

## PUBLIC CONSTRUCTION BOND

Bond # SUR0002613

(STATE OF FLORIDA)

(COUNTY OF PINELLAS)

(CITY OF ST. PETERSBURG)

### KNOW ALL MEN BY THESE PRESENTS:

That we, Hennessy Construction Services Corp. (hereinafter called the "Principal"),  
(Name of Corporation, Partnership, or LLC)  
located at 2300 22nd Street North, St. Petersburg, FL 33713, (727) 821-3223,  
(Principal Business Address) (Phone Number)  
and Frankenmuth Mutual Insurance Company (hereinafter called the "Surety"),  
(Surety Name)  
located at 1 Mutual Ave., Frankenmuth, MI 48787, (704) 421-7007,  
(Surety Business Address) (Phone Number)

are held and firmly bound unto the City of St. Petersburg, Florida (hereinafter called the "City")  
located at One 4<sup>th</sup> Street North, St. Petersburg, FL 33701, phone: (727) 893-7220, in the penal  
sum of: Four Million One Hundred Twenty Three Thousand Three Hundred Seventy Nine and 00/100  
\$ 4,123,379.00 for the payment of which we bind ourselves, our heirs, personal  
representatives, successors, and assigns, jointly and severally, for the faithful performance of a  
certain written construction manager contract with a guaranteed maximum price, dated the 17<sup>th</sup>  
day of August, 20 18, as amended, entered into between the Principal and the City  
("Contract") for the Principal to provide construction phase activities for the Mahaffey Theater  
Exterior Wall Repair, 400 1st Street South, St. Petersburg, Florida, 33701, City Project No. 17201-  
019.

NOW, THEREFORE, THE CONDITIONS of this bond are such that, if the Principal shall (i) in all  
respects comply with the terms and conditions of the Contract (the Contract being made a part of  
this bond by reference), including but not limited to the guarantee and warranty requirements, all  
obligations contained in the Contract Documents (as defined in the Contract) and all modifications  
made to the Contract as therein provided, for the original term of the Contract and any extensions  
which may be granted by the City, with or without notice to the Surety; and (ii) promptly make  
payments to all claimants, as defined in Section 255.05(1), Florida Statutes, supplying labor,  
materials, or supplies used directly or indirectly in the prosecution of the work provided for in the  
Contract; and (iii) pay the City all losses, damages, liquidated damages, expenses, costs, and  
attorneys' fees at trial and on appeal sustained by the City due to a default by Principal under the  
Contract; and (iv) fulfill its obligations related to the guarantee and warranty of all work and  
materials furnished under the Contract pursuant to the terms and conditions specified in the  
Contract, then this bond shall be void; otherwise, it shall remain in full force.

**This bond is meant to comply with all the requirements of Section 255.05, Florida Statutes,  
and herewith incorporates all duties of a surety required by Section 255.05, Florida  
Statutes, and all notice and time limitation provisions set forth in Sections 255.05(2) and  
255.05 (10), Florida Statutes. Any action instituted by a claimant under this bond for  
payment must be in accordance with the notice and time limitation provisions set forth in  
Sections 255.05(2) and 255.05(10), Florida Statutes.**

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract or to the work to be performed thereunder or to the specifications accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the work or to the specifications.

IN TESTIMONY WHEREOF, the hands and seals of the parties hereto this 18 day of November, 2019.

Hennessy Construction Services Corp.  
(Principal Name)

BY: [Signature]  
(Signature)

Mark J. Stalker, President  
(Print or Type Name and Title)

Frankenmuth Mutual Insurance Company  
SURETY NAME

BY: [Signature]  
Attorney-in-Fact

Donna K. Ashley  
(Print or Type Name)

P033070  
(Florida license # of Attorney-in-Fact)

Countersignature No Longer Required

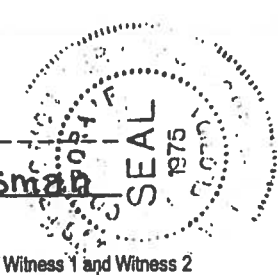
Countersignature of Florida Licensed Agent (Only Required if Attorney-in-Fact is not a Florida Licensed Agent.)

Attest and Impress Principal's seal or check the checkbox below.

ATTEST:

BY: [Signature]  
(Signature)

Kimberly Kline Sassman  
(Print or Type Name)



Principal has no seal. (If checked, signature of Witness 1 and Witness 2 needed)

WITNESS 1:

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name)

WITNESS 2:

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name)

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney (Designee)

Note: A copy of a power of attorney attested by the corporate secretary of the Surety evidencing the Attorney-in-Fact named above is currently authorized to execute this bond on behalf of the Surety must be attached to this bond.

**Acknowledgment of Principal**

(STATE OF FLORIDA)

(COUNTY OF PINELLAS )

(CITY OF ST. PETERSBURG )

The foregoing instrument was acknowledged before me this 18 day of NOV 20 19.

by MARK J. STALKER, PRESIDENT of Hennessy Construction Services Corp., a  
(Name and Title of Officer) (Name of Principal)

FLORIDA CORPORATION ("Entity"), on behalf of said Entity.  He  She is  
(Identify type of Entity and State where Registered) (Select)

personally known to me or has produced \_\_\_\_\_ as identification.  
(Type of Identification)

He  She warrants that  he  she is duly authorized by all necessary actions of the Entity in  
(Select) (Select)

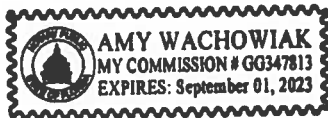
accordance with the governing documents of the Entity to execute the foregoing instrument.

NOTARY PUBLIC:

Sign: Amy Wachowiak

Print/Type: AMY WACHOWIAK

SEAL



**Acknowledgment of Surety,  
(Where Executed by Attorney-In-Fact, as Agent)**

(STATE OF ~~FLORIDA~~  
North Carolina  
(COUNTY OF Mecklenburg )  
(CITY OF Charlotte )

The foregoing instrument was acknowledged before me this 18th day of November 20 19 ,

By Donna K. Ashley  
(Name of Attorney-In-Fact)

as Attorney-in-Fact for Frankenmuth Mutual Insurance Company  
(Name of Surety)

who is personally known to me or has produced N/A  
(Type of Identification)

as identification.

By virtue of a power of attorney from said corporation, a copy of which is attached hereto,

he/she is duly authorized to execute the foregoing instrument.  
(Select)



NOTARY PUBLIC:

Sign: Angela D Ramsey

Print/Type: Angela D. Ramsey

SEAL Commission Expires July 17, 2020

STATE OF FLORIDA, PINELLAS COUNTY  
I hereby certify that the foregoing is a true  
copy as recorded in the official records of  
Pinellas County.



This 11 day of JAN 06 2019  
KEN BURKE  
Clerk of the Circuit Court & Comptroller  
BY: [Signature]  
Deputy Clerk

**FRANKENMUTH MUTUAL INSURANCE COMPANY**

**POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS, that Frankenmuth Mutual Insurance Company (the "Company"), a corporation duly organized and existing under the laws of the State of Michigan, having its principal office at 1 Mutual Avenue, Frankenmuth, Michigan 48787, does hereby nominate, constitute and appoint:

G. Timothy Wilkerson, Angela D. Ramsey, Donna K. Ashley, J. David Pollack, Jr., William J. Quinn,  
Jacqueline Hampson, Jennifer C. Hoehn, John Dufresne

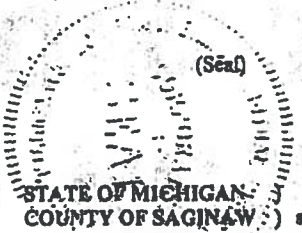
Their true and lawful attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal, acknowledge and deliver any and all bonds, contracts and undertakings of suretyship, with the exception of Financial Guaranty Insurance, provided, however, that the penal sum of any one such instrument shall not exceed the sum of:

**Fifty Million and 00/100 Dollars (\$50,000,000)**

This Power of Attorney is granted pursuant to the following Resolution duly adopted at a meeting of the Board of Directors of Frankenmuth Mutual Insurance Company:

"RESOLVED, that the President, Senior Vice President or Vice President and each of them under their respective designations, hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer of the Company, qualifying the attorney(s) named in the given power of attorney, to execute on behalf of, and acknowledge as the act and deed of Frankenmuth Mutual Insurance Company on all bonds, contracts and undertakings of suretyship, and to affix the corporate seal thereto."

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 10th day of September, 2018.



Frankenmuth Mutual Insurance Company

By [Signature]  
Frederick A. Edmond, Jr.,  
President and Chief Operating Officer

Sworn to before me, a Notary Public in the State of Michigan, by Frederick A. Edmond, Jr., to me personally known to be the individual and officer described in, and who executed the preceding instrument, deposited and said the Corporate Seal and his signature as Officer were affixed and subscribed to said instrument by the authority of the Company.

IN TESTIMONY WHEREOF, I have set my hand, and affixed my Official Seal this 10th day of September, 2018.

[Signature] (Seal)  
Dianne L. Voas, Notary Public  
Saginaw County, State of Michigan  
My Commission Expires July 23, 2024

I, the undersigned, Vice President of Frankenmuth Mutual Insurance Company, do hereby certify that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and is in full force and effect as of this date.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the Company, this 18 day of NOV, 2019.

[Signature]  
Andrew H. Knudsen, Vice President

ALL CORRESPONDENCE RELATED TO BOND VALIDATION AND/OR A CLAIM SHOULD BE DIRECTED  
TO THE DIRECTOR OF SURETY, 701 US ROUTE ONE, SUITE 1, YARMOUTH, ME 04096

