

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

C202145

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202145

WBS 42399.3.1 IMS-095-3(102)167

T.I.P NO. I-5018

COUNTY OF HALIFAX  
THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER I 95 LENGTH 4.950 MILES  
LOCATION I-95 FROM SR-1600 (AURELIN SPRING RD, MP 166.7) TO SOUTH OF  
US-158 (MP 172).

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

BIDS OPENED NOVEMBER 18, 2008  
CONTRACT EXECUTION DEC 30 2008

**ROSE BROTHERS PAVING CO., INC. (3238).**

**Vendor 1 of 2 Vendors for Call Order 016 (Proposal ID C202145).**

County: HALIFAX  
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 18 10:30:02 2008

Bid Checksum: 40B90EA4

Amendment Count: 0

Bidding Errors: No bidding errors ✓

Bid Total: \$3,785,900.00 ✓

Bond ID: RSNB-KNEY-UDMM-RTLD

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$189,295.00

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 11/18/2008

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.

DBE GOAL SET - 5.0%  
DBE GOAL MET - 5.0%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT	
5291	DB ATCO TRANSPORT INC 129 KNOBBS CREEK RD , ELIZABETH CITY, NC 27909		Sub 37,913.00	✓
12840	DB JERRY L. MEBANE, LLC 105 ROOSTER LANE , WINDSOR, NC 27893		Sub 56,559.00	✓
2087	DB ANDREW BROWN'S TRUCKING INC 312-B US 258 NORTH , COMO, NC 27818		Sub 49,860.00	✓
3765	DB STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub 44,980.00	✓
			TOTAL: \$189,312.00	
			5.00%	

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	

Bid Bond Data Info - Contractor Responses:

=====

BondID: RSNB-KNEY-UDMM-RTL  
 Surety Registry Agency: SurePathNetwork  
 Verified?: Yes  
 Surety Agency: Fidelity and Deposit Company of Maryland

NCDOT/berc

Vendor 3238's Load Output for Call 016, Letting L081118, 2008-11-18

Bond Execution Date: 11/18/2008

Bond Amount: \$189,295.00 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 10-21-08  
Revised:

Contract ID: C202145

Project(s): IMS-095-3(102)167

Letting Date: 11-18-08 Call Order: 016

Bidder: 3238 - ROSE BROTHERS PAVING CO., 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			80,200.00
0002	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2-1/2")	SY	149,800.000	0.80000		119,840.00
0003	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	TON	21,400.000	35.00000		749,000.00
0004	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	24,000.000	35.00000		840,000.00
0005	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	1,006.000	700.00000		704,200.00
0006	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON	1,440.000	710.00000		1,022,400.00
0007	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	LF	103,800.000	0.05000		5,190.00
0008	4405000000-E WORK ZONE SIGNS (PORTABLE)	SF	600.000	20.00000		12,000.00
0009	4415000000-N FLASHING ARROW PANELS, TYPE C	EA	2.000	1,650.00000		3,300.00
0010	4420000000-N CHANGEABLE MESSAGE SIGN	EA	4.000	4,000.00000		16,000.00
0011	4430000000-N DRUMS	EA	400.000	52.00000		20,800.00

State of NC  
Dept of Transportation

Date: 10-21-08  
Revised:

Contract ID: C202145

Project(s): IMS-095-3(102)167

Letting Date: 11-18-08 Call Order: 016

Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	4480000000-N TMIA	EA 2.000	5,000.00000		10,000.00	
0013	4815000000-E PAINT PAVEMENT MARKING LINES (6")	LF 136,000.000	0.30000		40,800.00	
0014	4825000000-E PAINT PAVEMENT MARKING LINES (12")	LF 3,500.000	0.60000		2,100.00	
0015	4845000000-N PAINT PAVEMENT MARKING SYMBOL	EA 21.000	60.00000		1,260.00	
0016	4847100000-E POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	LF 136,000.000	0.95000		129,200.00	
0017	4847120000-E POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	LF 3,500.000	1.80000		6,300.00	
0018	4847220000-N POLYUREA PAVEMENT MARKING SYMBOL (*****) (HIGHLY REFLECTIVE ELEMENTS)	EA 21.000	150.00000		3,150.00	
0019	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	EA 720.000	28.00000		20,160.00	
	Section 0001 Total				3,785,900.00	
	Bid Total				3,785,900.00	

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	

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.

Fuel Price Adjustment Opt-Out Clause

Bidders have the option to accept or reject Fuel Price Adjustments in accordance with the requirements of Article 109-8 Fuel Price Adjustments and the provisions in the contract. To indicate the choice, the bidder shall enter an X in one of the blocks below.

The bidder will not be permitted to change the option after the bid is accepted.

Enter X in one box only:

Yes, the bidder accepts fuel price adjustments for this project in accordance with Article 109-8.

X No, the bidder declines fuel price adjustments for this project.

In the event the bidder does not enter an X in either box, the bidder will receive fuel adjustments for the items shown in the contract.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
DBE COMMITMENT ITEMS

DATE: 10-21-08  
PAGE: 6

PROPOSAL: C202145  
LETTING: L081118 CALL: 016  
VENDOR: 3238 ROSE BROTHERS PAVING CO., INC.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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DBE SUBCONTRACTOR: 5291 ATCO TRANSPORT INC  
Will Use Quote: Yes

0005	1560000000-E	ASP FOR PLAN	TON	1006.000	15.50000	15593.00
		HAUL MATERIALS ONLY				
0006	1565000000-E	ASP FOR PLAN	TON	1440.000	15.50000	22320.00
		HAUL MATERIALS ONLY				

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 37,913.00 ✓  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 37,913.

DBE SUBCONTRACTOR: 12840 JERRY L. MEBANE, LLC  
Will Use Quote: Yes

0003	1503000000-E	ASP CONC INT	TON	11010.000	2.55000	28075.50
		HAUL MATERIALS ONLY				
0004	1523000000-E	ASP CONC SUR	TON	11170.000	2.55000	28483.50
		HAUL MATERIALS ONLY				

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 56,559.00 ✓  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 56,559.

DBE SUBCONTRACTOR: 2087 ANDREW BROWN'S TRUCKING INC  
Will Use Quote: Yes

0003	1503000000-E	ASP CONC INT	TON	7010.000	3.00000	21030.00
		HAUL MATERIALS ONLY				
0004	1523000000-E	ASP CONC SUR	TON	9610.000	3.00000	28830.00
		HAUL MATERIALS ONLY				

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 49,860.00 ✓  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 49,860.

DBE SUBCONTRACTOR: 3765 STAY ALERT SAFETY SERVICES INC  
Will Use Quote: Yes

0008	4405000000-E	WORK ZONE SI	SF	600.000	8.95000	5370.00
		MATERIALS ONLY				
0009	4415000000-N	FLASHING ARR	EA	2.000	1275.00000	2550.00
		RENTAL				
0010	4420000000-N	CHANGEABLE M	EA	4.000	3450.00000	13800.00
		RENTAL				
0011	4430000000-N	DRUMS	EA	400.000	34.25000	13700.00
		MATERIALS ONLY				
0012	4480000000-N	TMIA	EA	2.000	4780.00000	9560.00
		RENTAL				



Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	80,200.00	80,200.00
0002	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2-1/2")	149,800 SY	0.80	119,840.00
0003	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	21,400 TON	35.00	749,000.00
0004	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	24,000 TON	35.00	840,000.00
0005	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,006 TON	700.00	704,200.00
0006	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	1,440 TON	710.00	1,022,400.00
0007	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	103,800 LF	0.05	5,190.00
0008	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	600 SF	20.00	12,000.00
0009	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	2 EA	1,650.00	3,300.00
0010	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	4 EA	4,000.00	16,000.00
0011	4430000000-N	1130	DRUMS	400 EA	52.00	20,800.00
0012	4480000000-N	1165	TMIA	2 EA	5,000.00	10,000.00
0013	4815000000-E	1205	PAINT PAVEMENT MARKING LINES (6")	136,000 LF	0.30	40,800.00
0014	4825000000-E	1205	PAINT PAVEMENT MARKING LINES (12")	3,500 LF	0.60	2,100.00
0015	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	21 EA	60.00	1,260.00
0016	4847100000-E	1205	POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	136,000 LF	0.95	129,200.00
0017	4847120000-E	1205	POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	3,500 LF	1.80	6,300.00

## Contract Item Sheets For C202145

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4847220000-N	1205	POLYUREA PAVEMENT MARKING SYMBOL (***** (HIGHLY REFLECTIVE ELEMENTS)	21 EA	150.00	3,150.00
0019	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	720 EA	28.00	20,160.00
<b>TOTAL AMOUNT OF BID FOR ENTIRE PROJECT</b>						<b>\$3,785,900.00</b> ✓

0925/Dec15/Q582217/D65369540000/E19

Contract Number C 202145  
County Halifax

Rev 7-20-08

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

**CORPORATION**

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

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

**SIGNATURE OF CONTRACTOR**

Rose Brothers Paving Co., Inc.  
Full name of Corporation

P.O. Box 806 Ahoskie, N.C. 27910  
Address as Prequalified

Attest Eugene T. Rose By Walter F. Rose, Jr.  
~~Secretary~~/Assistant Secretary ~~President/Vice President/Assistant Vice President~~  
Select appropriate title 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**

**NOTARY SEAL**

Subscribed and sworn to before me this the

16<sup>th</sup> day of December 2008

Renny Allen  
Signature of Notary Public

of Northampton County

State of North Carolina

My Commission Expires: May 17, 2012



## DEBARMENT CERTIFICATION OF CONTRACTOR

### Conditions for certification:

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

### DEBARMENT CERTIFICATION

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

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

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

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

Check here if an explanation is attached to this certification.

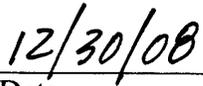
**Contract No**     C202145

**County (ies):**   Halifax

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION

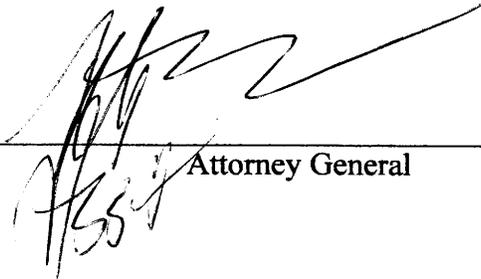


\_\_\_\_\_  
Contract Officer



\_\_\_\_\_  
Date

Execution of Contract and Bonds  
Approved as to Form:



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

Contract No. C202145  
County Halifax

Rev. 5-13-08

Bond No. 08954910

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution: December 12, 2008

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: Three Million Seven Hundred Eighty Five  
Thousand Nine Hundred Dollars and 00/100 (\$3,785,900.00 )

Contract ID No.: C202145

County Name(s): Halifax

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. C202145

Rev 02-13-04

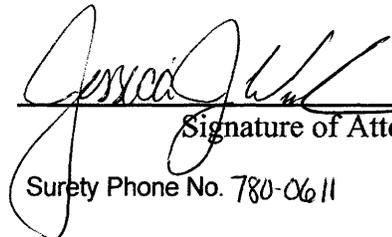
County Halifax

## 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  
Surety Phone No. 780-0611

  
Signature of witness

John C. Stanchina  
Print or type witness' 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.  
Print or type 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~~  
*Delete inappropriate title*

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

Attest

Eugene T. Rose  
Signature of ~~Secretary~~, Assistant Secretary  
*Delete inappropriate title*

Eugene T. Rose  
Print or type signer's name

*Affix Corporate Seal*

Contract No. C202145  
County Halifax

Rev. 5-13-08  
Bond No. 08954910

### CONTRACT PERFORMANCE BOND

Date of Contract Bond Execution December 12, 2008

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: Three Million Seven Hundred Eighty Five ( \$3,785,900.00  
Thousand Nine Hundred Dollars and 00/100 )

Contract ID No.: C202145

County Name(s): Halifax

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**  
**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Rose Brothers Paving Company, Inc.  
Print 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~~  
*Delete inappropriate title*

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

Attest Eugene T. Rose  
Signature of ~~Secretary~~, Assistant Secretary  
*Delete inappropriate title*

Eugene T. Rose  
Print or type signer's name

*Affix Corporate Seal*

**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 THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, 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 reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **John C. STANCHINA, Jessica J. WINFREE, Kathleen M. MOORE, Hunter F. AVERY, Joann E. STAHR, Clinton J. DIERS, Jacqueline L. JOINER, Jeffrey M. JOHNSON, Paula FAIVRE and Susan ANDERSON, all of Richmond, Virginia, EACH** 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 Company, 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 Company at its office in Baltimore, Md, in their own proper persons. This power of attorney revokes that issued on behalf of Thomas R. BROWN, John C. STANCHINA, Jessica J. WINFREE, Kathleen M. FERRIGNO, Hunter F. AVERY, Patricia L. LEWIS, Joann E. STAHR, Clinton J. DIERS, Jacqueline L. JOINER, Claudia M. CLARKSON, dated December 20, 2006.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side 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 14th day of November, A.D. 2007.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gregory E. Murray*  
Gregory E. Murray Assistant Secretary

By: *Theodore G. Martinez*  
Theodore G. Martinez

State of Maryland }  
City of Baltimore } ss:

**FOR YOUR PROTECTION,  
LOOK FOR THE ZURICH WATERMARK**

On this 14th day of November, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, 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.



*Dennis R. Hayden*

*Notary Public*

My Commission Expires: February 1, 2009

**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 of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-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 judgements, decrees, mortgages and instruments in the nature of mortgages,....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 foregoing Power of Attorney is still 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 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 seal of the said Company,

this 12th day of December, 2008.



Assistant Secretary

