

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RALEIGH, N.C.

C202352

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202352

WBS 14CR.20451.8, 14CR.20751.7, 14CR.20881.7 STATE FUNDED

COUNTY OF HENDERSON, POLK, TRANSYLVANIA
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER _____ LENGTH 14.840 MILES
LOCATION 16 SECTIONS OF SECONDARY ROADS.

CONTRACTOR MOORE & SON SITE CONTRACTORS INC
ADDRESS 103 MCDOWELL RD
MILLS RIVER, NC 28759

BIDS OPENED JUNE 16, 2009
CONTRACT EXECUTION _____

Moore Son Site Contractors, Inc. (7361).

Vendor 2 of 2 Vendors for Call Order 037 (Proposal ID C202352).

County: HENDERSON, TRANSYLVANIA, POLK

Address: 103 McDowell Road
Mills River, NC 28759

Phone Number: 828-891-8900

Signature Check: This bid has been properly signed by Rick_L_Moore_7361.

Time Bid Received: Tue Jun 16 09:23:35 2009

Bid Checksum: CF9F2670

Amendment Count: 0

Bidding Errors: No bidding errors

Bid Total: \$1,433,696.60 ✓

Bond ID: SNC09861322

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$71,684.83

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 5/26/2009 10:14:18 AM

Surety Name: Ohio Farmers Insurance Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

MBE Goal SET 3.0%

MBE Goal MET 3.2%

WBE Goal SET 4.0%

WBE Goal MET 8.0%

LIST OF MBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
7942	BORIN WASTE MANAGEMENT DBA DAUG P.O. BOX 807 , BLACK MOUNTAIN, NC 28711		Sub 45,241.40
			TOTAL: \$45,241.40 3.16%

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
7999	HERITAGE HAULING INC. 1559 BETSY LANE , GALIVANTS FERRY, SC 29544		Sub 114,268.00
			TOTAL: \$114,268.00 7.97%

Miscellaneous Data Info - Contractor Responses:
=====

NON-COLLUSION AND DEBARMENT CERTIFICATION

Explanation of the prospective bidder that is unable to certify to any of the statements in this certification:

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. No

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of NOT ANSWERED for those projects indicated herein, for which bids will be opened on (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

Bid Bond Data Info - Contractor Responses:
=====

NCDOT/berc

Vendor 7361's Load Output for Call 037, Letting L090616, 2009-06-16

BondID: SNC09861322

Surety Registry Agency: surety2000

Verified?: Yes

Surety Agency: Ohio Farmers Insurance Company

Bond Execution Date: 5/26/2009 10:14:18 AM

Bond Amount: \$71,684.83 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 05-20-09
Revised:

Contract ID: C202352 Project(s): STATE FUNDED
Letting Date: 06-16-09 Call Order: 037
Bidder: 7361 - Moore & Son Site Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP		LUMP		74,300.00
0002	1245000000-E SHOULDER RECONSTRUCTION	SMI 29.680		4,250.00000		126,140.00
0003	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	TON 2,417.000		41.90000		101,272.30
0004	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON 14,594.000		42.50000		620,245.00
0005	1525100000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A (LEVELING COURSE)	TON 273.000		53.50000		14,605.50
0006	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON 1,007.000		445.00000		448,115.00
0007	2830000000-N ADJUSTMENT OF MANHOLES	EA 1.000		600.00000		600.00
0008	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	EA 5.000		450.00000		2,250.00
0009	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 626,840.000		0.07000		43,878.80
0010	4830000000-E PAINT PAVEMENT MARKING LINES (16")	LF 200.000		1.00000		200.00

State of NC
 Dept of Transportation

Date: 05-20-09
 Revised:

Contract ID: C202352 Project(s): STATE FUNDED
 Letting Date: 06-16-09 Call Order: 037
 Bidder: 7361 - Moore & Son Site Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	4835000000-E PAINT PAVEMENT MARKING LINES (24")	200.000 LF	2.25000		450.00	
0012	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	20.000 EA	82.00000		1,640.00	
Section 0001 Total						1,433,696.60
Bid Total						1,433,696.60

NON-COLLUSION AND DEBARMENT CERTIFICATION

The bidder certifies that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this bid, and that the bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. In addition, submitting this electronic bid constitutes the bidder's certification of Status under penalty of perjury under the laws of the United States and in accordance with the Debarment Certification on file with the Department.

By submitting this bid, the bidder certifies to the best of his knowledge and belief that he and his principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph b. of this certification; and
- d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the prospective bidder is unable to certify to any of the statements in this certification, the bidder shall submit an explanation in the blanks provided herein. The explanation will not necessarily result in denial of participation in a contract.

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

If the prequalified bidder's status changes, he shall immediately submit a new fully executed non-collusion affidavit and debarment certification with an explanation of the change to the Contract Office prior to submitting the bid.

Failure to furnish a certification or an explanation will be grounds for rejection of a bid

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. No

A bidder who desires to bid on more than one project on which bids are to be opened on the same date, and who also desires to avoid receiving an award of more projects than he is equipped to handle, may bid on any number of projects but may limit the total amount of work awarded to him on selected projects by completing the AWARD LIMITS ON MULTIPLE PROJECTS.

The Award Limits on Multiple Projects must be filled in on each project bid for which the Bidder desires protection.

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of NOT ANSWERED for those

projects indicated herein, for which bids will be opened on (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

It is agreed that if I am (we are) the low Bidder(s) on indicated projects, the total value of which is more than the above stipulated award limits, the Board of Transportation will award me (us) projects from among those indicated that have a total value not to exceed the award limit and will result in the lowest total bids to the Department of Transportation.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 MBE COMMITMENT ITEMS

DATE: 05-20-09
 PAGE: 5

PROPOSAL: C202352
 LETTING: L090616 CALL: 037
 VENDOR: 7361 Moore & Son Site Contractors, Inc.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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MBE SUBCONTRACTOR: 7942 BORIN WASTE MANAGEMENT DBA DAUGHERTY WASTE & TRUCK
 Will Use Quote: Yes

0004	1519000000-E	ASP CONC SUR	TON	14594.000	3.10000	45241.40
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MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 45,241.40 *ARM*

TOTAL MBE COMMITMENT FOR VENDOR: Entered: 3.16% or 45241.40
 Required: 3.00% or 43010.90
 <GOAL MET>

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
WBE COMMITMENT ITEMS

DATE:05-20-09
PAGE: 6

PROPOSAL: C202352
LETTING: L090616 CALL: 037
VENDOR: 7361 Moore & Son Site Contractors, Inc.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT

WBE SUBCONTRACTOR: 7999 HERITAGE HAULING INC.						
Will Use Quote: Yes						
0002	1245000000-E	SHOULDER REC	SMI	29.680	3850.00000	114268.00
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						114,268.00

TOTAL WBE COMMITMENT FOR VENDOR:				Entered:	7.97% or	114268.00
				Required:	4.00% or	57347.86
						<GOAL MET>

ARM

Contract Item Sheets For C202352

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	74,300.00	74,300.00
0002	1245000000-E	SP	SHOULDER RECONSTRUCTION	29.68 SMI	4,250.00	126,140.00
0003	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	2,417 TON	41.90	101,272.30
0004	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	14,594 TON	42.50	620,245.00
0005	1525100000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A (LEVELING COURSE)	273 TON	53.50	14,605.50
0006	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,007 TON	445.00	448,115.00
0007	2830000000-N	858	ADJUSTMENT OF MANHOLES	1 EA	600.00	600.00
0008	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	5 EA	450.00	2,250.00
0009	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	626,840 LF	0.07	43,878.80
0010	4830000000-E	1205	PAINT PAVEMENT MARKING LINES (16")	200 LF	1.00	200.00
0011	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	200 LF	2.25	450.00
0012	4840000000-N	1205	PAINT PAVEMENT MARKING CHARACTER	20 EA	82.00	1,640.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,433,696.60 ✓

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT AND DEBARMENT CERTIFICATION
CORPORATION**

The Contractor being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this Contract, and that the Contractor intends to do the work with his own bonafide employees or subcontractors and did not bid for the benefit of another contractor.

By submitting this Execution of Contract, Non-Collusion affidavit and Debarment Certification, the Contractor is certifying his status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR

Moore and Son Site Contractors, Inc.

Full name of Corporation

103 McDowell Road Mills River, NC 28759

Address as Prequalified

Attest Beverly Moore By [Signature]
Secretary/Assistant Secretary ~~TREASURER~~
Select appropriate title

[Signature]
President/Vice President/Assistant Vice President
Select appropriate title

Beverly Moore
Print or type Signer's name

Rick L. Moore
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

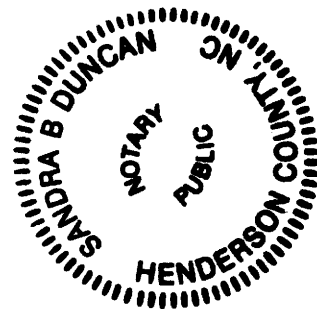
7 day of July 2009

Sandra B Duncan
Signature of Notary Public

of Henderson County

State of North Carolina

My Commission Expires: 6-3-2014



DEBARMENT CERTIFICATION OF CONTRACTOR

Conditions for certification:

1. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that his certification was erroneous when he submitted his debarment certification or explanation that is on file with the Department, or has become erroneous because of changed circumstances.
2. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this provision, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. A copy of the Federal Rules requiring this certification and detailing the definitions and coverages may be obtained from the Contract Officer of the Department.
3. The Contractor agrees by submitting this form, that he will not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in NCDOT contracts, unless authorized by the Department.
4. For Federal Aid projects, the Contractor further agrees that by submitting this form he will include the Federal-Aid Provision titled *Required Contract Provisions Federal-Aid Construction Contract (Form FHWA PR 1273)* provided by the Department, without subsequent modification, in all lower tier covered transactions.
5. The Contractor may rely upon a certification of a participant in a lower tier covered transaction that he is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless he knows that the certification is erroneous. The Contractor may decide the method and frequency by which he will determine the eligibility of his subcontractors.
6. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this provision. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
7. Except as authorized in paragraph 3 herein, the Department may terminate any contract if the Contractor knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available by the Federal Government.

DEBARMENT CERTIFICATION

The Contractor certifies to the best of his knowledge and belief, that he and his principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph b. of this certification; and
- d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- e. If status changes, will submit a revised Debarment Certification immediately.

If the Contractor cannot certify that he is not debarred, he shall provide an explanation with this submittal. An explanation will not necessarily result in denial of participation in a contract.

Failure to submit a non-collusion affidavit and debarment certification will result in the Contractor's bid being considered non-responsive.

Check here if an explanation is attached to this certification.

Contract No **C202352**

Counties: **Henderson, Polk, Transylvania**

**ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION**

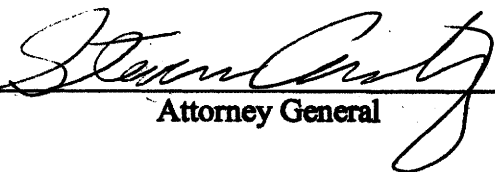


Contract Officer

7/17/09

Date

**Execution of Contract and Bonds
Approved as to Form:**



Attorney General

CONTRACT PAYMENT BOND

Date of Payment Bond Execution June 26, 2009

Name of Principal Contractor Moore & Son Site Contractors

Name of Surety: Ohio Farmers Insurance Company

Name of Contracting Body: **North Carolina Department of Transportation**
Raleigh, North Carolina

Amount of Bond: \$1,433,696.60

Contract ID No.: C202352

Country Name: Henderson, Polk, Transylvania

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall promptly make payment to all persons supplying labor and material in the prosecution of the work provided for in said contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals on the date indicated above, 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.

Contract No.
County

C202352

Henderson, Polk Transylvania

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

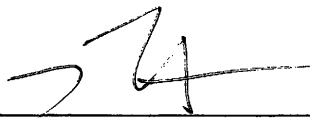
Moore & Son Site Contractors, Inc

Full name of Corporation

103 McDowell Road Mills River, NC 28759

Address as prequalified

By



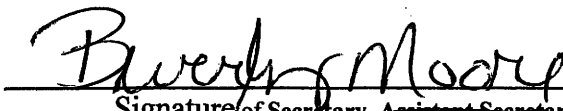
Signature of President, Vice President, Assistant Vice President
Select appropriate title

Rick L. Moore

Print or type Signer's name

Affix Corporate Seal

Attest



Signature of Secretary, Assistant Secretary, Treasurer
Select appropriate title

Beverly Moore •

Print or type Signer's name

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: June 26, 2009

Name of Principal Contractor: Moore & Son Site Contractors, Inc.

Name of Surety: Ohio Farmers Insurance Company

Name of Contracting Body: **North Carolina Department of Transportation**
Raleigh, North Carolina

Amount of Bond: \$1,433,696.60

Contract ID No.: C202352

Country Name: Henderson, Polk, Transylvania

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals on the date indicated above, 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.

Contract No.
County

C202352

Henderson, Polk, Transylvania

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Moore & Son Site Contractors, Inc.

Full name of Corporation

103 McDowell Road Mills River, NC 28759

Address as prequalified

By



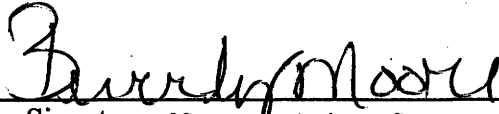
Signature of President, Vice President, Assistant Vice President
Select appropriate title

Rick L. Moore

Print or type Signer's name

Affix Corporate Seal

Attest



Signature of Secretary, Assistant Secretary ~~TREASURER~~
Select appropriate title

Beverly Moore

Print or type Signer's name

General Power of Attorney

Westfield Insurance Co. Westfield National Insurance Co. Ohio Farmers Insurance Co. Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint ROBERT L. CRANFORD, JOYCE C. BIDDIX, RALPH M. DARK, III, JENNIFER L. GORDON, KIM D. VARNER-FULMER, AMY M. TAYLER, DAVID B. SHAFFER, DAVID G. SHAFFER, CHRISTINA M. PERRY, CRYSTAL EISENHOWER, JOINTLY OR SEVERALLY

of HENDERSONVILLE and State of NC its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship-

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact. may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their Senior Executive and their corporate seals to be hereto affixed this 31st day of OCTOBER A.D., 2008 .

Corporate Seals Affixed



WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY OHIO FARMERS INSURANCE COMPANY

Richard L. Kinnaird, Jr. By: Richard L. Kinnaird, Jr., Senior Executive

State of Ohio County of Medina ss.:

On this 31st day of OCTOBER A.D., 2008 , before me personally came Richard L. Kinnaird, Jr. to me known, who, being by me duly sworn, did depose and say, that he resides in Medina, Ohio; that he is Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial Seal Affixed



William J. Kahelin, Attorney at Law, Notary Public My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 26th day of June A.D., 2008.



Frank A. Carrino Secretary

