

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

C202898

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202898

WBS 1C.021027, 1CR.10941.10, 1CR.20211.19, 1CR.20941.16 STATE FUNDED

COUNTY OF CHOWAN, WASHINGTON
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER NC 32 LENGTH 20.300 MILES
LOCATION 1 SECTION OF NC-32 AND 3 SECTIONS OF SECONDARY ROADS.

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

BIDS OPENED JANUARY 17, 2012
CONTRACT EXECUTION FEB 13 2012

Vendor 1 of 3: ROSE BROTHERS PAVING CO., INC. (3238) Call Order 009 (Proposal: C202898)

Bid Information

County: CHOWAN

Address: P. O. Box 806
Ahoskie , nc , 27910

Signature Check: EUGENE_T._ROSE_3238

Time Bid Received: January 16, 2012 01:57 PM

Amendment Count: 0

Bid Checksum: A2B21D58

Bid Total: \$1,964,306.92

Items Total: \$1,964,306.92 ✓

Time Total: \$0.00

Bidding Errors:

None.

MBE GOAL SET 3.0

MBE GOAL MET 3.0

WBE GOAL SET 3.0

WBE GOAL MET 3.0

**Vendor 1 of 3: ROSE BROTHERS PAVING CO., INC. (3238)
Call Order 009 (Proposal: C202898)**

Bid Bond Information

Projects:
Counties:
Bond ID: NTXD-ETB5-UFGQ-GVXR
Paid by Check: No
Bond Percent:

Bond Maximum:
State of Incorporation:
Agency Execution Date: 1-17-12
Surety Name: SurePathNetwork
Bond Agency Name: Fidelity and Deposit
Company of Maryland

Vendor 3238's Bid Information for Call 009, Letting L120117, 01/17/12

Rose Brothers Paving Company, Inc. (3238)
Call Order 009 (Proposal ID C202898)

LIST OF MBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT	
10557	MB M TRUCKING CORP 408 CONFEDERATE ST , WINDSOR, NC 27983		Sub 58,947.50	✓ arm
			TOTAL: \$58,947.50	✓ arm
			3.00%	

Vendor 3238's Bid Information for Call 009, Letting L120117, 01/17/12

Rose Brothers Paving Company, Inc. (3238)
Call Order 009 (Proposal ID C202898)

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT	
3585	WB SPIVEY PAVEMENT MARKINGS, INC. POST OFFICE BOX 6677 , CHESAPEAKE, VA 233230677		Sub 70,631.60	✓ arm
			TOTAL: \$70,631.60	✓ arm
			3.60%	

Vendor 3238's Bid Information for Call 009, Letting L120117, 01/17/12

Rose Brothers Paving Company, Inc. (3238)
Call Order 009 (Proposal ID C202898)

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:

=====

BondID: NTXD-ETB5-UFGQ-GVXR
Surety Registry Agency: SurePathNetwork
Verified?: Yes
Surety Agency: Fidelity and Deposit Company of Maryland
Bond Execution Date: 1-17-12
Bond Amount: \$98,215.35 (Five Percent of Bid)

Contract ID: C202898 Project(s): STATE FUNDED
Letting Date: 01-17-12 Call Order: 009
Bidder: 3238 - Rose Brothers Paving Company, 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			98,500.00
0002	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" (0" TO 6")	SY	35,200.000	1.30000		45,760.00
0003	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	TON	717.000	35.00000		25,095.00
0004	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	15,404.000	30.00000		462,120.00
0005	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	TON	8,895.000	31.00000		275,745.00
0006	1575000000-E ASPHALT BINDER FOR PLANT MIX	TON	1,551.000	619.00000		960,069.00
0007	4399000000-N TEMPORARY TRAFFIC CONTROL	LUMP	LUMP			12,000.00
0008	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF	704,816.000	0.12000		84,577.92
0009	4815000000-E PAINT PAVEMENT MARKING LINES (6")	LF	200.000	1.10000		220.00
0010	4820000000-E PAINT PAVEMENT MARKING LINES (8")	LF	200.000	1.10000		220.00
	Section 0001 Total					1,964,306.92

Dept of Transportation

Revised:

Contract ID: C202898

Project(s): STATE FUNDED

Letting Date: 01-17-12 Call Order: 009

Bidder: 3238 - Rose Brothers Paving Company, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
	Bid Total				1,964,306.92	

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.

MBE COMMITMENT ITEMS

PROPOSAL: C202898

LETTING: L120117

CALL: 009

VENDOR: 3238 Rose Brothers Paving Company, Inc.

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

MBE SUBCONTRACTOR: 10557 M TRUCKING CORP						
Will Use Quote: Yes						
0004	1519000000-E	ASP CONC SUR	TON	4000.000	8.50000	34000.00
	HAUL MATERIALS ONLY					
0005	1525000000-E	ASP CONC SUR	TON	2935.000	8.50000	24947.50
	HAUL MATERIALS ONLY					

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: arm 58,947.50

TOTAL MBE COMMITMENT FOR VENDOR: Entered: 3.00% or 58947.50
 Required: 3.00% or 58929.21
 <GOAL MET>

WBE COMMITMENT ITEMS

PROPOSAL: C202898
 LETTING: L120117 CALL: 009
 VENDOR: 3238 Rose Brothers Paving Company, Inc.

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

WBE SUBCONTRACTOR: 3585 SPIVEY PAVEMENT MARKINGS, INC.						
Will Use Quote: Yes						
0008	4810000000-E	PAINT PVMT M LF MARKING ONLY		704816.000	0.10000	70481.60
0009	4815000000-E	PAINT PVMT M LF MARKING ONLY		200.000	0.25000	50.00
0010	4820000000-E	PAINT PVMT M LF MARKING ONLY		200.000	0.50000	100.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

✓ am 70,631.60
 ✓ am

TOTAL WBE COMMITMENT FOR VENDOR:

Entered: 3.60% or 70631.60
 Required: 3.00% or 58929.21
 <GOAL MET>

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	98,500.00	98,500.00
0002	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** (0" TO 6")	35,200 SY	1.30	45,760.00
0003	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	717 TON	35.00	25,095.00
0004	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	15,404 TON	30.00	462,120.00
0005	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	8,895 TON	31.00	275,745.00
0006	1575000000-E	620	ASPHALT BINDER FOR PLANT MIX	1,551 TON	619.00	960,069.00
0007	4399000000-N	1105	TEMPORARY TRAFFIC CONTROL	Lump Sum LS	12,000.00	12,000.00
0008	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	704,816 LF	0.12	84,577.92
0009	4815000000-E	1205	PAINT PAVEMENT MARKING LINES (6")	200 LF	1.10	220.00
0010	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	200 LF	1.10	220.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,964,306.92

**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

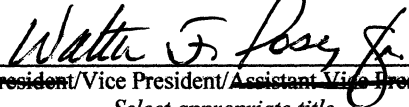
Rose Brothers Paving Company, Inc.

Full name of Corporation

Post Office Box 806, Ahoskie, NC 27910

Address as Prequalified

Attest 
Secretary/Assistant Secretary
Select appropriate title

By 
President/Vice President/Assistant Vice President
Select appropriate title

Eugene T. Rose
Print or type Signer's name

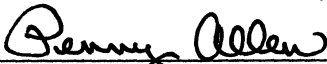
Walter F. Rose, Jr.
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

3rd day of February 2012



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.

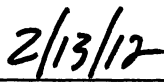
Contract No **C202898**

County (ies): **Washington, Chowan**

**ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION**

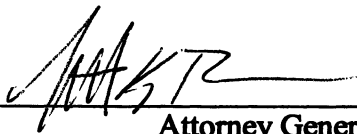


Contract Officer



Date

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



Attorney General

Bond No. 09072734

Contract No. C202898
County Chowan, Washington

Rev 5-17-11

CONTRACT PAYMENT BOND

Date of Payment Bond Execution February 2, 2012

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: (\$1,964,306.92) One Million Nine Hundred Sixty Four
Thousand Three Hundred Six Dollars and 92/100

Contract ID No.: C202898

County Name: Chowan, Washington

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. C202898

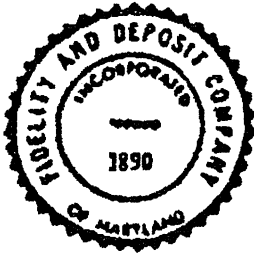
Rev 5-17-11

County Chowan, Washington

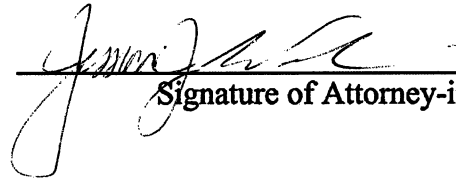
CONTRACT PAYMENT BOND


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 No. C202898
County Chowan, Washington

Rev 5-17-11

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. C202898
County Chowan, Washington

Bond No. 09072734
2 counterparts Rev 5-17-11

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: February 2, 2012

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: (\$1,964,306.92) One Million Nine Hundred Sixty Four
Thousand Three Hundred Six Dollars and 92/100

Contract ID No.: C202898

County Name: Chowan, Washington

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.

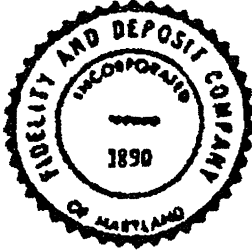
Contract No. C202898
County Chowan, Washington

Rev 5-17-11

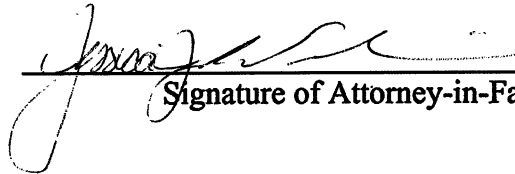
CONTRACT PERFORMANCE BOND

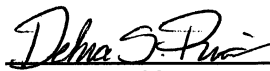
Affix Seal of Surety Company

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 No. C202898
County Chowan, Washington

Rev 5-17-11

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

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **Geoffrey Delisio, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Jessica J. Winfree, 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: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 22nd day of September, A.D. 2011.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: Gerald F. Haley
Assistant Secretary – Gerald F. Haley

By: Geoffrey Delisio
Vice President – Geoffrey Delisio

State of Maryland
County of Baltimore

On this 22nd day of September, A.D. 2011, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Assistant Secretary, Vice President of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposed and saith, that they are the said officers of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

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



Constance A. Dunn
Constance A. Dunn - Notary Public
My Commission Expires: July 14, 2015

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

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 ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

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 COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and 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 10th day of May, 1990.

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 seals of the said Companies,

This 2nd day of February, 2012.



Frank E. Martin, Jr.

Frank E. Martin, Jr. Vice President