County of Kane
Office of County Board
Kane County Government Center

Karen McConnaughay
Chairman
630-232-5930

719 Batavia Avenue
Geneva, Illinois 60134
Fax 630-232-9188

DOCUMENT VET SHEET
for
Karen McConnaughay
Chairman, Kane County Board

Name of Document: Contract and Contract Bond with Builders Paving, LLC d/b/a Hardin Paving Services for Campton Township Section #12-06000-01-GM

Submitted by: Linda Haines

Date Submitted: May 3, 2012

Examined by: Pat Jaeger
(Print name)

(Signature)

May , 2012
(Date)

Post on Web: **Yes** ✓ **No** ___ Atty. Initials

Comments:

Chairman signed: (Yes) No 6/12/12
(Date)

Document returned to:

Rev. 3/11

Illinois Department of Transportation

Contract

1. THIS AGREEMENT, made and concluded the 12th day of June, 2012 (Month and Year),

between the County of Kane

acting by and through its County Board known as the party of the first part, and

Builders Paving, LLC d/b/a Hardin Paving Services his/their executors, administrators, successors or assigns,

known as the party of the second part.

2. Witnesseth: That for and in consideration of the payments and agreements mentioned in the Proposal hereto attached, to be made and performed by the party of the first part, and according to the terms expressed in the Bond referring to these presents, the party of the second part agrees with said party of the first part at his/their own proper cost and expense to do all the work, furnish all materials and all labor necessary to complete the work in accordance with the plans and specifications hereinafter described, and in full compliance with all of the terms of this agreement and the requirements of the Engineer under it.

3. And it is also understood and agreed that the Notice to Contractors, Special Provisions, Proposal and Contract Bond hereto attached, and the Plans for Section 12-06000-01-GM

in Campton Township, approved by the Department of Transportation of the

State of Illinois April 16, 2012 (Date), are essential documents of this contract and are a part hereof.

4. IN WITNESS WHEREOF, The said parties have executed these presents on the date above mentioned.

Attest:

_____ Clerk

(Seal)

The County of Kane

By _____ Party of the First Part

Chairman, County Board

(If a Corporation)

Corporate Name _____

By _____ President — Party of the Second Part

(If a ~~Co-Partnership~~) LIMITED LIABILITY COMPANY

STEVEN SALINAS VICE PRESIDENT

Attest:

_____ Secretary

Partners doing Business under the firm name of

_____ Party of the Second Part

(If an individual)

_____ Party of the Second Part

BLR 12320 (Rev. 7/05)

Illinois Department of Transportation

Bond No. 09079210

Contract Bond

Route _____
County Kane
Local Agency Campton
Section 12-06000-01-GM

We, Builders Paving, LLC d/b/a Hardin Paving Services, 4413 West Roosevelt Road, Suite 108, Hillside, IL 60162

a/an) ☐ Individual ☐ Co-partnership ☒ ~~Corporation~~ Limited Liability Company organized under the laws of the State of Delaware,

as PRINCIPAL, and Fidelity and Deposit Company of Maryland

1400 American Lane, Schaumburg, IL 60196 as SURETY,

are held and firmly bound unto the above Local Agency (hereafter referred to as "LA") in the penal sum of One Hundred Sixty One Thousand Nine Hundred Sixty One Dollars ($161,961.00), lawful money of the United States, well and truly to be paid unto said LA, for the payment of which we bind ourselves, our heirs, executors, administrators, successors, jointly to pay to the LA this sum under the conditions of this instrument.

WHEREAS THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that, the said Principal has entered into a written contract with the LA acting through its awarding authority for the construction of work on the above section, which contract is hereby referred to and made a part hereof, as if written herein at length, and whereby the said Principal has promised and agreed to perform said work in accordance with the terms of said contract, and has promised to pay all sums of money due for any labor, materials, apparatus, fixtures or machinery furnished to such Principal for the purpose of performing such work and has further agreed to pay all direct and indirect damages to any person, firm, company or corporation suffered or sustained on account of the performance of such work during the time thereof and until such work is completed and accepted; and has further agreed that this bond shall inure to the benefit of any person, firm, company or corporation to whom any money may be due from the Principal, subcontractor or otherwise for any such labor, materials, apparatus, fixtures or machinery so furnished and that suit may be maintained on such bond by any such person, firm, company or corporation for the recovery of any such money.

NOW THEREFORE, if the said Principal shall well and truly perform said work in accordance with the terms of said contract, and shall pay all sums of money due or to become due for any labor, materials, apparatus, fixtures or machinery furnished to him for the purpose of constructing such work, and shall commence and complete the work within the time prescribed in said contract, and shall pay and discharge all damages, direct and indirect, that may be suffered or sustained on account of such work during the time of the performance thereof and until the said work shall have been accepted, and shall hold the LA and its awarding authority harmless on account of any such damages and shall in all respects fully and faithfully comply with all the provisions, conditions and requirements of said contract, then this obligation to be void; otherwise to remain in full force and effect.

IN TESTIMONY WHEREOF, the said PRINCIPAL and the said SURETY have caused this instrument to be signed by their respective officers this 9th day of May A.D. 2012

Builders Paving, LLC d/b/a Hardin Paving Services **PRINCIPAL**

(Company Name) (Company Name)

By: Steven Salinas (Signature & Title) Vice President By: (Signature & Title)

Attest: Sherry Ferrebee (Signature & Title) Secretary Attest: (Signature & Title)

(If PRINCIPAL is a joint venture of two or more contractors, the company names and authorized signature of each contractor must be affixed.)

STATE OF ILLINOIS,

COUNTY OF Cook

I, Diana Wolford, a Notary Public in and for said county, do hereby certify that

Steven Salinas and Sherry Ferrebee

(Insert names of individuals signing on behalf or PRINCIPAL)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of PRINCIPAL, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 9th day of May A.D. 2012

My commission expires 11/6/12 Diana Wolford (SEAL) Notary Public

OFFICIAL SEAL
DIANA WOLFORD
NOTARY PUBLIC – STATE OF ILLINOIS
MY COMMISSION EXPIRES 11-06-12

SURETY

Fidelity and Deposit Company of Maryland By: Kimberly R. Holmes (Signature of Attorney-in-Fact)

(Name of Surety) Kimberly R. Holmes

STATE OF ILLINOIS. (SEAL)

COUNTY OF DeKalb

I, Mary Anne Sylos, a Notary Public in and for said county, do hereby certify that

Kimberly R. Holmes

(Insert names of individuals signing on behalf or SURETY)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of SURETY, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 9th day of May A.D. 2012

My commission expires 09/20/2014 Mary Anne Sylos (SEAL) Notary Public

"OFFICIAL SEAL"
MARY ANNE SYLOS
Notary Public, State of Illinois
My Commission Expires 09/20/2014

SIGN HERE

Approved this 12th day of June, A.D. 2012

Attest:

County of Kane
(Awarding Authority)

John A. Cunningham, County Clerk

Karen McConaughay
(Chairman/~~Mayor/President~~)
County Board

IL 494-0372

BLR 12321 (Rev. 7/05)

"OFFICIAL SEAL"
MARY ANNE SYLOS
Notary Public, State of Illinois
My Commission Expires 08/20/2014

09079210

Bond Number

Campton Township

Obligee

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **THOMAS O. MCCLELLEN, Vice President,** in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **William P. WEIBLE, William F. CAHILL, Melissa M. NEWMAN, Esther C. JIMENEZ, Karen A. RYAN, Kimberly R. HOLMES, Deborah A. CAMPBELL, Mary Anne SYLOS and Leigh Ann FRANCIS, all of Lisle, Illinois, 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 Companies, 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 ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND,** this 24th day of April, A.D. 2012.

ATTEST:

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: *Assistant Secretary* — *Eric D. Barnes*
Vice President — *Thomas O. McClellen*

State of Maryland
City of Baltimore

On this 24th day of April, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **THOMAS O. MCCLELLEN, Vice President, and ERIC D. BARNES, Assistant Secretary,** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Constance A. Dunn

Constance A. Dunn, Notary Public
My Commission Expires: July 14, 2015

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify of revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and 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 Article V, Section 8, of the By-Laws of the Companies is still in force.

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 ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

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 COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and 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 seals of the said Companies, this 9th day of May, 2012.

James M Carroll

James M. Carroll, Vice President