

BOARD OF SUPERVISORS AGENDA ITEM REPORT AWARDS / CONTRACTS / GRANTS

Award Contract Grant	Requested Board Meeting Date: 05/21/24			
* = Mandatory, information must be provided	or Procurement Director Award:			
*Contractor/Vendor Name/Grantor (DBA):				
Kitchell Contractors, Inc. of Arizona				
*Project Title/Description:				
Construction Manager at Risk Services: Office of the Mo	edical Examiner (XFORSC)			

*Purpose:

Amendment: Contract No. CT-FM-21-518, Amendment No. Four (4). This amendment increases GMP-3 Owner's Contingency by \$250,000.00 for a new GMP-3 total of \$24,140,216.67 for a cumulative not-to-exceed amount of \$37,249,999.73. Administering Department: Project Design and Construction.

The Board of Supervisors to authorize the Procurement Director to execute all modifications, including one or more Guaranteed Maximum Price (GMP) packages, provided that the cumulative total of all GMPs and pre-construction services does not exceed \$38,000,000.00 and the contract expiration date does not exceed 06/01/25, which allows for all contract close-out activities and final submittal.

*Procurement Method:

On 08/16/21, the Board of Supervisors authorized the Procurement Director to execute all modifications, including one or more Guaranteed Maximum Price (GMP) packages, provided that the cumulative total of all GMPs and pre-construction services does not exceed \$37,000,000.00 and the contract expiration date does not exceed 06/01/25, which allows for all contract close-out activities and final submittal.

Pursuant to Solicitation for Qualifications No. SFQ-PO-2100018, on 08/16/21, the Board of Supervisors awarded a contract for this project in the amount of \$511,324.86 for a contract term of 08/16/21 to 06/1/25 for pre-construction services.

Amendment No. One (1) was approved by the Procurement Director, on 09/23/22, to incorporate Guaranteed Maximum Price 1 (GMP-1) valued at \$8,417,337.00 and Guaranteed Maximum Price 2 (GMP-2) valued at \$5,779,441.00 for a cumulative not-to-exceed amount of \$14,708,102.86, and add Federal Funding, Builder's Risk Insurance and Forced Labor of Ethnic Uyghurs clauses.

Amendment No. Two (2) was approved by the Procurement Director, on 01/11/23, to increase the contract amount by \$22,291,896.87, incorporate Guaranteed Maximum Price 3 (GMP-3) in the amount of \$22,434,559.00, remove "& Parking Garage" from the project title and reduce the pre-construction services fee by (\$142,662.13) due to removal of the Kino Parking Garage scope, for a cumulative not-to-exceed amount of \$36,999,999.73.

Amendment No. Three (3) was approved by the Procurement Director, on 12/18/23, to reduce pre-construction services by (\$12,822.67), GMP-1 by (\$777,945.00), and GMP-2 by (\$664,890.00) and increases GMP 3 Contractor's Contingency by \$256,549.00, CCIP by \$5,131.00, Fee by \$12,828.00, Sales Tax by \$15,741.00 and Owner's Contingency by \$1,165,408.67 for a total increase of \$1,455,657.67 for a new GMP-3 total of \$23,890,216.67 and a cumulative not-to-exceed amount of \$36,999,999.73.

Attachment: Amendment No. Four (4).

*Program Goals/Predicted Outcomes:

To construct a new, modern medical examiner facility that meets the County and the Medical Examiner's requirements.

*Public Benefit:

Improved operations of the Medical Examiner Facility including examination and investigative efficiencies; increased capacity of the facility to meet the current needs, allow for future growth and adapt to emergency situations (i.e. pandemic).

*Metrics Available to Measure Performance:

The performance will be measured using the contractor evaluation process as outlined in BOS Policy D29.1 (E).

*Retroactive:

No.

TO: COB, 5/7/2024 VERSION: 14 / PAGES: 7

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THE APPLICABLE SECTION(S) BELOW MUST BE COMPLETED

Click or tap the boxes to enter text. If not applicable, indicate "N/A". Make sure to complete mandatory (*) fields

Contract / Award Information	abbatos transferences accompletation and all the above the contract of the con	•	•		
Document Type:	Department Code:		•••••	Contract Number (i.e., 15-123):	
Commencement Date:					
Expense Amount \$*			Revenue Amount: \$		
*Funding Source(s) required:	***************************************				
Funding from General Fund?	Yes (No	If Yes \$	THE THE PERSON ASSESSED ASSESSED ASSESSED ASSESSED	%	
Contract is fully or partially funded w		(Yes	(No		
Were insurance or indemnity clauses If Yes, attach Risk's approval.	modified?	C Yes	(No		
Vendor is using a Social Security Nur If Yes, attach the required form per Ad			(No		
Amendment / Revised Award Info	rmation		200,000,000,000,000,000,000,000,000,000		
Document Type: <u>CT</u>	Department Cod	le: <u>FM</u>		Contract Number (i.e., 15-123): <u>21-518</u>	
Amendment No.: 4			AMS	Version No.: <u>14</u>	
Commencement Date: 05/21/24			New	Termination Date:	
			Prior	Contract No. (Synergen/CMS):	
Is there revenue included? *Funding Source(s) required: Non	-Bond Projects Fun	es \$ds (Capit	······································	Int This Amendment: \$ <u>250,000.00</u>	
Funding from General Fund?	Yes 🖲 No If Y	es\$		%	
Grant/Amendment Information (for grants acceptance	and awar	ds)	C Award C Amendment	
Document Type:	Department Co	de:		Grant Number (i.e., 15-123):	
Commencement Date:	Commencement Date: Amendment Number:				
Match Amount: \$] Revenue	Amount: \$	
*All Funding Source(s) required:					
*Match funding from General Fu	nd? (Yes (No	If Yes	\$	%	
*Match funding from other source:	es? (Yes (No	If Yes	s\$	%	
*If Federal funds are received, is	funding coming direct	ly from th	ne Federal	government or passed through other organization(s)?	
Contact: Procurement Officer: J	ames Johnson Date: 29	igned by James J 24:04:10:12:30:50		Division Manager: Scott Loomis Departs signed by Scott Looms Date 2024 24 25 11:06 45-2700	
Department: Procurement Director	_{or:} Terri Spencer		Digitally signed b Date: 2024-04-29	Telephone: <u>520,724,7465</u>	
Department Director Signature:	Mach	-//		Date: 4/30/24	
Deputy County Administrator Signati	ire: 55	2	-6	Date: 5/1/2024	
County Administrator Signature:	Sur			Date: 5 Zerz	

PIMA COUNTY PROJECT DESIGN AND CONSTRUCTION DEPARTMENT

PROJECT: Construction Manager at Risk Services: Office of the Medical Examiner (XFORSC)

CONTRACTOR: Kitchell Contractors, Inc. of Arizona

1707 E. Highland Ave. Phoenix, Arizona 85016

CONTRACT NO.: CT-FM-21-518

AMENDMENT NO.: Four (4)

FUNDING: Non-Bond Projects Funds (Capital Project Funds)

 CONTRACT TERM: 08/16/21 - 06/01/25
 ORIGINAL CONTRACT AMOUNT: \$ 511,324.86

 TERMINATION PRIOR AMENDMENT: 06/01/25
 PRIOR AMENDMENT(S): \$ 36,488,674.87

 TERMINATION THIS AMENDMENT: 06/01/25
 AMOUNT THIS AMENDMENT: \$ 250,000.00

 REVISED CONTRACT AMOUNT: \$ 37,249,999.73

CONTRACT AMENDMENT

The Parties agree to amend the above-referenced contract as follows:

1. Background and Purpose.

- 1.1. <u>Background</u>. On August 16, 2021, County and Contractor entered into the above referenced agreement to provide Construction Manager at Risk Services for: Office of the Medical Examiner (XFORSC).
- 1.2. <u>Purpose</u>. County intends to increase GMP-3 Owner's Contingency with no extension of time required.

2. Increase:

Sections 3.5.3 and 4.2.3 GMP-3 Owner's Contingency by \$250,00.00 for a new GMP-3 total of \$24,140,216.67 and a cumulative not-to-exceed amount of \$37,249,999.73.

Replace:

Sections 3.5.3 and 4.2.3 GMP 03 Summary Format with GMP 03 Summary Format, dated February 27, 2024 (1 page).

Attach: Attachment 1 to Amendment 4 (2 pages)

Contract No.: CT-FM-21-518 Amendment 4

1

All other provisions of the Contract not specifically changed by this Amendment remain in effect and are binding upon the Parties.

PIMA COUNTY	CONTRACTOR			
	Ct			
Chair, Board of Supervisors	Signature			
Date	Christopher M. Kirch, President Name and Title (Please Print)			
	<u>April 26th, 2024</u> Date			
ATTEST:				
Clerk of the Board				
Date				

This contract template has been approved as to form by the Pima County Attorney's Office.

Attachment 1 to Amendment 4 (2 Pages)



February 27, 2024

Art Villegas
Facilities Management Department
150 W Congress St. 3rd Floor
Tucson, AZ 85714
(520) 724-2436

Pima County Office of the Medical Examiner Project

Subject: Additional Contingency Request

Dear Art,

Pursuant to recent discussions regarding this matter, Kitchell request an additional \$250,000 to be added to GMP 03 County Contingency. We typically recommend holding at least two percent of the project value remaining as contingency until closer to substantial completion to allow incorporation of additional scope items that may be required and not documented in the design phase as the user groups prepare for occupancy.

This will increase the project budget as followed:

Current County Contingency: \$667,724.67Updated County Contingency: \$917,724.67

Current GMP 03: \$23,890,216.67Updated GMP 03: \$24,140,216.67

- Current total construction project (GMP 01, 02, and 03): \$36,644,159.67
- Updated total construction project (GMP 01, 02, and 03): \$36,894,159.67

Current Total Project: \$36,999,999.73Updated Total Project: \$37,249,999.73

Please feel free to contact me or any other member of Kitchell's project team if you have any questions.

Sincerely,

Joe Baugh Project Manager

osoph Bough

cc: Alexis Carver / Brian Brown

1

GMP 03 SUMMARY FORMAT - DATED FEBRUARY 27, 2024

CONSTRUCTION	AMOUNT	
CONSTRUCTION COSTS:		
Cost of Construction	\$ 18,569,664.00	
CMAR Contingency	\$ 494,894.00	
Sallyport Roof Allowance	\$ _	
Subtotal Direct Construction Costs	\$ 19,064,558.00	
INDIRECT CONSTRUCTION COSTS:		
General Conditions	\$ 1,206,671.00	
Overhead		
Insurance	\$ 564,359.00	
Payment and Performance Bonds	\$ 130,110.00	
Subtotal Direct Construction Cost + Gen. Cond. Overhead, Bonds, Insurance	\$ 20,965,698.00	
Construction Fee (As a percentage of Subtotal above, or to exclude any items above)	\$ 1,013,648.00	
Subtotal Direct Construction Cost + Gen. Cond, Overhead, Bonds Insurance and Fee	\$ 21,979,346.00	
Arizona Gross Receipts Tax	\$ 1,243,146.00	
Subtotal Direct Construction Cost + Gen Cond, Overhead, Bonds, Insurance, Fee and Tax	\$ 23,222,492.00	
GUARANTEED MAXIMUM PRICE (GMP)	\$ 23,222,492.00	
OTHER PROJECT COSTS:	\$ -	
COUNTY Contingency	\$ 917,724.67	
TOTAL CONTRACT COST	\$ 24,140,216.67	

End of Attachment 1 to Amendment 4

2

Date Printed : 2/28/2024

INCREASE PENALTY RIDER

BOND AMOUNT \$36,644,159.67 BOND NO. K40516475/ 906224770

To be attached and form a part of Bond No. K40516475/ 906224770 dated the 21st Day of September, 2022, executed by Federal Insurance Company/ Liberty Mutual Insurance Company as surety, on behalf of Kitchell Contractors, Inc. as current principal of record, and in favor of Pima County, as Obligee for CMAR: Office of the Medical Examiner & Kino Parking Garage (XFORSC), and in the amount of Thirty Six Million Six Hundred Forty Four Thousand One Hundred Fifty Nine Dollars and 67/100 (\$36,644,159.67).

In consideration of the agreed premium charged for this bond, it is understood and agreed that Federal Insurance Company/ Liberty Mutual Insurance Company hereby consents that effective from the 29th Day of April, 2024, said bond shall be amended as follows:

THE BOND PENALTY SHALL BE INCREASED:

FROM: Thirty Six Million Six Hundred Forty Four Thousand One Hundred Fifty Nine Dollars and 67/100 (\$36,644,159.67)

TO: Thirty Six Million Eight Hundred Ninety Four Thousand One Hundred Fifty Nine Dollars and 67/100 (\$36,894,159.67)

The INCREASE of said bond penalty shall be effective as of the 29th Day of April, 2024, and does hereby agree that the continuity of protection under said bond subject to changes in penalty shall not be impaired hereby, provided that the aggregate liability of the above mentioned bond shall not exceed the amount of liability assumed by it at the time the act and/or acts of default were committed and in no event shall such liability be cumulative.

Signed, sealed and dated this 29th Day of April, 2024

BY Kitchell Contractors, Inc.
PRINCIPAL

Federal Insurance Company/ Liberty Mutual Insurance Company

SURETY

Mona D. Weaver, ATTORNEY-IN-FACT

THE ABOVE BOND IS HEREBY AGREED TO AND ACCEPTED BY:

Pima County
OBLIGEE



LMS-12873 LMIC OCIC WAIC Multi Co 02/21

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8207448-987322

5436

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Angela M.
Tindol, Anuj Jain, Judith Munson, Kathryn E. Kade, Mona D. Weaver, Sheila J. Montoya, Stephnie Logan
all of the city of Greenwood Village state of CO each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surely and as its act and deed, any and all undertakings, bonds, recognizances and other surely obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.
IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 9th day of March 2022.
Liberty Mutual Insurance Company The Ohio Casualty Insurance Company West American Insurance Company West American Insurance Company West American Insurance Company The Ohio Casualty Insurance Company West American Insurance Company The Ohio Casualty Insurance Company The Ohio Casualty Insurance Company West American Insurance Company The Ohio Casualty Insurance Company Th
State of PENNSYLVANIA County of MONTGOMERY Ss
On this 9th day of March, 2022 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casually Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.
State of PENNSYLVANIA County of MONTGOMERY On this 9th day of March 2022 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casually Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer. IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written. Commonwealth of Pennsylvania - Notary Seal Teresa Pastella, Notary Public Montgomeny County My commission number 1128044 Member, Pennsylvania Association of Notaries Triesa Pastella, Notary Public Teresa Pastella, Notary Public Teresa Pastella, Notary Public Teresa Pastella, Notary Public American Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows: ARTICLE IV - OFFICERS: Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the
This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:
ARTICLE IV – OFFICERS: Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.
ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.
Certificate of Designation — The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-infact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.
Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.
i, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 29th day of April . 2024
1912) By: Renee C. Llewellyn, Assistant Secretary

Committee the second se

Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint. Stephnie Logan and Judith Munson of Phoenix, Arizona; Anuj Jain, Kathryn E. Kade, Charles M. McDaniel, Sheila J. Montoya, Angela M. Tindol and Mona D. Weaver of Greenwood Village, Colorado ---

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY have each executed and attested these presents and affixed their corporate seals on this 2nd day of April 2024.

STATE OF NEW JERSEY County of Hunterdon

SS.

our Gelllan Warren Eichhorn, Vice Presiden



On this 2nd day of April, 2024 before me, a Notary Public of New Jersey, personally came Rupert HD Swindells and Warren Eichhorn, to me known to be Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY, the companies which executed the foregoing Power of Attorney, and the said Rupert HD Swindells and Warren Eichhorn, being by me duly sworn, severally and each for himself did depose and say that they are Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY and know the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that their signatures as such officers were duly affixed and subscribed by like authority.

Notarial Seal



Albert Contursi NOTARY PUBLIC OF NEW JERSEY No 50202369 Commission Expires August 22,2027

CERTIFICATION

Resolutions adopted by the Boards of Directors of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY on August 30, 2016; WESTCHESTER FIRE INSURANCE COMPANY on December 11, 2006; and ACE AMERICAN INSURANCE COMPANY on March 20, 2009:

"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"):

- 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 (1) of the Company or otherwise.
- 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 person's written appointment as such attorney-in-fact.
- 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-infact 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
- Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to 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.
- 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."

I, Rupert HD Swindells, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY (the "Companies") do hereby certify that

- the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect,
- the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this April 29th, 2024



Rupert HD Swindell's, Assistant Secretary

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT Telephone (908) 903-3493