



STATE OF UTAH - DEPARTMENT OF ADMINISTRATIVE SERVICES

Division of Facilities Construction and Management

DFCM

REQUEST FOR STATEMENT OF QUALIFICATIONS

**OPEN ENDED MULTI-STEP
PRE-QUALIFIED BIDDING PROCESS**

FOR

**GENERAL / MECHANICAL / ELECTRICAL
ROOFING AND PAVING CONTRACTORS**

**MULTIPLE CAPITAL IMPROVEMENT
PROJECTS**

Stage I

Multiple Projects

Request for Statement of Qualifications

October 30, 2014

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Current copies of the DFCM General Conditions dated May 25, 2005 and all Supplemental General Conditions are available upon request at the DFCM office and on the DFCM web site at <http://dfcm.utah.gov/StdDocs/index.html> “Standard Documents” – “Reference Documents” “Supplemental General Conditions”, and are hereby made part of these contract documents by reference

The Agreement and General Conditions dated May 25, 2005 have been updated from versions that were formally adopted and in use prior to this date. The changes made to the General Conditions are identified in a document entitled Revisions to General Conditions that is available on DFCM’s web site at <http://dfcm.utah.gov>

NOTICE TO CONTRACTORS

The State of Utah - Division of Facilities Construction and Management (DFCM) is requesting a statement of qualifications for the following:

STATEMENT OF QUALIFICATIONS FOR AN OPEN ENDED MULTI-STEP PRE-QUALIFIED BIDDING PROCESS FOR GENERAL, MECHANICAL, ELECTRICAL, ROOFING AND PAVING CONTRACTORS FOR CAPITAL IMPROVEMENT PROJECTS
(Projects with a construction cost of less than \$2,500,000)

Pre-Qualification of contractors will be based on the selection criteria outlined in the bidding documents contained herein. Stage I Pre-qualified contractors will be invited to submit bids on Stage II Capital Improvement Projects as defined herein. Pre-qualified contractors will NOT be required to bid on every project defined herein.

PREVIOUSLY PREQUALIFIED CONTRACTORS MUST SUBMIT A STATEMENT OF QUALIFICATIONS UNDER THIS SOLICITATION. Contractors previously pre-qualified by DFCM through the individual FY2014 Stage I “Multi-Stage Bidding Process Short-Listing of General, Mechanical, Roofing, Paving, and Electrical Contractors” **will be required to re-apply (submit a statement of qualifications) for this Open Ended Pre-qualified Contractors list.**

Contractors pre-qualified under a previous Stage I Open-Ended Multi-Step Pre-Qualified Bidding Process for General, Mechanical, Electrical, Roofing and Paving Contracts are not required to respond or re-apply under this procurement.

All contractors responding to this procurement must comply with and require all of their subcontractors to comply with the license laws as required by the State of Utah.

The Stage I pre-qualified bidding process documents, including the qualification requirements and schedule, will be available at 4:00 PM on Thursday October 30, 2014 on the DFCM web page at <http://www.dfc.utah.gov>. For questions regarding this Stage I solicitation, please contact **Jim Russell, DFCM, at 801-231-3489**. No others are to be contacted regarding this solicitation.

The **MANDATORY** pre-submittal meeting to discuss the pre-qualified bidding process will be held at **1:00 PM on Tuesday November 18, 2014**, Copper Room, Senate Office Building-Capitol Hill Complex, 350 North State Street, SLC, Utah.

When bidding on each individual Stage II Open-Ended Pre-qualified Bidding Project, registered pre-qualified contractors will be required to submit a Bid Bond in the amount of five percent (5%) of the bid amount, made payable to the Division of Facilities Construction and Management on DFCM’s Bid Bond Form. A Bid Bond must accompany each bid. Instructions for the Stage II will be in the invitations for bids for the individual project or projects.

Any person or entity that is prequalified under this Stage I Request for Statement of Qualifications, must submit a new Statement of Qualifications complying with the criteria in the solicitation, or as this solicitation may be amended by DFCM, **no more than 18 months after the decision of being prequalified.**

This solicitation, including any amendments, may be issued every Six months by DFCM, in order that new vendors may submit statements of qualifications and be considered for being added to the prequalified list for the types of projects specified in this solicitation.

The Division of Facilities Construction & Management reserves the right to cancel or amend this solicitation, reject any or all submittals/bids or to waive any formality or technicality in any submittal/bid in the interest of the State.

PROJECT DESCRIPTION AND PROCESS

DFCM is entering into an Open-Ended Multi-Step Pre-Qualified Bidding Process for General, Mechanical, Electrical, Roofing, and Paving Contractors for DFCM Capital Improvement Projects (projects less than \$2.5 million dollars Utah Code 63A-104 (1) (b)). These projects are in various locations throughout the State of Utah. The projects shall include both state funded and non-state funded projects. Pre-Qualification of contractors will be based on the selection criteria outlined in the solicitation documents contained herein. Stage I Pre-qualified contractors will be invited to submit bids on Stage II Capital Improvement Projects as defined herein. The final contractor selection will be based on the lowest responsive and responsible bid as provided in the bidding documents. Pre-qualified contractors will NOT be required to bid on every project defined herein.

Only contractors listed on the DFCM website as “Open-Ended Multi-Step Pre-qualified Bidding Process Contractors” will be allowed to bid on Stage II projects.

Pre-Qualified Contractors are ONLY authorized to bid on projects within the discipline for which they were originally pre-qualified. For example, a pre-qualified mechanical contractor is not authorized to bid on general contractor work unless they go through the process and are pre-qualified as a general contractor.

Individual contractors or alliances between two or more contractors are allowed in this process to form a team. However, one contractor or entity MUST be declared as the lead entity representing the team. If the team is prequalified through this process, the state will only enter into contracts with the lead contractor or entity. The lead contractor or entity must be licensed by the State of Utah and comply with and require all of its subcontractors to comply with the license laws as required by the State of Utah.

Any person or entity that is prequalified under this Stage I Request for Statement of Qualifications, must submit a new Statement of Qualifications complying with the criteria in the solicitation, or as this solicitation may be amended by DFCM, **no more than 18 months after the decision of being prequalified This solicitation**, including any amendments, may be issued every six months by DFCM, in order that new vendors may submit statements of qualifications and be considered for being added to the prequalified list for the types of projects specified in this solicitation.

Instructions for Stage II will be in the invitation for bids for the individual project or projects.

OPEN ENDED MULTI-STEP PRE-QUALIFIED BIDDING PROCESS

Request for Statement of Qualifications

FOR DFCM CAPITAL IMPROVEMENT PROJECTS

The pre-qualification of contractors will be based on the selection criteria outlined in this document.

1. Open Ended Pre-Qualified Bidding Process Documents

The open ended pre-qualified bidding process documents consist of all of the information contained in this solicitation and all documents listed in the Table of Contents. All said documents are incorporated in this document by reference.

2. Availability of Documents

The open-ended pre-qualified bidding process documents are available at DFCM web site at <http://www.dfcu.utah.gov>.

3. Contact Information

Except as authorized by the DFCM Representative or as otherwise stated in the open-ended pre-qualified bidding process documents or the pre- submittal meeting, **communication during the open-ended multi-step pre-qualified bidding process shall be directed SOLELY to the specified DFCM Representative, Jim Russell at 801-231-3489.** No one else at the State is to be contacted regarding this process. In order to maintain the fair and equitable treatment of everyone, contractors shall not unduly contact or offer gifts or gratuities to owners, users, or evaluation committee members in an effort to influence the evaluation process or in a manner that gives the appearance of influencing the evaluation process. This prohibition applies upon your being aware of this solicitation and extends through the award of a contract in Stage II for a particular project or projects. Failure to comply with this requirement may result in a disqualification from consideration under Stage I and/or Stage II or this process. Contractors should be aware that the evaluation committee members will be required to certify that they have not been contacted by any of the contractors in an attempt to influence the selection process.

4. Requests for Information

All requests for information shall be e-mailed to:

Jim Russell - Construction Program Manager
Division of Facilities Construction and Management
Room 4110, State Office Building, Salt Lake City, Utah 84114
E-mail: jimrussell@utah.gov
Phone: 801-231-3489

5. Schedule

The Schedule lists the important events, dates, times, and location of meetings and submittals that must be met by the contractor. Failure to meet any of the deadlines in the schedule provided herein or to attend the mandatory pre-submittal meeting will result in disqualification. However, those that do not attend the mandatory pre-submittal meeting may submit at a later time when the solicitation is renewed every six months and pursuant to any requirements set forth in the period solicitation update request.

6. **Mandatory Pre-Submittal Meeting**

A **mandatory** pre-submittal meeting will be held on the date and time and at the location listed on the Stage I Schedule. During the meeting, a presentation will be made on the open-ended multi-step pre-qualified bidding process. Entities desiring additional information about the pre-qualified bidding process or proposed projects may ask questions at this meeting. Attendance at this meeting is required. However, those that do not attend the mandatory pre-submittal meeting may submit at a later time when the solicitation is renewed every six months and pursuant to any requirements set forth in the period solicitation update request.

7. **Submittal Due Dates and Times**

All required submittals must be delivered to, and received by, the Division of Facilities Construction and Management by the time deadline established in the Schedule. Submittals received after the specified time deadline will not be accepted. Please allow adequate time for delivery, When submitting a statement of qualifications by physical delivery (US Mail, Courier Service, Hand Delivery or other means) you are solely responsible for meeting the deadlines. Delays caused by a delivery service or other physical means will not be an acceptable reason for a proposal or modification to a proposal being late. All proposals delivered by physical delivery will be date and time stamped by DFCM staff. To the extent that an error on the part of DFCM or an employee of the DFCM results in the proposal not to be received by the established date and time, it will be considered to be on time.

8. **Last Day to Submit Questions**

Questions must be submitted by email to Jim Russell at DFCM by the deadline listed on the Schedule;

Jim Russell, Construction Program Manager
Division of Facilities Construction and Management
Room 4110, State Office Building, Salt Lake City, Utah 84114
Email: Jimrussell@utah.gov

9. **Addenda**

All clarifications will be in writing and issued as addenda to this solicitation. Addenda will be posted on DFCM's web site at <http://www.dfc.utah.gov>. Contractors are responsible for obtaining information contained in the addenda from the web site. Any addenda issued prior to the submittal deadline shall become part of the open-ended multi- step bidding process and any information required must be included in the contractor's submittal. Addenda will be issued no later than **Tuesday November 25, 2014 @ 4:00 PM** and each Contractor is responsible for checking the website at such time to make sure that the statement for qualifications complies with all addenda issued by DFCM.

10. **Bid Bond Requirements**

When bidding during Stage II of this process, all pre-qualified contractors will be required to submit a bid bond in the amount of five percent (5%) of the bid amount made payable to the Division of Facilities Construction and Management on all bids. **The bid bond must be on the "Bid Bond Form" provided in this solicitation document in order to be considered an acceptable bid.** If the bid bond security is submitted on a form other than DFCM's required "Bid Bond Form" and the bid security meets all other legal requirements, the contractor will be allowed to provide an acceptable bid bond by the close of business on the next business day following notification by DFCM of submission of a defective bid bond security. **A cashier's check cannot be used as a substitute for a bid bond.**

Any Entity responding to this solicitation must be capable of complying with these bid bond requirements or they will not be pre-qualified. Pre-qualified entities that fail to comply with the bid bond requirements during the bidding stage shall be removed from the pre-qualified list. As part of the criteria of this solicitation, the entity shall submit information to DFCM that indicates that the entity is capable of obtaining a bid bond for the type of work sought in the statement of qualifications.

11. Performance and References

DFCM will rate each entities performance on every project worked on (rating scale: 1 = low; 5 = high). The rating may include comments from agencies. The entity will have an opportunity to review and comment on their ratings. Ratings on DFCM projects over the previous five years will be provided to the evaluation committee for their consideration in evaluating and scoring the past performance of each entity. If an entity has not completed at least three DFCM projects in the last five years, they shall provide by the time indicated on the Stage I Schedule, a list of references on all projects that are of the type being sought in the statement of qualifications, completed in the last three years:

- (a) name and address of the project
- (b) name and phone number of the person able to answer questions about the project
- (c) date when the work was completed
- (d) the total construction cost of the project
- (e) project type (school, office, warehouse, etc.)

12. Statement of Qualifications and Experience

Statement of Qualifications and Experience should contain the following information:

The statement of qualifications and Experience is a concise document (no more than 20 pages). The general pre-qualification requirements submitted, being the experience and work history of the entity, qualifications of management staff and key individuals, and any other information that informs DFCM that the entity should be qualified for the work that is sought.

- (a) Indicate the experience and qualifications of the both the Entity, and their key individuals.
- (b) It should include information on type of projects that have been completed by the Entity, and their key individuals.
- (c) When listing projects include information to indicate the type of projects, dates, size and the responsibility of the key individuals on the projects.
- (d) Include the experience and special qualifications of the Entity that are applicable to this pre-qualification.
- (e) Include how Subcontractor and Vendors are selected and managed
- (f) Include information about the Entities Safety Policy and Job Site Management

Please print out the following **cover sheet** and attach to each separate trade's submittals. Submittals are not required to be in sealed envelopes.

TO: Jim Russell – DFCM
Room 4110, State Office Building
Salt Lake City, Utah 84114

DUE DATE/TIME: Tuesday December 2, 2014 @ 12:00 Noon

Specify One: General / Mechanical / Electrical / Roofing or Paving Contractor

SUBMITTING ENTITY: _____

BUSINESS ADDRESS: _____

*CONTACT PERSON: _____

PHONE: _____

E-MAIL: _____

* BidSync will be utilized for bidding. The Contact Person listed above must be the same as the Contractor's BidSync contact person. The Contractor is responsible to update any and all BidSync information.

13. Pre-Qualification Submittal

Each Entity shall be required to submit the following information for review by the date and time listed in this RFS, to be considered for pre-qualification. Deliver two hard copies of the pre-qualification submittal to the DFCM by the date and time identified in this solicitation. Each entity seeking pre-qualification is required to provide two separate submittals for each contractor category (general, mechanical, electrical, roofing and paving contractor) they are applying for.

- (a) Cover sheet provided in this RFS
- (b) Business name, address and phone number
- (c) Point of contact name, address, phone number and email address
- (d) Photo Copy of current applicable Contractors license
- (e) Bid bond or letter of recommendation form Bonding Agent or Surety as per section 14.(b)
- (f) Termination and debarment statement
- (g) Statement of Qualification and Experience
- (h) Past performance rating:

Each entity will be given a past performance rating. The rating will be based first on how well the entity did on past projects with DFCM within the last five years. If a minimum of three DFCM past performance ratings are not available, a rating will be established using any DFCM past performance ratings that are available, supplemented by non-DFCM owner references supplied by the contractor at the time the proposals are submitted.

14. Interviews

Interviews will not be required. DFCM reserves the right to interview or contact any or all contractors necessary to verify information, or acquire information necessary to determine qualifications. DFCM is in no way obligated to seek additional information due to incomplete submittals.

14. Evaluation

Minimum Mandatory Criteria: The following criteria must be fully complied with in order to be considered for having the statement of qualifications scored by the evaluation committee:

- (a) Performance Rating/References are required to average 4.0 out of 5.0 rating or higher, based upon scoring by DFCM.
- (b) Verification of Bonding capability
Provide a letter from your bonding agent or surety addressing the following: Name of Surety (surety must be licensed in Utah, have an A.M. Best rating of A X or better, and listed in the U.S. Treasury Circular 570 of acceptable sureties); Name and phone number of surety underwriter (not agent); Has any surety ever paid a claim or finished a project for this entity; Largest bid bond issued for this entity in the last three years; Largest performance and payment bond issued for this entity in the last three years; Date and amount of last performance and payment bond issued for this entity; Single-project and aggregate bonding capacity of this entity; Surety acknowledgement that they have reviewed the RFP; Surety letter to be signed by an Attorney-in-Fact for the surety and a copy of his Power of Attorney is attached to the bonding reference letter.
- (c) Verification of current required licensing
- (d) Attendance at mandatory pre-bid meeting.
- (e) Acceptance of termination and debarment statement
- (f) Statement of Qualification and Experience. The general prequalification requirements submitted, being the experience and work history of the entity, qualifications of management and staff, and

any other information that informs DFCM that the entity should be qualified for the work that is sought, will be scored on a scale of 1 -100 points. A minimum of 80 points shall be necessary to be considered prequalified.

15. Pre-Qualification

Entities approved by the evaluation committee for the particular pre-qualified category will be added to the DFCM's list of pre-qualified contractors and will be invited to bid on the approved category of projects during Stage II.

During Stage II, the final contractor selection for each project will be based on the lowest responsive and responsible bidder that meets the requirements of the Stage II solicitation documents. Each Stage II solicitation will be posted on the DFCM web-site and will be bid through an electronic bidding system.

The only contractors allowed to bid on the projects listed as Stage II Open Ended Pre-Qualified Bidding Process will be contractors that are pre-qualified in Stage I of this multi-step process for the particular prequalified category (i.e. general contractor, mechanical, electrical, roofing or paving).. Pre- Qualified contractors shall remain on DFCM's list of prequalified contractors for a period of 18 months unless the entity submits a new statement of qualifications and is prequalified under a new solicitation by DFCM, provided:

- (a) they receive a performance rating of 4.0 or greater on each DFCM project. If a rating less than 4.0 is received on any single project the contractor will be removed from the pre-qualified list and will not be eligible to re-apply for a minimum of 12 months.
- (b) they are not suspended for poor performance or failure to comply with the requirements of their contract
- (c) the entity has not undergone a significant reorganization involving the loss of key personnel (site superintendents, project managers, owners, etc.) to a degree such that the entity no longer meets the pre-qualification requirements outlined in this document
- (d) the financial viability of the entity has not significantly changed
- (e) the entity is not otherwise disqualified by DFCM

Pre-qualified contractors are ONLY authorized to bid on projects within the discipline under which they were originally pre-qualified. For example, a pre-qualified mechanical contractor is not authorized to bid on general contractor work unless they go through the Stage I process and are pre-qualified by a selection committee as a general contractor.

16. Additional applications periods for Statement of Qualifications, Renewals/Re-applications

An Entity may submit a statement for qualifications in response to further issued requests for statements of qualifications issued by DFCM, which may be issued every six months. There may be updated requirements in the issued statement of qualifications. Any Entity applying for renewal must have attended at least three mandatory project pre-bid meetings during the expiring period. The Entity shall provide the date and project mandatory meeting they attended, along with all other required approval information. The Entity shall also be required to include the name and project number of at least one project the Entity has successfully received a contract for in the expiring period.

17. Trade Secrets or Confidential Matters

Any submitter may designate those portions of the submittals which contain trade secrets or other confidential matters that the Governmental Records and Access Management Act (GRAMA) would allow to be a protected record. Any disclosure of submittals or portions thereof shall be in accordance with GRAMA and State law.

**STAGE I - SCHEDULE****PROJECT NAME: STAGE I – OPEN ENDED MULTI-STEP PRE-QUALIFIED BIDDING PROCESS FOR GENERAL/MECHANICAL/ELECTRICAL, ROOFING and PAVING****PROJECT NO: RFS #1 PRE-QUALIFICATION**

Event	Day	Date	Time	Place
Solicitation Documents Available	Thursday	October 30, 2014	4:00 AM	DFCM web site*
Mandatory Pre-bid Site Meeting	Tuesday	November 18, 2014	1:00 PM	Copper Room Senate Office Building-Capitol Hill Complex 350 North State Street SLC, Utah
Questions (in writing)	Thursday	November 20, 2014	4:00 PM	Jim Russell – DFCM E-mail: jimrussell@utah.gov
Addendum Issued Responding to Questions (if needed)	Tuesday	November 25, 2014	4:00 PM	DFCM web site *
Pre-Qualified Submittal Due:	Tuesday	December 2, 2014	12:00 PM NOON	Deliver to: Jim Russell – DFCM Room 4110, State Office Bldg. PO Box 141160 SLC, Utah 84114-1160
Pre-Qualified List Announced	Tuesday	December 23, 2014	4:00 PM	DFCM web site *

* **NOTE: DFCM's web site address is <http://dfcm.utah.gov>**

STAGE II – OPEN-ENDED MULTI-STEP PRE-QUALIFIED BIDDING PROCESS

Only entities on DFCM’s “Open Ended Pre-Qualified List” of Contractors are allowed to participate in Stage II

1. Invitational Bid Procedures

DFCM will notify each pre-qualified entity via BidSync (www.bidsync.com) when a project is ready for construction services to invite them to bid on the project;

A description of the work and a set of plans/specifications will be available at <http://dfcm.utah.gov> with a link to Bidsync.

A schedule will be provided in the documents showing critical dates including site meetings (if mandatory), questions/answer period, addenda, bid submittal deadline, subcontractor list submittal, etc.

Entities failing to attend a pre-bid site meeting labeled “Mandatory” will not be allowed to bid on that project.

Pre-qualified contractors shall remain on DFCM’s list of pre-qualified contractors provided:

- (a) they receive a performance rating of 4.0 or greater on each DFCM project. If a rating less than 4.0 is received on any single project the contractor will be removed from the pre-qualified list and will not be eligible to re-apply for a minimum of 12 months.
- (b) they are not suspended for poor performance or failure to comply with the requirements of their contract
- (c) the entity has not undergone a significant reorganization involving the loss of key personnel (site superintendents, project managers, owners, etc.) to a degree such that the entity no longer meets the pre-qualification requirements outlined in this document
- (d) the financial viability of the entity has not significantly changed
- (e) the entity is not otherwise disqualified by DFCM

2. Award of Contract

The State of Utah will enter into a contract with the entity submitting the lowest responsive and responsible bid meeting the requirements of the Stage II solicitation documents, provided the entity meets all other DFCM and state procurement requirements pertaining to the invitational bid process.

3. Contract and Bond

The Contractor’s Agreement will be described in the Stage II solicitation document. The selected contractor, simultaneously with the execution of the Contractor’s Agreement, will be required to furnish a performance bond and a payment bond, both bearing original signatures, upon the exact DFCM forms provided in the Stage II – open ended pre-approved bidding documents. The performance and payment bonds shall be for an amount equal to 100% of the contract sum and secured from a company that meets the requirements specified in the requisite forms. Any bonding requirements for subcontractors will be specified in the Stage II solicitation documents.

4. Licensure

The contractor shall comply with and require all of its subcontractors to comply with the license laws as required by the State of Utah.

BID BOND

(Title 63, Chapter 56, U. C. A. 1953, as Amended)

KNOW ALL PERSONS BY THESE PRESENTS:

That _____ hereinafter referred to as the "Principal," and _____, a corporation organized and existing under the laws of the State of _____, with its principal office in the City of _____ and authorized to transact business in this State and U. S. Department of the Treasury Listed, (Circular 570, Companies Holding Certificates of Authority as Acceptable Securities on Federal Bonds and as Acceptable Reinsuring Companies); hereinafter referred to as the "Surety," are held and firmly bound unto the STATE OF UTAH, hereinafter referred to as the "Obligee," in the amount of \$ _____ (5% of the accompanying bid), being the sum of this Bond to which payment the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted to Obligee the accompanying bid incorporated by reference herein, dated as shown, to enter into a contract in writing for the _____ Project.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the said principal does not execute a contract and give bond to be approved by the Obligee for the faithful performance thereof within ten (10) days after being notified in writing of such contract to the principal, then the sum of the amount stated above will be forfeited to the State of Utah as liquidated damages and not as a penalty; if the said principal shall execute a contract and give bond to be approved by the Obligee for the faithful performance thereof within ten (10) days after being notified in writing of such contract to the Principal, then this obligation shall be null and void. It is expressly understood and agreed that the liability of the Surety for any and all defaults of the Principal hereunder shall be the full penal sum of this Bond. The Surety, for value received, hereby stipulates and agrees that obligations of the Surety under this Bond shall be for a term of sixty (60) days from actual date of the bid opening.

PROVIDED, HOWEVER, that this Bond is executed pursuant to provisions of Title 63, Chapter 56, Utah Code Annotated, 1953, as amended, and all liabilities on this Bond shall be determined in accordance with said provisions to same extent as if it were copied at length herein.

IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several seals on the date indicated below, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

DATED this _____ day of _____, 20_____.

Principal's name and address (if other than a corporation):

By: _____

Title: _____

Principal's name and address (if a corporation):

By: _____

Title: _____

(Affix Corporate Seal)

Surety's name and address:

By: _____

Attorney-in-Fact (Affix Corporate Seal)

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____, 20_____, personally appeared before me _____, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that he/she is the Attorney-in-fact of the above-named Surety Company, and that he/she is duly authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings and obligations, and that he/she acknowledged to me that as Attorney-in-fact executed the same.

Subscribed and sworn to before me this _____ day of _____, 20_____.

My Commission Expires: _____

Resides at: _____

Agency: _____
Agent: _____
Address: _____
Phone: _____

NOTARY PUBLIC

Approved As To Form: May 25, 2005
By Alan S. Bachman, Asst. Attorney Genera