

RHODES BROS PAVING INC (2953).

Vendor 1 of 2 Vendors for Call Order 045 (Proposal ID C202508).

County: TRANSYLVANIA, JACKSON

Address: 3033 HIGHLANDS RD

FRANKLIN, NC 28734

Phone Number: 828-369-2511

Signature Check: This bid has been properly signed by Billy_R._Rhodes_2953.

Time Bid Received: Tue Jan 19 13:08:37 2010

Bid Checksum: 9D9588F1

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$5,812,953.85 ✓

Bond ID: SNC10170570

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$290,647.69

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 1/7/2010 9:47:37 AM

Surety Name: Westfield Insurance Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

MBE GOAL SET 2.0

MBE GOAL MET 2.0

WBE GOAL SET 3.0

WBE GOAL MET 3.6

Bid Bond Data Info - Contractor Responses:

=====

BondID: SNC10170570
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Westfield Insurance Company
Bond Execution Date: 1/7/2010 9:47:37 AM
Bond Amount: \$290,647.69 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 12-22-09
Revised:

Contract ID: C202508 Project(s): STATE FUNDED
Letting Date: 01-19-10 Call Order: 045
Bidder: 2953 - RHODES BROS PAVING 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			148,000.00
0002	1245000000-E SHOULDER RECONSTRUCTION	SMI 61.630	4,100.00000			252,683.00
0003	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (3")	SY 37,304.000	4.25000			158,542.00
0004	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	TON 2,786.000	52.50000			146,265.00
0005	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	TON 18,463.000	42.50000			784,677.50
0006	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON 34,698.000	41.00000			1,422,618.00
0007	1525100000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A (LEVELING COURSE)	TON 11,731.000	41.75000			489,769.25
0008	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON 3,831.000	550.00000			2,107,050.00
0009	2830000000-N ADJUSTMENT OF MANHOLES	EA 12.000	1,035.00000			12,420.00
0010	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	EA 13.000	630.00000			8,190.00

State of NC
 Dept of Transportation

Date: 12-22-09
 Revised:

Contract ID: C202508 Project(s): STATE FUNDED
 Letting Date: 01-19-10 Call Order: 045
 Bidder: 2953 - RHODES BROS PAVING INC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	4810000000-E PAINT PAVEMENT MARKING LINES (4")	1,847,994.000 LF	0.15000		277,199.10	
0012	4820000000-E PAINT PAVEMENT MARKING LINES (8")	1,350.000 LF	1.20000		1,620.00	
0013	4835000000-E PAINT PAVEMENT MARKING LINES (24")	698.000 LF	4.00000		2,792.00	
0014	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	12.000 EA	59.00000		708.00	
0015	4845000000-N PAINT PAVEMENT MARKING SYMBOL	7.000 EA	60.00000		420.00	
Section 0001 Total					5,812,953.85	
Bid Total					5,812,953.85	✓

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: 12-22-09
 PAGE: 5

PROPOSAL: C202508
 LETTING: L100119 CALL: 045
 VENDOR: 2953 RHODES BROS PAVING INC

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
MBE SUBCONTRACTOR: 2635 ASPHALT UNLIMITED OF ASHEVILLE INC						
Will Use Quote: Yes						
0009	2830000000-N	ADJ MANHOLES EA		12.000	800.00000	9600.00
0010	2845000000-N	ADJ METER OR EA		13.000	600.00000	7800.00
0001	0000100000-N	MOBILIZATION LS		1.000	870.00000	870.00

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 18,270.00 ✓ am

MBE SUBCONTRACTOR: 2941 LAKEVIEW CONSTRUCTION & EQUIPMENT INC
 Will Use Quote: Yes

0003	1297000000-E	MILL ASP PVM SY		37304.000	2.40000	89529.60
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MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 89,529.60 ✓ am

MBE SUBCONTRACTOR: 7362 MICHAEL W FLOYD DBA MICHAEL W FLOYD TRUCKING
 Will Use Quote: Yes

0005	1498000000-E	ASP CONC INT TON		1700.000	6.50000	11050.00
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MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 11,050.00 ✓ am

TOTAL MBE COMMITMENT FOR VENDOR: Entered: 2.04% or 118849.60 ✓ am
 Required: 2.00% or 116259.08
 <GOAL MET>

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 WBE COMMITMENT ITEMS

DATE: 12-22-09
 PAGE: 6

PROPOSAL: C202508
 LETTING: L100119 CALL: 045
 VENDOR: 2953 RHODES BROS PAVING INC

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

WBE SUBCONTRACTOR: 5319 NEW DIMENSIONS IN PAVEMENT MARKING, LLC						
Will Use Quote: Yes						
0011	4810000000-E	PAINT PVMT M LF		1847994.000	0.11000	203279.34
0012	4820000000-E	PAINT PVMT M LF		1350.000	1.00000	1350.00
0013	4835000000-E	PAINT PVT MK LF		698.000	3.00000	2094.00
0014	4840000000-N	PAINT PVT MK EA		12.000	50.00000	600.00
0015	4845000000-N	PAINT PVT MK EA		7.000	50.00000	350.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 207,673.34 ✓ arm

TOTAL WBE COMMITMENT FOR VENDOR: Entered: 3.57% or 207673.34 ✓ arm
 Required: 3.00% or 174388.62
 <GOAL MET>

Contract Item Sheets For C202508

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	148,000.00	148,000.00
0002	1245000000-E	SP	SHOULDER RECONSTRUCTION	61.63 SMI	4,100.00	252,683.00
0003	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (3")	37,304 SY	4.25	158,542.00
0004	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	2,786 TON	52.50	146,265.00
0005	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	18,463 TON	42.50	784,677.50
0006	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	34,698 TON	41.00	1,422,618.00
0007	1525100000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A (LEVELING COURSE)	11,731 TON	41.75	489,769.25
0008	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	3,831 TON	550.00	2,107,050.00
0009	2830000000-N	858	ADJUSTMENT OF MANHOLES	12 EA	1,035.00	12,420.00
0010	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	13 EA	630.00	8,190.00
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0013	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	698 LF	4.00	2,792.00
0014	4840000000-N	1205	PAINT PAVEMENT MARKING CHARAC- TER	12 EA	59.00	708.00
0015	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	7 EA	60.00	420.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$5,812,953.85 ✓

Contract Number C202508
County Transylvania, Jackson

Rev 7-20-08

**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

Rhodes Bros. Paving, Inc.

Full name of Corporation

3033 Highlands Rd., Franklin, NC 28734-3512

Address as Prequalified

Attest

Teddy Ray Rhodes
Secretary ~~Assistant Secretary~~

Select appropriate title

By

Billy Richard Rhodes
President ~~Vice President~~ ~~Assistant President~~ ~~Secretary~~ ~~Treasurer~~

Select appropriate title

Teddy Ray Rhodes

Print or type Signer's name

Billy Richard Rhodes

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

25th day of January 2010

Jandra M Deen

Signature of Notary Public

of Macon County

State of North Carolina

My Commission Expires: 08/25/2012

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.

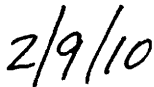
Contract No **C202508**

County (ies): **Jackson-Transylvania**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

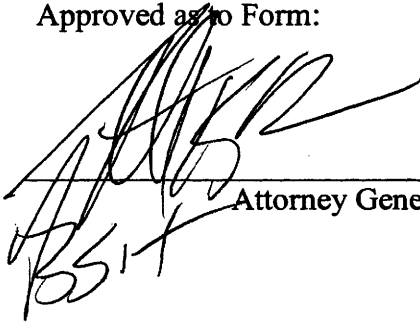


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202508
County Transylvania, Jackson

Rev 2-1-10

CONTRACT PAYMENT BOND

Date of Payment Bond Execution January 28, 2010

Name of Principal Contractor Rhodes Brothers Paving, Inc.

Name of Surety: Westfield Insurance Company

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

Amount of Bond: \$5,812,953.85

Contract ID No.: C202508

County Name: Transylvania, Jackson - WBS#14CR.10501.4

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. C202508
County Transylvania, Jackson

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Westfield Insurance Company

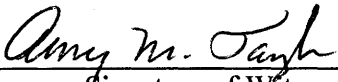
Print or type Surety Company Name

By Jennifer L. Gordon, Attorney-in-Fact

Print, stamp or type name of Attorney-in-Fact



Signature of Attorney-in-Fact



Signature of Witness

Amy M. Tayler, CSR

Print or type Witness's name

PO Box 1109, Hendersonville, NC 28793

Address of Attorney-in-Fact

Contract No. C202508
County Transylvania, Jackson

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

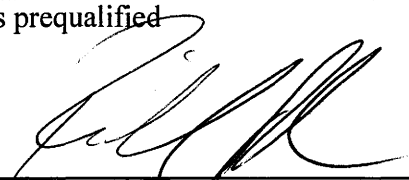
Rhodes Brothers Paving, Inc.

Full name of Corporation

3033 Highlands Road, Franklin, NC 28734

Address as prequalified

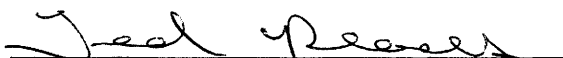
By


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

Richard R Rhodes
Print or type Signer's name

Affix Corporate Seal

Attest


Signature of Secretary, Assistant Secretary
Select appropriate title

Ted Rhodes
Print or type Signer's name

Contract No. C202508
County Transylvania, Jackson

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: January 28, 2010

Name of Principal Contractor: Rhodes Brothers Paving, Inc.

Name of Surety: Westfield Insurance Company

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

Amount of Bond: \$5,812,953.85

Contract ID No.: C202508

Country Name: Transylvania, Jackson - WBS#14CR.10501.4

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. C202508
County Transylvania, Jackson

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

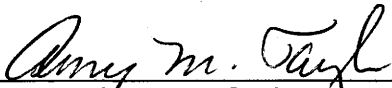
Westfield Insurance Company

Print or type Surety Company Name

By Jennifer L. Gordon, Attorney-in-Fact

Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

Amy M. Tayler, CSR

Print or type Witness's name

PO Box 1109, Hendersonville, NC 28793

Address of Attorney-in-Fact

Contract No. C202508
County Transylvania, Jackson

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

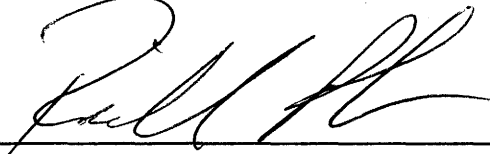
SIGNATURE OF CONTRACTOR (Principal)

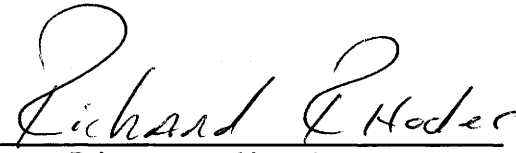
Rhodes Brothers Paving, Inc.

Full name of Corporation

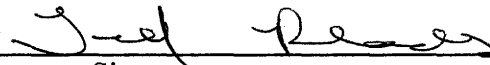
3033 Highlands Road, Franklin, NC 28734

Address as prequalified

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


Print or type Signer's name

Affix Corporate Seal

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


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, AMY M. TAYLER, DAVID B. SHAFFER, DAVID G. SHAFFER, JENNIFER L. GORDON, 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 05th day of AUGUST A.D., 2009 .

Corporate Seals Affixed



WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY OHIO FARMERS INSURANCE COMPANY

Richard L. Kinnaird, Jr. (Signature)

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

State of Ohio County of Medina ss.:

On this 05th day of AUGUST A.D., 2009 , 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 (Signature)

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 28th day of January A.D., 2010 .



Frank A. Carrino (Signature) Secretary