



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
DIVISION OF WATERSHED STEWARDSHIP

89 Kings Highway  
DOVER, DELAWARE 19901

OFFICE OF THE  
DIRECTOR

PHONE: (302) 739-9921  
FAX: (302) 739-6724

May 25, 2017

Mr. Charles G. Evans, III, Principal, Vice President  
Ecological Restoration & Management, Inc.  
10600 York Road, Suite 203  
Cockeysville, Maryland 21030

Dear Mr. Evans:

I am pleased to inform you that Ecological Restoration & Management, Inc. has been awarded Contract Number: NAT-201701/BROAD.DUNE for the Broadkill Beach Dune Enhancements Project. We hereby accept your **Base Bid in the amount of \$1,017,407.10 and all Scheduled Unit Prices as stated in your bid submission that was opened on May 17, 2017.**

This contract is for the construction of pedestrian, vehicular and handicap crossovers, the erection of sand fence, the erection of post and rail fence, the planting and seeding of dune grass, and all associated work as described in the plans and specifications prepared by Gahagan and Bryant Associates, 9008-0 Yellow Brick Road, Baltimore, Maryland 21237, dated March, 2017. The project site is located at the northeast end of State Road 16 (Broadkill Beach Road), in the community of Broadkill Beach, in Sussex County, Delaware.

This contract is contingent upon executing a contract and processing a State of Delaware Purchase Order. Please sign and return the original and two (2) copies of the enclosed project contract agreement and the executed payment and performance bonds before June 12, 2017. The contract form **MUST** have the signature of a representative who has the legal capacity to enter your company into a formal contract with the State of Delaware, Department of Natural Resources and Environmental Control, Division of Watershed Stewardship. Return to the following address:

Department of Natural Resources and Environmental Control  
Division of Watershed Stewardship  
89 Kings Highway  
Dover, DE 19901  
Attention: Charles E. Williams, II

A fully executed contract agreement form will be returned to you for your records.

*Delaware's good nature depends on you!*

Mr. Charles E, Evans, III  
May 25, 2017  
Page 2

The awarded vendor(s) will be required to complete the new W-9 Form by visiting the Division of Accounting's website: <http://accounting.delaware.gov/> . It is the vendor's responsibility to act upon this instruction for submitting a new W-9 form. Agencies will not be able to purchase if this is not completed and accepted by the Division of Accounting. If you need assistance or have questions, please contact 302-734-6827 or fax your inquiry to 302-736-7909.

As required, the contractor shall not proceed with any work until receipt of an approved State of Delaware Purchase Order.

We appreciate your interest and look forward to working with you.

Sincerely,  
Original On File

Charles E. Williams, II  
Program Manager

Enclosures: Form of Contract Agreement x 3  
Form of Performance Bond  
Form of Payment Bond

cf: Dennis Urso, Gahagan and Bryant Associates



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
DIVISION OF WATERSHED STEWARDSHIP

89 Kings Highway  
DOVER, DELAWARE 19901

OFFICE OF THE  
DIRECTOR

PHONE: (302) 739-9921  
FAX: (302) 739-6724

July 31, 2017

Mr. Charles G. Evans, Vice President  
Ecological Restoration & Management, Inc.  
10600 York Road, Suite 203  
Cockeysville, Maryland 21030

RE: Notice to Proceed  
DNREC, Division of Watershed Stewardship  
Broadkill Beach Dune Enhancements  
Contract Number: NAT-201701/BROAD.DUNE

Dear Mr. Evans:

Enclosed please find the signed Contract Agreement, the State of Delaware Purchase Order No. 0000387107, and the returned Bid Bond for the referenced project.

In accordance with the project specifications, you are hereby authorized to proceed.

We look forward to working with you during construction. Please feel free to contact our office if you require any additional information concerning this project.

Sincerely,

Original On File

Charles E. Williams, II  
Planner IV

Enclosures: Signed Contract Agreement  
Purchase Order No. 0000387107  
Bid Bond

*Delaware's good nature depends on you!*

**SECTION 3K  
CONTRACT DOCUMENT**

FOR

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL  
BROADKILL BEACH DUNE ENHANCEMENTS  
CONTRACT NO. NAT-201701/BROAD.DUNE**

THIS AGREEMENT, made and executed this 18<sup>th</sup> day of JULY, 2017, by and between ECOLOGICAL RESTORATION & MANAGEMENT, INC. (Hereinafter designated as Contractor) party of the first part, and the Department of Natural Resources and Environmental Control, a Department created under the laws of the State of Delaware (hereinafter designated as Department) party of the second part.

WITNESSETH that the Contractor, in consideration of the covenants and agreements herein contained and made by the Department, agrees to the following:

ARTICLE ONE. The Contractor shall will provide and furnish all the material, supplies, machinery, implements, appliances, tools and labor required to complete this contract in Sussex County, State of Delaware, as shown and specified in the specifications, proposals, drawings or plans as indicated in the project manual issued for the Department, which specifications, proposals, drawings or plans entitled **BROADKILL BEACH DUNE ENHANCEMENTS CONTRACT NO. NAT- 201701/ BROAD.DUNE** is hereby incorporated by reference as part of this contract. This contract will be binding on both parties upon receipt by the Contractor of an approved State of Delaware Purchase Order. The Contractor must prosecute the work in such order as to complete the construction of pedestrian, vehicular, and handicap crossovers, the erection of sand fence, the erection of post and rail fence, and the planting and seeding of dune grass no later than April 1, 2018.

***CONTRACT DOCUMENT (CONTINUED)***

IN WITNESS WHEREOF, the said parties have duly executed this agreement in triplicate the day and year first above written.

IN WITNESS WHEREOF, the parties below have hereunto set their hands on the 5<sup>th</sup> day of June, 2017.

Original On File

ECOLOGICAL RESTORATION & mgm, INC.  
Contractor  
Original On File

Witness

By

Title

VICE PRESIDENT

State of MARYLAND  
County of BALTIMORE

Sworn and subscribed before me this 5<sup>th</sup> day of June, 2017.

Original On File

Notary Public

IN WITNESS WHEREOF, the parties below have hereunto set their hands on the 6<sup>th</sup> day of June, 2017.

Original On File

Original On File

Witness

Project Manager  
Division of Watershed Stewardship

State of Delaware  
County of Kent

Sworn and subscribed before me this 6<sup>th</sup> day of June, 2017.

Original On File

Notary Public

**CONTRACT DOCUMENT (CONTINUED)**

IN WITNESS WHEREOF, the parties below have hereunto set their hands on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Original On File

Original On File

Witness

Director, Division of  
Watershed Stewardship

State of Delaware  
County of Kent

KATHY MARIE OSTERHOUT  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires Upon Office

Sworn and subscribed before me this 17 day of June, 2017.

Original On File

Kathy M. Osterhout  
Notary Public  
Original On File

Witness

Secretary, Department of  
Natural Resources &  
Environmental Control

State of Delaware  
County of Kent

Sworn and subscribed before me this 17th day of June, 2017.

Original On File

Notary Public

VICKI E. WARD  
NOTARY PUBLIC  
STATE OF DELAWARE  
MY COMMISSION EXPIRES ON  
MAY 25, 2018



# Purchase Order

Dispatch via Print

## STATE OF DELAWARE

Division of Accounting  
Department of Finance  
820 Silver Lake Boulevard Suite 200  
Dover DE 19904  
United States

**Vendor:** 0000029968  
ECOLOGICAL RESTORATION  
10600 YORK ROAD  
SUITE 203  
COCKEYSVILLE MD 21030

Purchase Order	Date	Revision	Page
STATE-0000387107	07/18/2017		1
Payment Terms	Freight Terms	Ship Via	
DUE NOW	Destination	Common Car	
Buyer	Phone		
Mullin, Sarah Ann			

**Ship To:** NAT057  
Division of Watershed Stewardship Dover Office  
Department of Natural Resources & Environmental Co  
89 Kings Highway  
Dover DE 19901  
United States

**Attention:** Not Specified

**Bill To:** Division of Watershed Stewardship Dover Office  
Department of Natural Resources & Environmental Co  
89 Kings Highway  
Dover DE 19901  
United States

### Conditions and Instructions to Vendor:

1. Acceptance of this Purchase Order is agreement to accept payment by credit card, ACH or by check at the State's option.
2. All prices F.O.B. destination unless otherwise indicated.
3. This order and the performance thereof shall be construed and governed in accordance with the laws of the State of Delaware.
4. Separate invoices must be submitted for each order. Submit invoice in triplicate.
5. Any price changes must be agreed to by the Ordering Agency prior to submitting invoices.
6. Purchase Order not valid unless signed by Secretary of Department of Finance or designee or under \$5000.00 or marked emergency.

**Tax Exempt ID:** Original On

**Replenishment Option:** Standard

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
1- 1	Construction of pedestrian, vehicular and handicap crossovers, sand fence, post and rail fence, the seeding and planting of dune grass at Broadkill Beach.		1.00	EA	1,017,407.10	1,017,407.10	07/18/2017

**Schedule Total** 1,017,407.10

**Item Total** 1,017,407.10

Critical Essential Needs/Background: To encumber funds for the Broadkill Beach Dunes Enhancements. This will include the construction of pedestrian, vehicular and handicap crossovers, the erection of sand fence, post and rail fence. As well as the planting and seeding of dune grass. In order for this project to meet the standards of a federal shoreline protection project and become a federal-state cost shared project in the future, these tasks must be done. This contract supports DNREC's commitment to this future federal-state cost shared project.

Delaying and/or denying this purchase order request will preclude this project from meeting the criteria to be a federal shoreline protection project at Broadkill Beach in future years.

**Total PO Amount**

1,017,407.10

**Authorized Signature**

Original On File

**SECTION 3B**  
**10% BID BOND TO ACCOMPANY PROPOSAL**  
**(NOT NECESSARY IF CERTIFIED CHECK IS USED)**

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**  
**BROADKILL BEACH DUNE ENHANCEMENTS**  
**CONTRACT NO. NAT-201701/BROAD.DUNE**

KNOW ALL MEN BY THESE PRESENTS That RLI Insurance Company  
of 9025 N. Lindbergh Drive of the County of Peoria and State  
of Illinois as surety, legally authorized to do business in the State of  
Delaware, are held and firmly bound unto the State of Delaware in the sum of \*\*\*\*\*  
dollars or 10 percent (not to exceed \*\*\*\*\* dollars) of amount bid on **Contract No.**  
**NAT-201701/BROAD.DUNE** to be paid to said State of Delaware for the use and benefit of  
Department of Natural resources and Environmental Control (hereinafter referred to as Agency)  
of said State, for which payment well and truly to be made, we do bind ourselves, our and  
each of our heirs, executors, administrators and successors, jointly and severally for and in the  
whole, firmly by these presents.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH That if the above bounden principal  
who has submitted to said Agency of the State of Delaware, a certain proposal to enter into a  
certain contract to be known as **Contract No. NAT-201701/BROAD.DUNE** for the furnishing a  
certain product and/or services within the said State of Delaware shall be awarded said **Contract**  
**No. NAT-201701/BROAD.DUNE** and furnish therewith such surety bond as may be required by  
the terms of said contract and approved by said Agency, said contract and said bond to be entered  
into within twenty days after the date of official notice of the award thereof in accordance with the  
terms of said proposal, then this obligation to be void or else to be and remain in full force and  
virtue.

Sealed with our seal and dated this 17th day of May  
in the year of our Lord 2017.

SEALED AND DELIVERED IN THE

Presence of: Ecological Restoration & Management, Inc. (Seal)

Name of Bidder (Principal)

Witness

Original On File

Original On File

By

(Seal)

Corporate Seal

Original On File

VP

Title

By

RLI Insurance Company (Seal)

Original On File

(Seal)

Jonathan Kibler, Attorney-in-Fact Title



9025 N. Lindbergh Dr. | Peoria, IL 61615  
Phone: (800)645-2402 | Fax: (309)689-2036

# POWER OF ATTORNEY

## RLI Insurance Company

### Contractors Bonding and Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That this Power of Attorney may be effective and given to either or both of **RLI Insurance Company** and **Contractors Bonding and Insurance Company**, required for the applicable bond.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each Illinois corporations (as applicable), each authorized and licensed to do business in all states and the District of Columbia do hereby make, constitute and appoint:

Robert F. White, Shari L. Bowers, Robert N. Oster, Craig Bancroft, Stephen M. Mutscheller, Joshua B. Hauserman, William Francik, Jonathan Kibler, Matthew Rankin, jointly or severally

in the City of Hunt Valley, State of Maryland, as Attorney in Fact, with full power and authority hereby conferred upon him/her to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million Dollars (\$10,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

**RLI Insurance Company** and **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of the Resolution adopted by the Board of Directors of each such corporation, and now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the Corporation shall be executed in the corporate name of the Corporation by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Corporation. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the Corporation. The signature of any such officer and the corporate seal may be printed by facsimile or other electronic image."

IN WITNESS WHEREOF, **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 2nd day of December, 2015.

State of Illinois }  
County of Peoria } SS



**RLI Insurance Company**  
**Contractors Bonding and Insurance Company**  
Original On File

Barton W. Davis

Vice President

On this 2nd day of December, 2015, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, and acknowledged said instrument to be the voluntary act and deed of said corporation.

Original On File

Jacqueline M. Bockler

Notary Public



#### CERTIFICATE

I, the undersigned officer of **RLI Insurance Company**, and/or **Contractors Bonding and Insurance Company**, each Illinois corporations, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 17 day of May, 2017.

**RLI Insurance Company**  
**Contractors Bonding and Insurance Company**  
Original On File

Barton W. Davis

Vice President