

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

C202629

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202629

WBS 1CR.10081.18, 1CR.10461.16, 1CR.20081.38, 1CR.20081.39, 1CR.20081.40,  
1CR.20081.41, 1CR.20081.42, 1CR.20461.33, 1CR.20461.34, 1CR.20461.35, 1CR.20461.36  
STATE FUNDED

COUNTY OF BERTIE, HERTFORD  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER NC 42 LENGTH 23.510 MILES  
LOCATION NC-42 FROM US-13 TO ECL OF POWELVILLE, NC-461 FROM NC-561 TO  
US-13, AND 9 SECTIONS OF SECONDARY ROADS.

CONTRACTOR ROSE BROTHERS PAVING CO., INC.  
ADDRESS P.O. BOX 806  
AHOSKIE, NC 279100806

BIDS OPENED NOVEMBER 16, 2010  
CONTRACT EXECUTION DEC 13 2010

**ROSE BROTHERS PAVING CO., INC. (3238).**  
**Vendor 1 of 3 Vendors for Call Order 001 (Proposal ID C202629).**

County: BERTIE, HERTFORD

Address: P. O. BOX 806  
AHOSKIE, NC 27910

Phone Number: 252/209-8144

Signature Check: This bid has been properly signed by EUGENE\_T.\_ROSE\_3238.

Time Bid Received: Tue Nov 16 08:16:14 2010

Bid Checksum: 34A4EAA1 MBE GOAL SET 2.0

Amendment Count: 0

Bidding Errors: No bidding errors MBE GOAL MET 2.0

Bid Total: \$2,077,251.22 ✓

Bond ID: CP44-P3TL-TG62-X6NU

Bond was Verified: Yes. WBE GOAL SET 4.0

Bond Required Percent: 5.00%

Minimum Check Amount: \$103,862.56

Bid Security Maximum: \$ WBE GOAL MET 4.0

Bond Agency Name:

Agency Execution Date: 11/16/2010

Surety Name: Fidelity and Deposit Company of Maryland

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

LIST OF MBE PARTICIPANTS

12840 MB	JERRY L. MEBANE, LLC	Sub	41,578.75	✓	arm
	105 ROOSTER LANE , WINDSOR, NC 27893				
		TOTAL:	\$41,578.75	✓	arm
			2.00%		

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT		
5291 WB	ATCO TRANSPORT INC 129 KNOBBS CREEK RD , ELIZABETH CITY, NC 27909		Sub	62,197.50	✓	arm
3056 WB	HOLLAND LANDSCAPING, INC 953 BLACK ROCK ROAD , MERRY HILL, NC 27957		Sub	17,904.00	✓	arm
5266 WB	NORTH STATE ENVIRONMENTAL, INC 2889 LOWERY ST SUITE B , WINSTON-SALEM, NC 27101		Sub	3,030.00	✓	arm
		TOTAL:		\$83,131.50	✓	arm
				4.00%		

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 3238's Load Output for Call 001, Letting L101116, 2010-11-16

BondID: CP44-P3TL-TG62-X6NU  
Surety Registry Agency: SurePathNetwork  
Verified?: Yes  
Surety Agency: Fidelity and Deposit Company of Maryland  
Bond Execution Date: 11/16/2010  
Bond Amount: \$103,862.56 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 10-18-10  
Revised:

Contract ID: C202629 Project(s): STATE FUNDED  
Letting Date: 11-16-10 Call Order: 001  
Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars   Cts	Bid Amount Dollars   Ct
Section 0001 ROADWAY ITEMS				
Alt Group				
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP	100,000.00
0002	0106000000-E BORROW EXCAVATION	CY 360.000	10.00000	3,600.00
0003	1220000000-E INCIDENTAL STONE BASE	TON 605.000	25.00000	15,125.00
0004	1245000000-E SHOULDER RECONSTRUCTION	SMI 16.380	1,800.00000	29,484.00
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY 2,400.000	1.00000	2,400.00
0006	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (1" TO 1-1/2")	SY 9,335.000	1.00000	9,335.00
0007	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (1-1/2" TO 3-1/2")	SY 17,750.000	0.80000	14,200.00
0008	1330000000-E INCIDENTAL MILLING	SY 625.000	6.00000	3,750.00
0009	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	TON 2,024.000	28.50000	57,684.00
0010	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON 12,250.000	28.50000	349,125.00

State of NC  
Dept of Transportation

Date: 10-18-10  
Revised:

Contract ID: C202629 Project(s): STATE FUNDED  
Letting Date: 11-16-10 Call Order: 001  
Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1520000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B (LEVELING COURSE)	1,530.000 TON	28.50000		43,605.00	
0012	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	13,863.000 TON	28.50000		395,095.50	
0013	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,825.000 TON	490.00000		894,250.00	
0014	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	350.000 TON	80.00000		28,000.00	
0015	2830000000-N ADJUSTMENT OF MANHOLES	6.000 EA	400.00000		2,400.00	
0016	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	4.000 EA	350.00000		1,400.00	
0017	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		8,000.00	
0018	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	92,664.000 LF	0.33000		30,579.12	
0019	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	58,826.000 LF	0.40000		23,530.40	
0020	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	150.000 LF	3.00000		450.00	
0021	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	4.000 EA	200.00000		800.00	

State of NC  
 Dept of Transportation

Date: 10-18-10  
 Revised:

Contract ID: C202629 Project(s): STATE FUNDED  
 Letting Date: 11-16-10 Call Order: 001  
 Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	4725000000-E THERMOPLAST IC PAVEMENT MARKINGSYMBOL (90 MILS)	EA 14.000	100.00000		1,400.00	
0023	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (II)	LF 104.000	10.00000		1,040.00	
0024	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 333,112.000	0.10000		33,311.20	
0025	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	EA 565.000	3.00000		1,695.00	
0026	6000000000-E TEMPORARY SILT FENCE	LF 500.000	3.50000		1,750.00	
0027	6036000000-E MATTING FOR EROSION CONTROL	SY 64.000	2.25000		144.00	
0028	6071010000-E WATTLE	LF 160.000	8.00000		1,280.00	
0029	6071020000-E POLYACRYLAM IDE (PAM)	LB 14.000	12.00000		168.00	
0030	6084000000-E SEEDING & MULCHING	ACR 12.000	1,500.00000		18,000.00	
0031	7444000000-E INDUCTIVE LOOP SAWCUT	LF 520.000	10.00000		5,200.00	
0032	7456000000-E LEAD-IN CABLE (***** (14-2)	LF 100.000	4.50000		450.00	
Section 0001 Total						2,077,251.22

State of NC  
Dept of Transportation

Date: 10-18-10  
Revised:

Contract ID: C202629 Project(s): STATE FUNDED  
Letting Date: 11-16-10 Call Order: 001  
Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
	Bid Total				2,077,251.22	



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.





## Contract Item Sheets For C202629

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	100,000.00	100,000.00
0002	0106000000-E	230	BORROW EXCAVATION	360 CY	10.00	3,600.00
0003	1220000000-E	545	INCIDENTAL STONE BASE	605 TON	25.00	15,125.00
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	16.38 SMI	1,800.00	29,484.00
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	2,400 SY	1.00	2,400.00
0006	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (1" TO 1-1/2")	9,335 SY	1.00	9,335.00
0007	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (1-1/2" TO 3-1/2")	17,750 SY	0.80	14,200.00
0008	1330000000-E	607	INCIDENTAL MILLING	625 SY	6.00	3,750.00
0009	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	2,024 TON	28.50	57,684.00
0010	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	12,250 TON	28.50	349,125.00
0011	1520000000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE S9.5B (LEVELING COURSE)	1,530 TON	28.50	43,605.00
0012	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	13,863 TON	28.50	395,095.50
0013	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,825 TON	490.00	894,250.00
0014	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	350 TON	80.00	28,000.00
0015	2830000000-N	858	ADJUSTMENT OF MANHOLES	6 EA	400.00	2,400.00
0016	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	4 EA	350.00	1,400.00

## Contract Item Sheets For C202629

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	8,000.00	8,000.00
0018	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	92,664 LF	0.33	30,579.12
0019	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	58,826 LF	0.40	23,530.40
0020	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	150 LF	3.00	450.00
0021	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	4 EA	200.00	800.00
0022	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	14 EA	100.00	1,400.00
0023	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (II)	104 LF	10.00	1,040.00
0024	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	333,112 LF	0.10	33,311.20
0025	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	565 EA	3.00	1,695.00
0026	6000000000-E	1605	TEMPORARY SILT FENCE	500 LF	3.50	1,750.00
0027	6036000000-E	1631	MATTING FOR EROSION CONTROL	64 SY	2.25	144.00
0028	6071010000-E	SP	WATTLE	160 LF	8.00	1,280.00
0029	6071020000-E	SP	POLYACRYLAMIDE (PAM)	14 LB	12.00	168.00
0030	6084000000-E	1660	SEEDING & MULCHING	12 ACR	1,500.00	18,000.00
0031	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	520 LF	10.00	5,200.00
0032	7456000000-E	1726	LEAD-IN CABLE (***** (14-2)	100 LF	4.50	450.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,077,251.22 ✓

**EXECUTION OF CONTRACT  
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN 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, that the Contractor has not been convicted of violating N.C.G.S. § 133-24 within the last three years, and that the Contractor intends to do the work with its 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.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

**SIGNATURE OF CONTRACTOR**

Rose Brothers Paving Company, Inc.

\_\_\_\_\_  
Full name of Corporation

Post Office Box 806, Ahoskie, North Carolina 27910

\_\_\_\_\_  
Address as Prequalified

Attest Eugene T. Rose  
~~Secretary/Assistant Secretary~~  
Select appropriate title

By Walter F. Rose, Jr.  
~~President/Vice President/Assistant Vice President~~  
Select appropriate title

Eugene T. Rose  
Print or type Signer's name

Walter F. Rose, Jr.  
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the  
12<sup>th</sup> day of December 2010

Benny Allen  
Signature of Notary Public

**NOTARY SEAL**

of Northampton County

State of North Carolina

My Commission Expires: May 17, 2012

## DEBARMENT CERTIFICATION

### Conditions for certification:

1. The prequalified bidder shall provide immediate written notice to the Department if at any time the bidder learns that his certification was erroneous when he submitted his debarment certification or explanation filed 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 prequalified bidder 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 prequalified bidder 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 prequalified bidder 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 bidder 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 6 herein, the Department may terminate any contract if the bidder 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 prequalified 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.
- e. Will submit a revised Debarment Certification immediately if his status changes and will show in his bid proposal an explanation for the change in status.

If the prequalified bidder 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 prequalified bidder's bid being considered non-responsive.

Check here if an explanation is attached to this certification.

**Contract No**      **C202629**

**County (ies):**    **Bertie & Hertford**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**

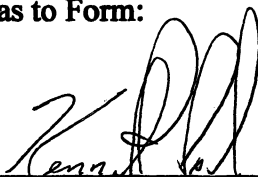


\_\_\_\_\_  
**Contract Officer**

12/13/10

\_\_\_\_\_  
**Date**

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



\_\_\_\_\_  
**Attorney General**

Contract No. C202629  
County Bertie, Hertford

Rev 2-1-10

Bond No. 09029900

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution December 6, 2010

Name of Principal Contractor Rose Brothers Paving Company, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: Two Million Seventy Seven Thousand  
Two Hundred Fifty One Dollars and 22/100 ( \$2,077,251.22 )

Contract ID No.: C202629

County Name: Bertie, Hertford

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. C202629  
County Bertie, Hertford

Rev 2-1-10

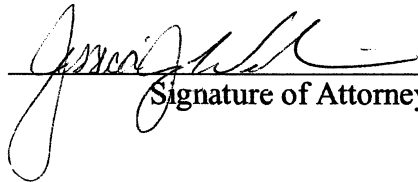
**CONTRACT PAYMENT BOND**


*Affix Seal of Surety Company*

Fidelity and Deposit Company of Maryland  
Print or type Surety Company Name



By Jessica J. Winfree  
Print, stamp or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

Debra S. Ritter, NC Resident Agent  
Print or type Signer's name

1001 Haxall Point, Suite 800  
Richmond, VA 23219  
Address of Attorney-in-Fact

**CONTRACT PAYMENT BOND**  
**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Rose Brothers Paving Company, Inc.  
Full name of Corporation

P.O. Box 806, Ahoskie, NC 27910  
Address as prequalified

By Walter F. Rose, Jr.  
Signature of ~~President, Vice President, Assistant Vice President~~  
Select appropriate title

Walter F. Rose, Jr.  
Print or type Signer's name

*Affix Corporate Seal*

Attest Eugene T. Rose  
Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

Eugene T. Rose  
Print or type Signer's name

Contract No. C202629  
County Bertie, Hertford

Rev 2-1-10

Bond No. 09029900

### CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: December 6, 2010

Name of Principal Contractor: Rose Brothers Paving Company, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: Two Million Seventy Seven Thousand  
Two Hundred Fifty One Dollars and 22/100 (\$2,077,251.22 )

Contract ID No.: C202629

County Name: Bertie, Hertford

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:

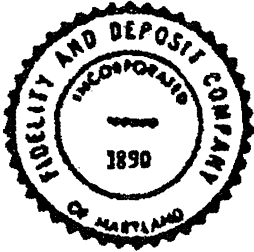
NOW THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the 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.

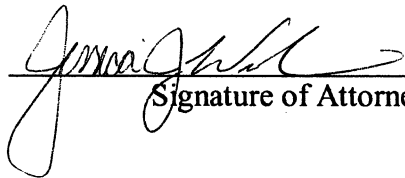
**CONTRACT PERFORMANCE BOND**


*Affix Seal of Surety Company*

Fidelity and Deposit Company of Maryland  
Print or type Surety Company Name



By Jessica J. Winfree  
Print, stamp or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

Debra S. Ritter, NC Resident Agent  
Print or type Signer's name

1001 Haxall Point, Suite 800  
Richmond, VA 23219  
Address of Attorney-in-Fact

**CONTRACT PERFORMANCE BOND**  
**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Rose Brothers Paving Company, Inc.  
Full name of Corporation

P.O. Box 806, Ahoskie, NC 27910  
Address as prequalified

By Walter F. Rose, Jr.  
Signature of ~~President, Vice President, Assistant Vice President~~  
Select appropriate title

Walter F. Rose, Jr.  
Print or type Signer's name

*Affix Corporate Seal*

Attest Eugene T. Rose  
Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

Eugene T. Rose  
Print or type Signer's name



**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by Frank E. Martin, Jr., Vice President and Gerald F. Haley, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the next page hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint:

**Jessica J. Winfree**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

of Richmond, VA, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: Bond or undertaking number 09029900, issued on behalf of Rose Brothers Paving Company, Inc., as Principal in a penalty not to exceed the sum of See Bond Form (\$See Bond Form) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, MD, in their own proper persons.

The said Assistant Secretary does hereby certify that the extract set forth on the next page hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND this 4th day of September, A.D. 2007.



ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

*Gerald F. Haley*

Gerald F. Haley Assistant Secretary

*Frank E. Martin Jr.*

Frank E. Martin, Jr. Vice President

State of Maryland }  
County of Baltimore } ss:

On this 4th day of September, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came Frank E. Martin, Jr., Vice President, and Gerald F. Haley, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposed and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Connie A. Dunn*

Connie A. Dunn Notary Public  
My Commission Expires: July 14, 2011

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President or any Vice President that is specially authorized by the Board of Directors or the Chairman in concurrence with the Corporate Secretary, shall have the power, by and with the concurrence of the Secretary, to appoint Attorney-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto.”

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: “That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.”

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 6th day of December , 2010 .



L.L. Goucher

*Assistant Secretary*

