

## ESSENTIAL REQUIREMENTS QUESTIONNAIRE

**COMPLETE THE ESSENTIAL REQUIREMENTS QUESTIONNAIRE ON THE ATTACHMENTS TAB IN THE EBID SYSTEM. PROPOSERS ARE TO COMPLETE FORM IN ITS ENTIRETY AND INCLUDE THE COMPLETED FORM IN YOUR PROPOSAL THAT MUST BE UPLOADED TO THE RESPONSE ATTACHMENTS TAB FOR THE RFQ IN THE EBID SYSTEM.**

**ESSENTIAL REQUIREMENTS  
QUESTIONNAIRE**

1. Qualifier possesses a valid and current Florida Contractor's license for the project or projects for which it intends to submit a bid.

☒ Yes ☐ No

2. Qualifier has or will obtain a general liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.

☒ Yes ☐ No

3. Qualifier has current workers' compensation insurance policy.

☒ Yes ☐ No

Qualifier is exempt from this requirement, because it has no employees

a) A "no" answer to Question 4 will not be disqualifying if the Qualifier is exempt from complying with Question 4, for reasons explained in footnote 3.

b) A Qualifier disqualified solely because of a "Yes" answer given to question 6, 7, or 9 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

c) Public Entity may request an additional notarized statement from the surety at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.

4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?

☒ Yes ☐ No

NOTE: A financial statement that is not reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

*(Attached under separate file)*

5. Have you attached a notarized statement from an admitted surety insurer (approved by the Florida Department of Insurance) and authorized to issue bonds in the State of Florida, which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for the Project?

☒ Yes ☐ No

NOTE: Notarized statement must be from the surety company, not an agent or broker.

6. Has your contractor's license been revoked at any time in the last five years?

☐ Yes ☒ No

7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?

☐ Yes ☒ No

8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract?

☐ Yes ☒ No

If the answer is "Yes," state the beginning and ending dates of the period of debarment:

\_\_\_\_\_

9. At any time during the last five years, has your firm, or any of its owners or officers, been convicted of a crime involving the awarding of a contract for a government construction project, or the bidding or performance of a government contract?

☐ Yes ☒ No

(THE REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY)

ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

**A. Current Organization and Structure of the Business**

For Firms That Are Corporations:

June 1986 as Joseph Di Pompeo & Sons and changed name to  
1a. Date Incorporated: Di Pompeo Construction Corp. in August 1993  
44 years as Joseph Di Pompeo and Sons in New Jersey

1b. Under the laws of what state: Florida

1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, and treasurer), or (b) the owner of at least ten per cent of the corporation's stock.

Name: John Di Pompeo Jr. / John Di Pompeo Sr.

Position: President / VP, Secretary, Treasurer

Years with Company: 25 / 25

% Ownership: 51 / 49

Social Security #: FEIN 65-0426294

1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten percent or more of the business, or 10 percent or more of its stock, if the business is a corporation.

Person's Name: same as above

Construction Firm: Di Pompeo Construction Corporation

Dates of Person's Participation with Firm: same as above

For Firms That Are Partnerships:

1a. Date of formation: N/A

1b. Under the laws of what state: \_\_\_\_\_

1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Years with Company: \_\_\_\_\_



% Ownership: \_\_\_\_\_

Social Security #: \_\_\_\_\_

1d. Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person's Name: \_\_\_\_\_

Construction Firm: \_\_\_\_\_

Dates of Person's Participation with Firm: \_\_\_\_\_

For Firms That Are Sole Proprietorships: **N/A**

1a. Date of commencement of business.

1b. Social security number of company owner.

1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person's Name: \_\_\_\_\_

Construction Firm: \_\_\_\_\_

Dates of Person's Participation with Firm: \_\_\_\_\_

For Firms That Intend to Make a Bid as Part of a Joint Venture: **N/A**

1a. Date of commencement of joint venture.

1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of firm: \_\_\_\_\_

% Ownership of Joint Venture: \_\_\_\_\_

**B. History of the Business and Organizational Performance**

1. Has there been any change in ownership of the firm at any time during the last three years?

NOTE: A corporation whose shares are publicly traded is not required to answer this question.

☐ Yes ☒ No

If "yes," explain on a separate signed page.

2. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?

NOTE: Include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

☐ Yes ☒ No

If "yes," explain on a separate signed page.

3. Are any corporate officers, partners or owners connected to any other construction firms?

NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

☐ Yes ☒ No

If "yes," explain on a separate signed page.

4. State your firm's gross revenues for each of the last three calendar years:

2018 \$21M 2017 \$18M 2016 \$17M

5. How many years has your organization been in business in Florida as a contractor under your present business name and license number? 25 years

6. Is your firm currently the debtor in a bankruptcy case?

☐ Yes ☒ No

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

7. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)

☐ Yes ☒ No

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

**C. Licenses**

1. List all Florida construction license numbers, classifications and expiration dates of the Florida contractor licenses held by your firm:

General Contractor / CGC037741 / August 31, 2020

(see copy attached)

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2. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the Contractors State Licensing Board (CSLB) records who meet(s) the experience and examination requirements for each license.

John Di Pompeo Jr., President

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3. Has your firm changed names or license number in the past five years?

     Yes        X   No

If "yes," explain on a separate signed page, including the reason for the change.

4. Has any owner, partner or (for corporations) officer of your firm operated a construction firm under any other name in the last five years?

     Yes        X   No

If "yes," explain on a separate signed page, including the reason for the change.

5. Has a State of Florida license(s) held by your firm been suspended within the last five years?

☐ Yes ☒ No

If "yes," please explain on a separate signed sheet.

**D. Disputes**

1. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

☐ Yes ☒ No

If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, and the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

2. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

☐ Yes ☒ No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

3. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

☐ Yes ☒ No

If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor.

4. In the past five years has any claim against your firm concerning your firm's work on a construction project been filed in court or arbitration?

☐ Yes ☒ No *(Not against DiPompeo on our work but only from subcontractors for non-payment due to owner not paying DiPompeo for change orders)*

If "yes," on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

5. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?

☒ Yes ☐ No *(see attached spreadsheet with details in Tab 7)*

If "yes," on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

6. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?

☐ Yes ☒ No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

7. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ Yes ☒ No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

**E. Criminal Matters and Related Civil Suits**

1. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

☐ Yes ☒ No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

2. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

☐ Yes ☒ No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

3. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐ Yes ☒ No

If "yes," identify on a separate signed page the person or persons convicted, the court (the City if a state court, the district or location of the federal court), the year and the criminal conduct.

**F. Bonding**

1. Bonding capacity: Provide documentation from your surety identifying the following:

Zurich / Fidelity and Deposit Company of Maryland

Name of bonding company/surety: Randy Turner, Senior Surety Account Executive

Name of surety agent, address and telephone number: Brown & Brown of Florida, Michael Holmes, Executive VP

1201 W. Cypress Creek Road, Ste. 130, Fort Lauderdale, FL 33310, (954) 776-2222

(see copy of Bondability Letters attached and in Section 9)

2. If your firm was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one percent, if you wish to do so.

Bond rates varies with cost of project.

(See attached Bond Rate chart from Zurich)

3. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

Hartford Casualty Insurance Company - 2004 to 2013  
400 International Parkway, Suite 425, Heathrow, FL 32746

Fidelity and Deposit Company of Maryland  
a subsidiary of Zurich American Insurance Company - 2014 to Present  
600 N. Westshore Blvd., Suite 800, Tampa, FL 33609

4. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes ☒ No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies, which denied coverage; and the period during which you had no surety bond in place.

**G. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety**

1. Has the Occupational Safety and Health Administration (OSHA) cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years?

NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ Yes ☒ No

If "yes," attach a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☒ No

If "yes," attach a separate signed page describing each citation.

3. Has the state or federal Environmental Protection Agency (EPA) or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

\_\_\_\_ Yes       X  No

If "yes," attach a separate signed page describing each citation.

4. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

Weekly

5. Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

\_\_\_\_ Yes       X  No

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business).

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#### **H. Prevailing Wage and Apprenticeship Compliance Record**

1. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws?

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

\_\_\_\_ Yes       X  No

If "yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.



SURETY AND BONDING REQUIREMENTS

A. Attach a notarized statement from the bonding company your firm proposes to use indicating their commitment to provide a Performance and Payment Bond for the full amount of the contract. *(See attached Bondability Letter)*

B. List the names of the Bonding firms utilized by your organization in the last five (5) years, for projects over \$3,000,000.

Name of Bonding Company No. 1  
Brown & Brown of Florida, Inc. - Fort Lauderdale Division

Address: 1201 W. Cypress Creek Road, Ste. 130, Fort Lauderdale, FL 33310

Contact Name: Michael Holmes, Executive VP Telephone: (954) 776-2222

Project Name: *(see project sheets under Tab 10)*

Amount Bonded: *(see project sheets under Tab 10)* %

Completed *(see project sheets under Tab 10)*

Name of Bonding Company No. 2

Address:

Contact Name: Telephone:

Project Name:

Amount Bonded: %

Completed

# INSURANCE REQUIREMENTS

Each policy of insurance carried by the successful bidder for this project shall be issued by an insurance company licensed to do business in the State of Florida with a rating of "A" or better and a financial size category of "V" or better according to the latest edition of "Bests".

A. Attach a notarized statement from the Worker's Compensation carrier specifying organization's current Experience Modification rating for Worker's Compensation in the State of Florida.

(see insurance statement attached)

B. List the names of the insurance firms utilized by your organization in the last five (5) years, for projects over \$3,000,000.

Name of Insurance Company No. 1

Brown & Brown of Florida, Inc. - Miami Division

Address: 14900 NW 79th Court, Suite #200, Miami Lakes, FL 33016

Contact Name: David French Telephone (305) 714-4400

Project Name: (see project sheets under Tab 10)

Amount Bonded: (see project sheets under Tab 10) %

Completed (see project sheets under Tab 10)

Name of Insurance Company No. 2

Address:

Contact Name: Telephone:

Project Name:

Amount Bonded: %

Completed

Failure to provide all these attachments may be cause for disqualification for this project.

Attachment 1 – Certificate of Accountant Attachment 1A General Statement of Bank Credit

Attachment 2 – Notarized Statement from Bonding Company

Attachment 3 – Notarized Statement from Worker's Compensation Insurance Carrier

Attachment 4 – Current Copy of Organization's Florida Contractor's License(s)

Attachment 5 – Certification declaring that the applying Organization has not has a surety company finish work on any project within the last five (5) years.

Attachment 6 – Certification declaring that the applying Organization, in the last five (5) years has not been found by a judge, arbitrator, jury, or a nolo contendere plea to have submitted a false or fraudulent claim to a public agency

Attachment 7 – Certification declaring that the applying Organization has not been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of violations of law or a safety regulation, pursuant to Public Contract Code section 10162

### DECLARATION

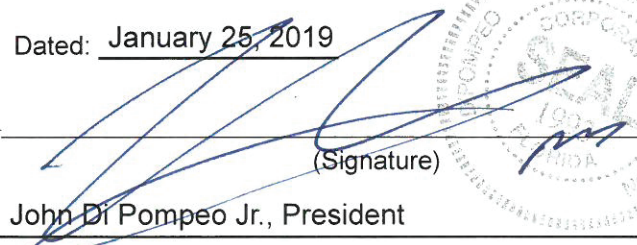
1. Acknowledgement and Release. By signature and date on this page, prospective bidder authorizes any financial institution, credit reporting agency and/or service, legal firm or any other type of business, agency or individual named within this document to release to the City (or City's designated representative) any and all information as that information relates, or could relate, to their ability to evaluate the background, stability and general worthiness of this bidder to perform current or future construction activities if Pre-Qualified and awarded a contract by the City.

- a. A photocopy of this page shall be deemed as valid as an original document.
- b. This Acknowledgement and Release shall remain in effect until such time as the bidder, in writing, requests that the City cease any attempt to evaluate himself/herself/themselves as potential Pre-Qualified bidder for construction work on City of Pompano Beach properties.
- c. Reserved Right. The City reserves the right, for the sole purpose of evaluating a potential Pre-Qualification candidate (bidder), to make other inquiries as permitted by law. Furthermore, the City reserves the right to reject any or all Pre-qualification applications.

### AFFIDAVIT

I, the undersigned, certify and declare that I have read all the foregoing answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of Florida, that the foregoing is correct.

Dated: January 25, 2019

  
(Signature)  
John Di Pompeo Jr., President

ATTACHMENT 1  
ESSENTIAL REQUIREMENTS QUESTIONNAIRE

Certificate of Accountant Attachment 1A General Statement of Bank Credit

## Financials of Di Pompeo Construction

Reviewed Financial Statements are supplied under a separate file uploaded under the City of Pompano E-bid System Attachments Tab.

### **Confidential:**

Not to be opened by anyone  
other than the City of Pompano Beach representatives.

ATTACHMENT 2  
**ESSENTIAL REQUIREMENTS QUESTIONNAIRE**

Notarized Statement from Bonding Company



July 19, 2018

City of Pompano Beach  
 1190 N.E. 3<sup>rd</sup> Avenue, Building C (Front)  
 Pompano Beach, Florida 33060

**Re: DiPompeo Construction Corp.**  
**Design/Build Services for Fire Station No. 52, 61, and 107**

Dear City of Pompano Beach:

Zurich American Insurance Company and/or its subsidiary, Fidelity and Deposit Company of Maryland, have provided surety credit to DiPompeo Construction Corp. for single projects of \$40,000,000 and an aggregate uncompleted backlog of \$80,000,000. Zurich/F&D is rated "A+" (Superior) with a financial size category of XV (\$2 billion +) by AM Best and has a US Treasury Limit exceeding \$300 million.

If DiPompeo Construction Corp. is awarded a contract for the referenced project and requests that we provide the necessary Performance and/or Payment Bonds, we will be prepared to execute the bonds subject to our acceptable review of the contract terms and conditions, bond forms, appropriate contract funding and any other underwriting considerations at the time of the request.

Our consideration and issuance of bonds is a matter solely between DiPompeo Construction Corp. and ourselves, and we assume no liability to third parties or to you by the issuance of this letter.

We trust that this information meets with your satisfaction. If there are further questions, please feel free to contact me.

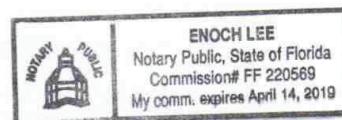
Sincerely  
 Zurich American Insurance Company  
 Fidelity and Deposit Company of Maryland

Randal S. Turner  
 Senior Surety Account Executive

Sworn to and subscribed before me this 19<sup>th</sup> day of July, 2018, by Randal S. Turner, who is personally known to me.

Signature of Notary Public, State of Florida

Notary Seal:





**Brown & Brown of Florida, Inc.**  
 1201 W. Cypress Creek Road, Ste 130 (Zip: 33309)  
 P.O. Box 5727  
 Fort Lauderdale, FL 33310-5727  
 954/776-2222 • FAX 954/772-7542  
 Statewide 1-800/339-0259

July 17, 2018

City of Pompano Beach  
 1190 N.E. 3<sup>rd</sup> Avenue, Building C (Front)  
 Pompano, Florida 33060

RE: DiPompeo Construction Corp.  
 2301 NW 33<sup>rd</sup> Court, Suite 102  
 Pompano Beach, FL 33069

Project: Design/Build Services for Fire Stations No. 52, 61, and 107

Surety: Zurich American Insurance Company A+ (Superior) XV (2 Billion +)  
 Fidelity and Deposit Company of Maryland A+ XV

To Whom It May Concern:

Per your request for evidence of bondability, this letter is to advise you that DiPompeo Construction Corp. is set up for bonding with Zurich American Insurance Company through subsidiary Fidelity and Deposit Company of Maryland. Zurich carries a Treasury Limit exceeding \$300,000,000.

Our company has bonded DiPompeo Construction Corp. in excess of 20 years and have found them to be an outstanding contractor. Based on their past experience, we have provided surety credit for single jobs of \$40,000,000 with an aggregate program of \$80,000,000.

If DiPompeo Construction Corp. has a proposal acceptable to all parties, and if all other normal requirements are met, with surety approval, we look forward to providing final bonds on this project.

As this is a letter of recommendation, and not a bid bond, Brown & Brown of Florida, Inc., Fidelity and Deposit Company of Maryland, their agents and owners accept no liability for its content. The Surety reserves the right to base their final decision upon conditions that exist at the time of the request.

Sincerely,

Michael Holmes, Attorney-In-Fact for Fidelity and Deposit Company of Maryland  
 (see attached Power of Attorney)  
 Executive Vice President, Ft. Lauderdale Division, Brown & Brown of Florida, Inc.

Sworn to and subscribed before me this 17<sup>th</sup> day of July, 2018, by Michael A. Holmes, who is Personally known to me.

Signature of Notary Public, State of Florida

Notary Seal:





**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 **MICHAEL BOND, 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 **Gerald J. ARCH, James F. MURPHY and Michael A. HOLMES, all of Ft. Lauderdale, Florida, 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 19th day of March, A.D. 2018.

ATTEST:

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



By:

*Michael McKibben*

Secretary  
Michael McKibben

*Michael Bond*

Vice President  
Michael Bond

State of Maryland  
County of Baltimore

On this 19th day of March, A.D. 2018, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **MICHAEL BOND, Vice President, and MICHAEL MCKIBBEN, 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, deposed 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 9, 2019



POA-F 031-2167C

## 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 or 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 17<sup>th</sup> day of JULY, 2018.



David McVicker, Vice President

**TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT ALL REQUIRED INFORMATION TO:**

Zurich American Insurance Co.  
Attn: Surety Claims  
1299 Zurich Way  
Schaumburg, IL 60196-1056



## DiPompeo Construction SURETY BOND RATES



Contract Amount	Rate Per Thousand - Class B
First \$ 100,000	\$12.50
Next \$ 400,000	\$10.00
Next \$ 2,000,000	\$8.75
Next \$ 2,500,000	\$7.50
Next \$ 2,500,000	\$6.25
Over \$ 7,500,000	\$5.63

Contact Amount	Rate Per Thousand - Maintenance
First \$ 100,000	\$2.75
Next \$ 400,000	\$2.44
Next \$ 2,000,000	\$2.19
Next \$ 2,500,000	\$1.94
Next \$ 2,500,000	\$1.69
Over \$ 7,500,000	\$1.50
Annual rate after first year based on Maintenance Amount	

Contract Amount	Rate Per Thousand – Design/Build
First \$ 100,000	\$20.63
Next \$ 400,000	\$16.50
Next \$ 2,000,000	\$12.38
Next \$ 2,500,000	\$9.90
Next \$ 2,500,000	\$9.08
Over \$ 7,500,000	\$8.25

### Time Surcharge:

- Between 13 and 24 Months, Surcharge = 0.5% Premium Per Month
- Over 24 Months, Surcharge = 1% Premium Per Month.

ATTACHMENT 3  
ESSENTIAL REQUIREMENTS QUESTIONNAIRE

Notarized Statement from Worker's Compensation Insurance Carrier



To Whom It May Concern,

Re: DiPompeo Construction Corp  
2301 NW 33<sup>rd</sup> Court Unit 102  
Pompano Beach, FL 33069  
WC 2085892-05  
Policy Term 02/01/2018-02/01/2019

As of today, Wednesday, July 18<sup>th</sup> 2018 the NCCI Workers Compensation Experience Rating applies to their workers compensation policy with us is .91 attached.

Best Regards,

A handwritten signature in blue ink, appearing to read "Bethany Bozeman".

Bethany Bozeman  
Agency Underwriting Specialist  
813-282-5874

A handwritten signature in blue ink, appearing to read "Catherine E. Kochan".



26777 Halsted Road | Farmington Hills, MI 48331 | [amerisure.com](http://amerisure.com)



**Brown & Brown of Florida, Inc.**  
**Miami Division**  
14900 NW 79th Court, Suite 200  
Miami Lakes, FL 33016-5869  
(305) 364-7800  
Fax (305) 714-4401

June 5, 2018

DiPompeo Construction Corp.  
Attn: John DiPompeo, Jr.  
2301 NW 33rd Court, Unit# 102  
Pompano Beach, FL 33069

RE: Workers Compensation

Dear Mr. DiPompeo, Jr.:

Please be advised that the requested Experience Modification factors for Workers Compensation coverage are as follows:

- 2018 - .91
- 2017 - .91
- 2016 - .91
- 2015 - .90

Thank you for allowing us to continue to assist you with your insurance needs. Should you have any questions regarding this communication, please contact our office.

Sincerely,

Brown & Brown of Florida, Inc. Miami Division

*Julio Guerrero*

Commercial Account Manager



DIPOM-2 OP ID: MLI

# **CERTIFICATE OF LIABILITY INSURANCE**

 DATE (MM/DD/YYYY)  
**07/18/2018**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER <b>BROWN &amp; BROWN OF FLORIDA INC</b> 14900 NW 79th Court Suite#200 Miami Lakes, FL 33016-5869 David A. French, AAI		CONTACT NAME: PHONE (A/C, No, Ext): <b>305-364-7821</b> FAX (A/C, No): <b>305-714-4401</b> E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE <b>INSURER A : Amerisure Mutual Insurance Co.</b>	
		<b>INSURER B : The North River Ins. Company</b>	
		<b>INSURER C :</b>	
		<b>INSURER D :</b>	
		<b>INSURER E :</b>	
		<b>INSURER F :</b>	

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Jobsite Pollution GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			<b>CPP20858890501</b> <b>\$100,000 / \$1,000 DED</b>	02/01/2018	02/01/2019	EACH OCCURRENCE \$ <b>1,000,000</b> DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>100,000</b> MED EXP (Any one person) \$ <b>5,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>2,000,000</b> PRODUCTS - COMP/OP AGG \$ <b>2,000,000</b> \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			CA20858900501	02/01/2018	02/01/2019	COMBINED SINGLE LIMIT (Ea accident) \$ <b>1,000,000</b> BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ <b>0</b>			5821098291	02/01/2018	02/01/2019	EACH OCCURRENCE \$ <b>2,000,000</b> AGGREGATE \$ <b>2,000,000</b> \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WC20858920601	02/01/2018	02/01/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ <b>1,000,000</b> E.L. DISEASE - EA EMPLOYEE \$ <b>1,000,000</b> E.L. DISEASE - POLICY LIMIT \$ <b>1,000,000</b>
A	Equipment Floater			CPP20858890501	02/01/2018	02/01/2019	Leased <b>100,000</b> Ded <b>1,000</b>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

CITYOFF  <b>City of Pompano Beach</b> <b>100 West Atlantic Blvd</b> <b>Pompano Beach, FL 33060</b>	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE <b>Brown and Brown of Florida, Inc.</b>
--	--

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ACORD 25 (2014/01)

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**Brown & Brown of Florida, Inc.**  
**Miami Division**  
14900 NW 79th Court, Suite 200  
Miami Lakes, FL 33016-5869  
(305) 364-7800  
Fax (305) 714-4401

July 18, 2018

City of Pompano Beach  
100 West Atlantic Blvd  
Pompano Beach, FL 33060

RE: Design/Build Services for Fire Stations No. 52, 61 and 107

To whom it may concern,

Please be advised that should DiPompeo Construction, Corp., be awarded the above project we will be able to secure a Builders Risk policy at full project value.

Sincerely,

Brown & Brown of Florida, Inc. Miami Division

*Maria Li*

On behalf of,

*Julio Guerrero*

Account Manager

## ATTACHMENT 4 ESSENTIAL REQUIREMENTS QUESTIONNAIRE

Current Copy of Organization's Florida Contractor's License(s)



**BROWARD COUNTY LOCAL BUSINESS TAX RECEIPT**  
115 S. Andrews Ave., Rm. A-100, Ft. Lauderdale, FL 33301-1895 – 954-831-4000  
VALID OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019

**DBA:** DIPOMPEO CONSTRUCTION CORP  
**Business Name:** DIPOMPEO CONSTRUCTION CORP  
**Owner Name:** JOHN DIPOMPEO JR/QUAL  
**Business Location:** 2301 NW 33 CT 102  
POMPAÑO BEACH  
**Business Phone:** 954-917-5252

**Receipt #:** 180-5816  
**Business Type:** GENERAL CONTRACTOR (GENERAL CONTRACTOR)  
**Business Opened:** 08/26/1993  
**State/County/Cert/Reg:** CGC037741  
**Exemption Code:**

Rooms	Seats	Employees	Machines	Professionals
		3		

For Vending Business Only				Vending Type:		
Tax Amount	Transfer Fee	NSF Fee	Penalty	Prior Years	Collection Cost	Total Paid
27.00	0.00	0.00	0.00	0.00	0.00	27.00

**THIS RECEIPT MUST BE POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS**

**THIS BECOMES A TAX RECEIPT**  
**WHEN VALIDATED**

This tax is levied for the privilege of doing business within Broward County and is non-regulatory in nature. You must meet all County and/or Municipality planning and zoning requirements. This Business Tax Receipt must be transferred when the business is sold, business name has changed or you have moved the business location. This receipt does not indicate that the business is legal or that it is in compliance with State or local laws and regulations.

**Mailing Address:**  
JOHN DIPOMPEO JR/QUAL  
2301 NW 33 CT #102  
POMPAÑO BEACH, FL 33069

**Receipt #1CP-17-00020541**  
**Paid 08/23/2018 27.00**

**2018 - 2019**





**CITY OF POMPANO BEACH  
BUSINESS TAX RECEIPT  
FISCAL YEAR: 2018 - 2019**

**THIS IS NOT A BILL**

**Business Tax Receipt Valid from: October 1, 2018 through September 30, 2019**

9/6/2018

4418214  
DIPOMPEO CONSTRUCTION CORP  
2301 NW 33 CT #102  
POMPANO BEACH FL 33069

THIS IS YOUR BUSINESS TAX RECEIPT. PLEASE POST IN A CONSPICUOUS PLACE AT THE BUSINESS LOCATION.

**BUSINESS OWNER:** DIPOMPEO, JOHN JR  
**BUSINESS LOCATION:** 2301 NW 33 CT 102 POMPANO BEACH FL

**RECEIPT NO:** 19-00036376  
**CLASSIFICATION:** CONTRACTOR GENERAL (GC)

**NOTICE:** A NEW APPLICATION MUST BE FILED IF THE BUSINESS NAME, OWNERSHIP OR ADDRESS IS CHANGED. THE ISSUANCE OF A BUSINESS TAX RECEIPT SHALL NOT BE DEEMED A WAIVER OF ANY PROVISION OF THE CITY CODE NOR SHALL THE ISSUANCE OF A BUSINESS TAX RECEIPT BE CONSTRUED TO BE A JUDGEMENT OF THE CITY AS TO THE COMPETENCE OF THE APPLICANT TO TRANSACT BUSINESS. **THIS DOCUMENT CANNOT BE ALTERED.**

**BUSINESS TAX RECEIPTS EXPIRE SEPTEMBER 30<sup>TH</sup> OF EACH YEAR**

# *State of Florida*

## *Department of State*

I certify from the records of this office that DIPOMPEO CONSTRUCTION CORPORATION is a corporation organized under the laws of the State of Florida, filed on August 4, 1993.

The document number of this corporation is P93000054441.

I further certify that said corporation has paid all fees due this office through December 31, 2018, that its most recent annual report/uniform business report was filed on March 19, 2018, and that its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Nineteenth day of March, 2018*



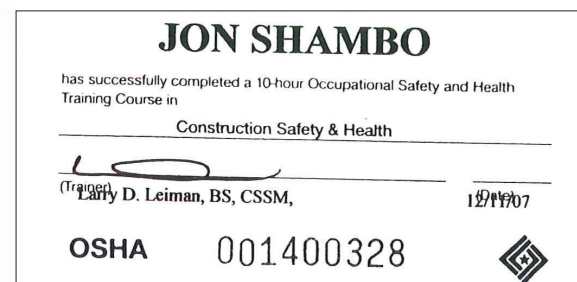
*Ken Detjen*  
**Secretary of State**

Tracking Number: CC7141782583

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>





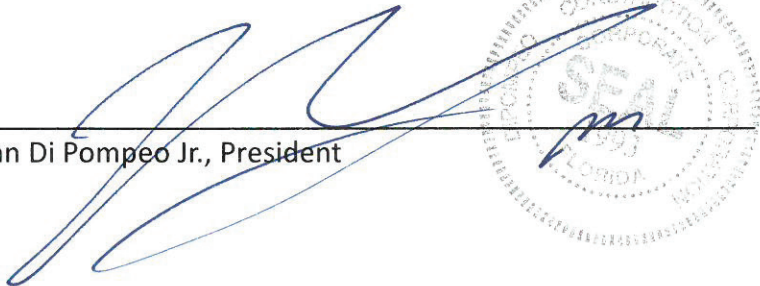
ATTACHMENT 5, 6 AND 7  
ESSENTIAL REQUIREMENTS QUESTIONNAIRE

**Attachment 5** – Di Pompeo Construction has not has a surety company finish work on any project within the last five (5) years or since our inception in 1993 or ever.

**Attachment 6** – Di Pompeo Construction declares that in the last five (5) years we have not been found by a judge, arbitrator, jury, or a nolo contendere plea to have submitted a false or fraudulent claim to a public agency or since our inception in 1993 or ever.

**Attachment 7** – Di Pompeo Construction declares that the applying we have not been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of violations of law or a safety regulation, pursuant to Public Contract Code section 10162 or since our inception in 1993 or ever.

**Di Pompeo Construction Corporation**

  
\_\_\_\_\_  
John Di Pompeo Jr., President

\_\_\_\_\_  
January 25, 2016

## LITIGATION

## HISTORY OF LITIGATION

Date	Party Name	Plaintiff or Defendant	Case / Action Number	Description
<b>PENDING LITIGATION</b>				
July-11 Sept.-12 Aug-14	School Board of Broward County (BCSB) & Walters Zackria Associates, PLLC	Plaintiff	12-26947CACE consolidated with <b>14-016777-CACE04</b> , 11-015328CACE03 consolidated with <b>14-016744-CACE14</b> COMPLEX LITIGATION	DiPompeo Construction was delayed on Nova and N.E. High School Pool replacement projects by added work and Architect/Engineer errors. The Owner refused to pay for our extended General Conditions associated with the added work and delays thus forcing us to sue the Architect for errors and omissions and the School Board sued the architect before us. <b>For Case #s 14-016777-CACE04 and 14-016744-CACE14, DiPompeo Construction voluntarily dismissed our suit against Walter Zackria in April 2017 upon reaching an amicable resolution with them but still have suits with the School Board of Broward County (BCSB). The School Board (BCSB) still has not paid us and we are awaiting a court date and/or the judge to order mediation.</b>
Aug-10 Feb-13	School Board of Broward County (BCSB) (Owner)* & Schenkel Schultz, Inc.	Plaintiff	10-31869 CACE02 Consolidated with 10-016981 (25) <b>Matter of Broadview was closed / settled and paid by the School Board of Broward County</b>	DiPompeo Construction was delayed on the Sheridan Park school by tardy Architect /Owner responses and errors on the design drawings. The School Board sued the Architect. DiPompeo Construction was advised by the School Board to file suit against them in order for the School Board to negotiate a settlement. (See attached 1/10/11 letter from the School Board confirming <u>we were cooperative and the School Board directed us to sue them in order to get paid on both projects.</u> ) We had mediation two times but Sheridan was not settled. <b>The judge denied the School Board's request for summary judgement for bad faith on August 23, 2017. The judge has ordered pretrial STIPS to be ready for trial in June 2018. DiPompeo Construction voluntarily dismissed our suit against Schenkel Schultz on June 20, 2018 upon reaching an amicable resolution with them. On June 29, 2018, the Jury decided in favor of DiPompeo Construction finding the School Board acted in bad faith and breached the contract.</b>
* Since the economy changed, so did the School Board, laying off hundreds of employees. With their budgets cut and funds depleted, they would rather contest several contractors fees and have the contractors sue them than pay, because they believe added work and unforeseen conditions are items they can conceal behind the 'no damage for delay' clause. Our contracts were each for a year; we were on each project for 2 years, and the costs being sought are solely for our General Conditions, caused by inspector delays, added work, non-responsiveness to RFI's and submittals and underground unforeseen conditions.				
April -18	Broward County	Defendant	CACE18-003707-02	We are a third party defendant for a playground that our subcontractor built four years ago. Wherein, a pastor supposedly tripped and sued Broward County who we had a contract with. Therefore, Broward County is suing us as we were the General Contractor but we did not design or install the structure.
March-18	Vene-American Engineering	Defendant	18-006692CA21	Our subcontractor, named Vene-American Engineering, did not complete his contractual obligations. Therefore, we had to hire another subcontractor to finish his work. We are seeking the difference between what we spent and what he was paid.
June -17	East Coast Metal Structures Corp.	Defendant	2017-015-225-CA-01	Our CBE steel sub, The GA Group sublet work to East Coast Metal (who supplied and installed structural steel on two schools we constructed: Bunche Park and Frederick Douglass). They were tardy in installing their work and supposedly did extra work that we have no knowledge of. East Coast Metal sued DiPompeo and our bond even though they should have sued the company that hired them, The GA Group. Both parties are in discovery.
Date	Party Name	Plaintiff or Defendant	Case / Action Number	Description
<b>CLOSED LITIGATION</b>				
Sep.-14	Southern Waste Systems, LLC	Defendant	CONO-14-012072 Div. 70	SWS increased their container rates without proper written notice to us. This case was settled out of court in March of 2015. This case is closed.

**HISTORY OF LITIGATION****THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA****OFFICE OF THE SCHOOL BOARD ATTORNEY**

K.C. WRIGHT ADMINISTRATION BUILDING  
600 SOUTHEAST THIRD AVENUE, 11TH FLOOR  
FORT LAUDERDALE, FLORIDA 33301  
Telephone: (754) 321-2050  
Facsimile: (754) 321-2705

January 10, 2011

To Whom It May Concern:

**SUBJECT: DiPompeo Construction Corp. vs. The School Board of Broward County, Florida,**  
**case No. 10-3 1869 CACE 02**

This letter is being written in reference to the above referenced lawsuit, filed on August 5, 2010 in the 17th Judicial Circuit Court, Broward County, Florida.

The dispute involves two separate claims filed by DiPompeo Construction Corp. (DiPompeo) against The School Board of Broward County, Florida (SBBC). One of the claims is on the Broadview Elementary School which was completed in 2006. The other involves the Sheridan Elementary School which was also completed in 2006. The dispute centers around a difference of opinion between DiPompeo and SBBC regarding "cost of work" for additional work performed on the projects v "delay damages". Delay damages are prohibited under the terms of the contracts between the parties.

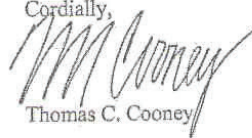
DiPompeo attempted from the close of the projects to resolve the matters amicably. A pre-suit mediation was held on 7/6/10 prior to suit being filed by DiPompeo in an attempt to resolve the issues for both projects.

At the conclusion of a full day of mediation on Broadview only and after considering the various issues involved in the two separate claims asserted by DiPompeo, DiPompeo was advised by counsel for the SBBC that the best way to expedite resolution of these complex matters was to file a lawsuit in which all parties concerned would address the issues, including defenses. DiPompeo was also advised that the filing of a lawsuit was the only mechanism that would permit a closed-door meeting between counsel and the SBBC to seek direction towards an amicable resolution of such matters.

Terms for an amicable resolution to Broadview were reached and shall be presented to the School Board for its consideration for approval. However, resolution of Sheridan remains outstanding. Mediation to include the Architect of Record for Sheridan, Schenkel & Schultz, Inc. was to have been held on 10/27/10. However, on the eve of mediation, Schenkel & Schultz declined to participate. The SBBC has filed suit against Schenkel & Schultz, Inc. with regards to Sheridan Elementary.

If you have any further questions please do not hesitate to contact me directly.

Cordially,



Thomas C. Cooney