

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

DEPARTMENT: Engineering and Construction Management

AGENDA DATE: June 12, 2012

CONTACT PERSON NAME AND PHONE NUMBER: R. Alan Shubert, P.E., City Engineer (X4423)

DISTRICT(S) AFFECTED: All

SUBJECT:

That the City Engineer for the City of El Paso, is authorized to act as the representative for the City of El Paso in matters relating to the release of bonds when all work for which the bond was obtained has been satisfactorily completed, the warranty period for all the work has expired and the bond has expired, and that he or his designee is authorized to sign any and all documents necessary to complete the release of the bond, upon review by the City Attorney.

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

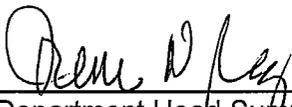
N/A

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

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Engineer for the City of El Paso is authorized to act as the representative for the City of El Paso in matters relating to the release of bonds when all work for which the bond was obtained has been satisfactorily completed, the warranty period for all the work has expired and the bond has expired, and that he or his designee is authorized to sign any and all documents necessary to complete the release of the bond, upon review by the City Attorney.

ADOPTED THIS _____ DAY OF _____, 2012.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

Joyce A. Wilson
City Manager



233 MAIN STREET • P.O. BOX 2350 • NEW BRITAIN, CT 06050-2350 • (860) 224-2000

Texas Department of Insurance
PO Box 149104
Austin, TX 78714-9104

RETURN TO: ACSTAR Insurance Company
233 Main Street
New Britain, CT 06050

Dear Sir or Madam:

Please execute Bond Release as indicated below and return the original by mail and fax a copy of the executed Bond Release to ACSTAR at 860-229-1111.

BOND RELEASE

The undersigned by these presents, does for itself and its successors and assigns, unconditionally releases and discharges ACSTAR Insurance Company of and from all causes of action and all past and present claims and/or liability now or hereinafter arising under **Bond No. F20634** in the amount of **\$5,000.00** issued for **TRC Environmental Corporation**. This release shall cause this bond to be null and void and terminate any obligation of ACSTAR Insurance Company under the bond.

In witness whereof, the undersigned has caused these presents to be signed by its duly authorized agent of the _____ day of _____, 20____.

Obligee: **City of El Paso**

By _____
(Signature)

Witness

(Please print or type name)

(Please print or type name)

(Title)

() _____
(Telephone Number)

NOTARY

On this ____ day of _____ 20____, before me personally appeared _____, who acknowledged himself to be the _____ of _____, a corporation, and that he, being authorized to do so, executed the foregoing Release for the purposes therein contained by signing the name of the corporation by himself as _____.

Notary Public: _____

My Commission Expires: _____

1*

PAVING AND EXCAVATION BOND

KNOW ALL MEN BY THESE PRESENTS:

BOND NO. F20634

That we, TRC ENVIRONMENTAL CORPORATION as Principal and ACSTAR INSURANCE COMPANY a Corporation, authorized to do business under the laws of the State of ILLINOIS with its chief office in the City of NEW BRITAIN, CONNECTICUT as Surety, are held and firmly bound unto the City of El Paso in the sum of Five Thousand and No/100 Dollars (\$5,000.00) lawful money of the United States of America, to the payment of which sum, well and truly to be made; we bind ourselves, our executors, administrators, our successors, and assigns firmly by these presents.

SIGNED, SEALED, AND DATED THIS 28th DAY OF January, 2009.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the said TRC ENVIRONMENTAL CORPORATION has made application for a permit requested by Chapter 13.08 of the El Paso Municipal Code, regulating cuts and excavations, in streets, alleys, sidewalks, and public places.

NOW, THEREFORE, the condition of this obligation is such that, if the Principal shall well and truly hold and save harmless the City of El Paso from any loss or expense which the City might sustain by reason of the failure of the Principal to execute all work in strict conformity with Chapter 13.08 of the El Paso Municipal Code and rules and regulations which have been or any be hereafter established by the City of El Paso, then these presents shall be null and void; otherwise to remain in full force and effect.

IT IS FURTHER UNDERSTOOD AND AGREED that the Surety may at any time terminate its liability by giving thirty days written notice to the City Clerk, City of El Paso, El Paso, Texas, and the Surety shall not be liable for any loss after the expiration of thirty days, except for losses occurring while this bond is in full force and effect.

THIS BOND is to remain in force and to be binding upon such Surety for a period of one year from the date hereof, unless canceled, but may be continued from year to year by delivery of a Continuation Certificate signed by Attorney-in-Fact and under the seal of said Company.

COMPANY NAME:	<u>TRC ENVIRONMENTAL CORP.</u>	(Signature)	Principal
BUSINESS ADDRESS:	<u>505 East Huntland Drive, Suite 250</u> <u>Austin, Texas 78752</u>		
BUSINESS PHONE #:	<u>(512) 329-6080</u>		
PRINCIPAL:	_____		
INSURANCE CO.:	<u>ACSTAR INSURANCE COMPANY</u>	By: 	
INSURANCE AGENT:	<u>N/A</u>		Attorney-in-Fact
INSURANCE PHONE:	<u>(860) 224-2000</u>		Henry W. Nozko, Jr., President



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BOND NO. F20634

STATUTORY COMPLAINT NOTICE

To obtain information or make a complaint:
You may call the Surety's telephone number for information or to make a complaint at: 1-860-224-2000. You may also write to the Surety at:

ACSTAR Insurance Company
233 Main St.
P.O. Box 2350
New Britain, CT 06050-2350

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights of complaints at 1-800-252-3439.

You may write the Texas Department of Insurance at:

P.O. Box 149104
Austin, TX 78714-9104
Fax #: 512-475-1771

PREMIUM OR CLAIM DISPUTES: Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

RIDER CONTAINING DISCLOSURE NOTICE OF TERRORISM COVERAGE

This disclosure notice is required by the Terrorism Risk Insurance Act of 2002 (the "Act"). No action is required on your part. This Disclosure Notice is incorporated in and a part of the attached bond, and is effective the date of the bond.

You should know that, effective November 26, 2002, any losses covered by the attached bond that are caused by certified acts of terrorism would be partially reimbursed by the United States under a formula established by the Act. Under this formula, the United States reimburses 90% of covered terrorism losses exceeding the statutory established deductible paid by the insurance company providing the coverage.

Under the Act, there is a cap on our liability to pay for covered terrorism losses if the aggregate amount of insured losses under the Act exceeds \$100,000,000,000 during the applicable period for all insureds and all insurers combined. In that case, we will not be liable for the payment of any amounts which exceeds that aggregate amount of \$100,000,000,000.

The portion of your premium that is attributed to coverage for acts of terrorism is \$0.00.

IMPORTANT NOTE: THE COST OF TERRORISM COVERAGE IS SUBJECT TO CHANGE ON ANY BONDS THAT PREMIUM IS CHARGED ANNUALLY.

Exclusion of Liability for Mold, Mycotoxins, and Fungi

The Bond to which this Rider is attached does not provide coverage for, and the surety thereon shall not be liable for, molds, living or dead fungi, bacteria, allergens, histamines, spores, hyphae, or mycotoxins, or their related products or parts, nor the remediation thereof, nor the consequences of their occurrence, existence, or appearance.



233 MAIN STREET • P.O. BOX 2350
NEW BRITAIN, CT 06050-2350
(860) 224-2000

BOND NO. F20634 POWER OF ATTORNEY

No 28881

This Power of Attorney must have original corporate seal, and red and blue ACSTAR logo to be valid.

Know all men by these presents: That ACSTAR Insurance Company, a corporation of the State of Illinois, having its principal office in the City of New Britain, Connecticut, pursuant to the following Resolution, which was adopted by the Board of Directors of the said Company on September 28, 2006.

RESOLVED, That the following Rules shall govern the execution for the Company of bonds, undertakings, recognizances, contracts and other writings in the nature thereof:

- (1) That the Chairman, the President, any Vice President and General Counsel, or any Attorney-in-Fact, may execute for and on behalf of the Company any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof, the same to be attested when necessary by the Corporate Secretary, or any Assistant Corporate Secretary, and the seal of the Company affixed thereto; and that the Chairman or President may appoint and authorize any other Officer (elected or appointed) of the Company, and Attorneys-in-Fact to so execute or attest to the execution of all such writings on behalf of the Company and to affix the seal of the Company thereto.
- (2) Any such writing executed in accordance with these Rules shall be as binding upon the Company in any case as though signed by the President and attested to by the Corporate Secretary.
- (3) The signature of the Chairman, the President, or a Vice President of the Company may be affixed by facsimile on any power of attorney granted pursuant to this Resolution, and the signature of a facsimile to any certificate of any such power, and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company.
- (4) Such other Officers of the Company, and Attorneys-In-Fact shall have authority to certify or verify copies of this Resolution, the By-Laws of the Company, and any affidavit or record of the Company necessary to the discharge of their duties.

does hereby nominate, constitute and appoint

HENRY W. NOZKO, JR., ROBERT H. FRAZER, DAVID A. PRICE, MICHAEL P. CIFONE, JOAN C. FORTIER, HENRY W. NOZKO (I) each individually, 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 TEN MILLION DOLLARS (\$10,000,000.00) each, 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, Henry W. Nozko, Jr., President, has hereunto subscribed his name and affixed the corporate seal of ACSTAR Insurance Company this 28th day of September 2006.

ACSTAR Insurance Company

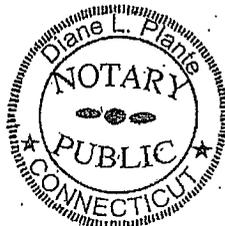
by

Henry W. Nozko Jr., President

STATE OF CONNECTICUT)
) ss. NEW BRITAIN
COUNTY OF HARTFORD)

On this 28th day of September 2006, before me, a Notary Public of the State of Connecticut came, Henry W. Nozko, Jr., President of ACSTAR 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 the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signatures were duly affixed by the authority and direction of the said corporation, and the 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 New Britain the day and year first above written.



Notary Public - Diane L. Plante

I, the undersigned, Secretary or Assistant Secretary of ACSTAR Insurance Company, do hereby certify that the original POWER OF ATTORNEY of which the foregoing is a full, true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Secretary or Assistant Secretary, and affixed the corporate seal of the Corporation, this 28th day of January 2009

Robert H. Frazer/Michael P. Cifone
Secretary/ Assistant Secretary

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