

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

C202711

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202711

WBS

11CR.10861.18, 11CR.10991.18, 11CR.20861.18, 11CR.20991.18 STATE FUNDED

COUNTY OF SURRY, YADKIN  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER LENGTH 20.910 MILES  
LOCATION 1 SECTION OF US-52 BUS, 1 SECTION OF NC-89, 1 SECTION OF NC-67 & 9 SECTIONS OF SECONDARY ROADS.

CONTRACTOR CARL ROSE & SONS, INC.  
ADDRESS P.O. BOX 786  
ELKIN, NC 286210786

BIDS OPENED FEBRUARY 15, 2011  
CONTRACT EXECUTION MAR 09 2011

**Carl Rose and Sons, Inc (3619).**

**Vendor 1 of 2 Vendors for Call Order 024 (Proposal ID C202711).**

County: SURRY, YADKIN

Address: P.O.Box 786  
Elkin, NC 28621

Phone Number: 336-835-7506

Signature Check: This bid has been properly signed by Dean\_Rose\_3619.

Time Bid Received: Tue Feb 15 13:25:05 2011

Bid Checksum: 902DD316

MBE GOAL SET 4.0

Amendment Count: 0

Bidding Errors: No bidding errors. ✓

Bid Total: \$2,172,128.58 ✓

MBE GOAL MET 4.3

Bond ID: SNC11657374

Bond was Verified: Yes.

Bond Required Percent: 5.00%

WBE GOAL SET 5.0

Minimum Check Amount: \$108,606.43

Bid Security Maximum: \$

WBE GOAL MET 5.1

Bond Agency Name:

Agency Execution Date: 1/26/2011 3:45:42 PM

Surety Name: Pacific Indemnity Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.



Bid Bond Data Info - Contractor Responses:

=====

BondID SNC11657374  
Surety Registry Agency surety2000  
Verified? Yes  
Surety Agency: Pacific Indemnity Company  
Bond Execution Date: 1/26/2011 3 45 42 PM  
Bond Amount. \$108,606.43 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 01-18-11  
Revised.

Contract ID C202711 Project(s): STATE FUNDED  
Letting Date. 02-15-11 Call Order 024  
Bidder. 3619 - Carl Rose and Sons, 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			54,390 00
0002	0106000000-E BORROW EXCAVATION	CY 6,120.000	8.00000			48,960 00
0003	1220000000-E INCIDENTAL STONE BASE	TON 1,055.000	34.00000			35,870.00
0004	1245000000-E SHOULDER RECONSTRUCTION	SMI 40.800	2,500.00000			102,000.00
0005	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 1-1/2")	SY 1,843.000	3.50000			6,450.50
0006	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 3")	SY 12,000.000	1.65000			19,800.00
0007	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON 19,565.000	37.75000			738,578.75
0008	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	TON 5,430.000	37.50000			203,625.00
0009	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON 1,527.000	523.55000			799,460.85
0010	2800000000-N ADJUSTMENT OF CATCH BASINS	EA 4.000	650 00000			2,600.00

State of NC  
 Dept of Transportation

Date. 01-18-11  
 Revised

Contract ID C202711 Project(s). STATE FUNDED  
 Letting Date: 02-15-11 Call Order 024  
 Bidder. 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	2830000000-N ADJUSTMENT OF MANHOLES	EA 21 000	630.00000		13,230	00
0012	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	EA 16 000	650.00000		10,400	00
0013	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 889,106 000	0.08000		71,128.48	
0014	4830000000-E PAINT PAVEMENT MARKING LINES (16")	LF 200.000	3.50000		700.00	
0015	4835000000-E PAINT PAVEMENT MARKING LINES (24")	LF 386 000	4.50000		1,737	00
0016	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	EA 20.000	40.00000		800	00
0017	4845000000-N PAINT PAVEMENT MARKING SYMBOL	EA 60.000	40.00000		2,400	00
0018	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	EA 903.000	30.00000		27,090.00	
0019	6084000000-E SEEDING & MULCHING	ACR 24 480	1,150 00000		28,152	00
0020	7444000000-E INDUCTIVE LOOP SAWCUT	LF 1,025.000	4.64000		4,756	00
	Section 0001 Total				2,172,128.58	
	Bid Total				2,172,128 58	

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: 01-18-11  
 PAGE: 5

PROPOSAL: C202711  
 LETTING: L110215 CALL: 024  
 VENDOR: 3619 Carl Rose and Sons, Inc

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

MBE SUBCONTRACTOR: 4705 DENNIS A SALES DBA SALES GRADING  
 Will Use Quote: Yes

0007	1519000000-E	ASP CONC SUR TON	510.000	60.00000	30600.00
0008	1525000000-E	ASP CONC SUR TON	158.000	60.00000	9480.00

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 40,080.00 ✓ arm

MBE SUBCONTRACTOR: 4435 KENNETH LEON MARTIN DBA MARTIN & MARTIN  
 Will Use Quote: Yes

0007	1519000000-E	ASP CONC SUR TON	310.000	73.00000	22630.00
0008	1525000000-E	ASP CONC SUR TON	76.000	73.00000	5548.00

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 28,178.00 ✓ arm

MBE SUBCONTRACTOR: 7505 SLOAN TRUCKING  
 Will Use Quote: Yes

0007	1519000000-E	ASP CONC SUR TON	335.000	60.00000	20100.00
0008	1525000000-E	ASP CONC SUR TON	79.000	60.00000	4740.00

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 24,840.00 ✓ arm

TOTAL MBE COMMITMENT FOR VENDOR:	Entered:	4.29% or	93098.00	✓ arm
	Required:	4.00% or	86885.14	
			<GOAL MET>	

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
WBE COMMITMENT ITEMS

DATE: 01-18-11  
PAGE: 6

PROPOSAL: C202711  
LETTING: L110215 CALL: 024  
VENDOR: 3619 Carl Rose and Sons, Inc

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT	
-----							
WBE SUBCONTRACTOR: 8932 A & R MATERIALS, LLC							
Will Use Quote: Yes							
0009	1560000000-E	ASP FOR PLAN TON		150.000	520.00000	78000.00	
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						<del>78,000.00</del>	46,800.00 ✓ arm
WBE SUBCONTRACTOR: 4434 LONG BROTHERS OF SUMMERFIELD, INC.							
Will Use Quote: Yes							
0009	1560000000-E	ASP FOR PLAN TON		25.000	15.50000	387.50	
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						387.50	✓ arm
WBE SUBCONTRACTOR: 4388 FOOTHILLS CONSTRUCTION SERV INC							
Will Use Quote: Yes							
0003	1220000000-E	INCIDENTAL S TON		1055.000	34.00000	35870.00	
0019	6084000000-E	SEEDING AND ACR		24.480	1150.00000	28152.00	
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						64,022.00	✓ arm
TOTAL WBE COMMITMENT FOR VENDOR:					Entered:	5.12% or	111209.50 ✓ arm
					Required:	5.00% or	108606.43 ✓ arm
							<GOAL MET>

## Contract Item Sheets For C202711

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	54,390.00	54,390.00
0002	0106000000-E	230	BORROW EXCAVATION	6,120 CY	8.00	48,960.00
0003	1220000000-E	545	INCIDENTAL STONE BASE	1,055 TON	34.00	35,870.00
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	40.8 SMI	2,500.00	102,000.00
0005	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 1-1/2")	1,843 SY	3.50	6,450.50
0006	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 3")	12,000 SY	1.65	19,800.00
0007	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	19,565 TON	37.75	738,578.75
0008	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	5,430 TON	37.50	203,625.00
0009	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,527 TON	523.55	799,460.85
0010	2800000000-N	858	ADJUSTMENT OF CATCH BASINS	4 EA	650.00	2,600.00
0011	2830000000-N	858	ADJUSTMENT OF MANHOLES	21 EA	630.00	13,230.00
0012	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	16 EA	650.00	10,400.00
0013	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	889,106 LF	0.08	71,128.48
0014	4830000000-E	1205	PAINT PAVEMENT MARKING LINES (16")	200 LF	3.50	700.00
0015	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	386 LF	4.50	1,737.00
0016	4840000000-N	1205	PAINT PAVEMENT MARKING CHARAC- TER	20 EA	40.00	800.00
0017	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	60 EA	40.00	2,400.00
0018	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	903 EA	30.00	27,090.00

Contract Item Sheets For C202711

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	6084000000-E	1660	SEEDING & MULCHING	24.48 ACR	1,150.00	28,152.00
0020	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	1,025 LF	4.64	4,756.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,172,128.58

1435/Feb24/Q939347.28/D60859100000/E20



C202711

Contract No. \_\_\_\_\_  
County Surry, Yadkin

Rev. 7-12-10

**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**

CARL ROSE & SONS, INC.

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

P O. BOX 786 ELKIN, NORTH CAROLINA 28621

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

Attest

C. Dean Rose  
Secretary/Assistant Secretary  
Select appropriate title

By

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

C. DEAN ROSE

\_\_\_\_\_  
Print or type Signer's name

DALE E. ROSE

\_\_\_\_\_  
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the

28<sup>th</sup> day of February 2011.

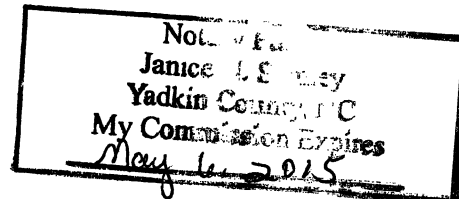
Janice N. Stanley  
Signature of Notary Public

**NOTARY SEAL**

of Yadkin County

State of North Carolina

My Commission Expires: May 6, 2015



## 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.

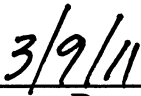
**Contract No**      **C202711**

**County (ies):**    **Surry, Yadkin**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**



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



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

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



\_\_\_\_\_  
**Asst. Attorney General**



Contract No. C202711  
County SURRY, YADKIN

Rev 2-1-10

Bond No. 8205-53-52

**CONTRACT PAYMENT BOND**

Date of Payment Bond Execution March 4, 2011

Name of Principal Contractor Carl Rose & Sons, Inc.

Name of Surety: Pacific Indemnity Company

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

Amount of Bond: Two Million One Hundred Seventy Two  
Thousand One Hundred Twenty Eight Dollars and 58/100 ( \$2,172,128.58 )

Contract ID No.. C202711

County Name: SURRY, YADKIN

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. C202711  
County SURRY, YADKIN

Rev 2-1-10

**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

Pacific Indemnity Company  
Print or type Surety Company Name



By Wendy E. Lahm  
Print, stamp or type name of Attorney-in-Fact

Wendy E. Lahm  
Signature of Attorney-in-Fact

John D. Leak, III  
Signature of Witness

John D. Leak, III  
Print or type Signer's name

6100 Fairview Road  
Charlotte, NC 28210  
Address of Attorney-in-Fact

Contract No. C202711  
County SURRY, YADKIN

Rev 2-1-10

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

CARL ROSE & SONS, INC.

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

P O. BOX 786 ELKIN, NORTH CAROLINA 28621

\_\_\_\_\_  
Address as prequalified

By 

\_\_\_\_\_  
Signature of President, Vice President, Assistant Vice President  
*Select appropriate title*

DALE E. ROSE

\_\_\_\_\_  
Print or type Signer's name

*Affix Corporate Seal*

Attest



\_\_\_\_\_  
Signature of Secretary, Assistant Secretary  
*Select appropriate title*

C. DEAN ROSE

\_\_\_\_\_  
Print or type Signer's name



**Chubb  
Surety**

**POWER  
OF  
ATTORNEY**

**Federal Insurance Company  
Vigilant Insurance Company  
Pacific Indemnity Company**

**Attn: Surety Department  
15 Mountain View Road  
Warren, NJ 07059**

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint

Wendy E. Lahm

as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, the following Surety Bond:

Surety Bond Number : 8205-53-52  
Oblige : North Carolina Department of Transportation

And the execution of such bond or obligation by such Attorney- in- Fact in the Company's name and on its behalf as surety thereon or otherwise, under its corporate seal, in pursuance of the authority hereby conferred shall, upon delivery thereof, be valid and binding upon the Company.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 20<sup>th</sup> day of November, 2008.

*Kenneth C. Wendel*

Kenneth C. Wendel, Assistant Secretary

*Richard A. Ciullo*

Richard A. Ciullo, Vice President

STATE OF NEW JERSEY

ss.

County of Somerset

On this 20<sup>th</sup> day of November, 2008, before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with Richard A. Ciullo, and knows him to be Vice President of said Companies; and that the signature of Richard A. Ciullo, subscribed to said Power of Attorney is in the genuine handwriting of Richard A. Ciullo, and was thereto subscribed by authority of said By- Laws and in deponent's presence.

Notarial  
Seal



**WENDIE WALSH**  
Notary Public, State of New Jersey  
No. 0054504  
Commission Expires April 18, 2013

*Wendie Walsh*

Notary

Public

**CERTIFICATION**

Extract from the By- Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- in- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By- Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 4th day of March, 2011



*Kenneth C. Wendel*

Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com

Contract No. C202711  
County SURRY, YADKIN

Rev 2-1-10

Bond No. 8205-53-52

### CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: March 4, 2011

Name of Principal Contractor: Carl Rose & Sons, Inc.

Name of Surety: Pacific Indemnity Company

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

Amount of Bond: Two Million One Hundred Seventy Two  
Thousand One Hundred Twenty Eight Dollars and 58/100 ( \$2,172,128.58 )

Contract ID No.: C202711

County Name: SURRY, YADKIN

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. C202711  
County SURRY, YADKIN

Rev 2-1-10

**CONTRACT PERFORMANCE BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)


CARL ROSE & SONS, INC.

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

P O. BOX 786 ELKIN, NORTH CAROLINA 28621

\_\_\_\_\_  
Address as prequalified

By



\_\_\_\_\_  
Signature of President, Vice President, Assistant Vice President  
*Select appropriate title*

DALE E. ROSE

\_\_\_\_\_  
Print or type Signer's name

*Affix Corporate Seal*

Attest



\_\_\_\_\_  
Signature of Secretary, Assistant Secretary  
*Select appropriate title*

C. DEAN ROSE

\_\_\_\_\_  
Print or type Signer's name



**Chubb  
Surety**

**POWER  
OF  
ATTORNEY**

**Federal Insurance Company  
Vigilant Insurance Company  
Pacific Indemnity Company**

**Attn: Surety Department  
15 Mountain View Road  
Warren, NJ 07059**

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint

Wendy E. Lahm

as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, the following Surety Bond:

Surety Bond Number : 8205-53-52  
Obligee : North Carolina Department of Transportation

And the execution of such bond or obligation by such Attorney-in-Fact in the Company's name and on its behalf as surety thereon or otherwise, under its corporate seal, in pursuance of the authority hereby conferred shall, upon delivery thereof, be valid and binding upon the Company.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 20<sup>th</sup> day of November, 2008.

*Kenneth C. Wendel*

Kenneth C. Wendel, Assistant Secretary

*Richard A. Ciullo*

Richard A. Ciullo, Vice President

STATE OF NEW JERSEY

ss.

County of Somerset

On this 20<sup>th</sup> day of November, 2008, before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with Richard A. Ciullo, and knows him to be Vice President of said Companies; and that the signature of Richard A. Ciullo, subscribed to said Power of Attorney is in the genuine handwriting of Richard A. Ciullo, and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial  
Seal



**WENDIE WALSH**  
Notary Public, State of New Jersey  
No. 0054504  
Commission Expires April 18, 2013

*Wendie Walsh*

Notary

Public

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Kenneth C. Wendel, Assistant Secretary

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