY

Know all men by these presents: That WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the State of New York, having its principal office in the City of Atlanta, Georgia pursuant to the following Resolution, adopted by the Board of Directors of the said Company on December 11, 2006, to wit:

RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such persons written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested.

FURTHER RESOLVED, that the Resolution of the Board of Directors of the Company adopted at the meeting held on November 8, 1999 relating to the authorization of certain persons to execute, for and on behalf of the Company, Written Commitments and appointments and delegations, is hereby rescinded.

Does hereby nominate, constitute and appoint Benjamin L Wolfe, Carl Newman, Deanna M Meyer, Elizabeth R Hahn, Jana M Roy, Jill A Boyle, Kara N Harmala, Karen P Deyer, Lillian Tse, Scott Fisher, Stuart A O Farrell, SUSAN B LARSON, all of the City of BELLEVUE, Washington, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Fifteen million dollars & zero cents (\$15,000,000.00) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office.

IN WITNESS WHEREOF, the said Stephen M. Haney, Vice-President, has hereunto subscribed his name and affixed the Corporate seal of the said WESTCHESTER FIRE INSURANCE COMPANY this 10 day of November 2009.

WESTCHESTER FIRE INSURANCE COMPANY



Stephen M. Haney

Stephen M. Haney, Vice-President

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA ss.

On this 10 day of November, AD. 2009 before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came Stephen M. Haney, Vice-President of the WESTCHESTER FIRE INSURANCE COMPANY to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company, that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
KAREN E. BRANDT, Notary Public
City of Philadelphia, Philadelphia County
My Commission Expires September 25, 2010

Karen E. Brandt
Notary Public

I, the undersigned, Assistant Secretary of the WESTCHESTER FIRE INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the Corporation, this 15th day of December, 2010



William L. Kelly
William L. Kelly, Assistant Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER November 10, 2011.