### C202038

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

## CONTRACT AND **CONTRACT BONDS**

FOR CONTRACT NO. C202038

**WBS** 

33183.3.1 BRSTP-1505(1)

T.I.P NO.

B-3635

**COUNTY OF** 

**CHEROKEE** 

THIS IS THE

**ROADWAY & STRUCTURE CONTRACT** 

ROUTE NUMBER

SR 1505

LENGTH

**0.095 MILES** 

LOCATION

BRIDGE OVER JUNALUSKA CREEK AND APPROACHES ON SR-1505.

CONTRACTOR

COLWELL CONSTRUCTION CO.

ADDRESS

P.O. BOX 850

BLAIRSVILLE, GA 305140850

BIDS OPENED

**DECEMBER 16, 2008** 

CONTRACT EXECUTION \_\_\_\_\_ JAN 3 0 2009

NCDOT/berc

Vendor 3750's Bid Information for Call 034, Letting L081216, 2008-12-16

### colwell construction (3750).

Vendor 5 of 6 Vendors for Call Order 034 (Proposal ID C202038).

County: CHEROKEE p.o. box 850 Address:

blairsville, ga. 30512

706-745-6239 Phone Number:

This bid has been properly signed by CARLTON\_CURTIS\_COLWELL\_3750. Signature Check:

Tue Dec 16 12:26:42 2008 Time Bid Received:

Bid Checksum: 2C727377

Amendment Count:

No bidding errors. Bidding Errors: \$576,217.00 🗸 Bid Total:

> SNC08616739 Bond ID:

Bond was Verified: Yes. Bond Required Percent: 5.00% Minimum Check Amount: \$28,810.85

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 12/5/2008

MERCHANTS BONDING COMPANY Surety Name:

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 5.7%

### LIST OF DBE PARTICIPANTS

NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF		AMOUNT
3376	REYNOLDS FENCE & GUARDRAIL INC		Sub	20,056.25
3765	REYNOLDS FENCE & GUARDRAIL INC 9320 MACHADO DRIVE , INDIAN TR STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSV	AIL, NC 28079	Sub	12,580.00
	POST OFFICE BOX 467 , KERNERSV	ILLE, NC 27285	TOTAL:	\$32,636.25 5.66%

## Miscelleneous 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 acknowleges 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: SNC08616739 Surety Registry Agency: surety2000

Verified?: Yes

Surety Agency: MERCHANTS BONDING COMPANY

Bond Execution Date: 12/5/2008

Bond Amount: \$28,810.85 (Five Percent of Bid)

Date: Revised: Dept of Transportation Project(s): BRSTP-1505(1)

Date: 11-18-08

Letting Date: 12-16-08 Call Order: 034 Bidder: 3750 - colwell construction

and Units   Dollars   Cts   Dollars	Line No.	o. Description Quantity	1	Unit Pr	cice	Bid Amount	
	NO.		Dollars	Cts	Dollars	Ct	

Contract ID: C202038

Section 0001 ROADWAY ITEMS

Alt	Group

	Alt Group			
0001	0000100000-N MOBILIZATIO  N	LUMP	LUMP	18,560.00
0002	0000400000-N CONSTRUCTIO N SURVEYING	LUMP	LUMP	6,216.00
0003	0043000000-N GRADING	LUMP	LUMP	22,620.00
0004	0050000000-E SUPPLEMENTA RY CLEARING & GRUB-BING	1.000 ACR	580.00000	580.00
0005	0057000000-E UNDERCUT EXCAVATION	500.000 CY	12.18000	6,090.00
0006	0080000000-E CLASS IV SUBGRADE STABILIZA- TION	600.000 TON	22.62000	13,572.00
0007	0134000000-E DRAINAGE DITCH EXCAVATION	40.000 CY	11.74000	469.60
0008	0195000000-E SELECT GRANULAR MATERIAL	500.000 CY	29.29000	14,645.00
0009	0196000000-E FABRIC FOR SOIL STABILIZATION	500.000  SY	3.50000	1,750.00
0010	0255000000-E GENERIC GRADING ITEM #57 LIMESTONE	4.500 TON	127.60000	574.20
0011	0255000000-E GENERIC GRADING ITEM AGRICULTURAL GRADE GROUND LIMESTONE	2.000 TON	290.00000	580.00
•				

Dept of Transportation

Project(s): BRSTP-1505(1)

Date: 11-18-08

Revised:

Contract ID: C202038 Proj Letting Date: 12-16-08 Call Order: 034 Bidder: 3750 - colwell construction

Line		Approx. Quantity	Unit Price	Bid Amount
1.0.	bobolipolo.	and Units	Dollars   Cts	Dollars  Ct
0012	0318000000-E FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	30.000 TON	30.74000	922.20
0013	0344000000-E 18" SIDE DRAIN PIPE	44.000 LF	24.19000	1,064.36
0014	0384000000-E 30" RC PIPE CULVERTS, CLASS III	184.000 LF	47.88000	8,809.92
0015	0995000000-E PIPE REMOVAL	34.000 LF	8.35000	283.90
	1220000000-E INCIDENTAL STONE BASE	500.000 TON	26.27000	13,135.00
0017	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO ****** DEPTH (0" TO 1-1/4")	270.000 SY	22.04000	5,950.80
0018	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	450.000 TON	61.95000	27,877.50
0019	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	240.000 TON	59.59000	14,301.60
0020	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	35.000 TON	816.32000	28,571.20
0021	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	50.000 TON	435.00000	21,750.00
0022	202200000-E SUBDRAIN EXCAVATION	120.000 CY	8.00000	960.00

Revised: Dept of Transportation Project(s): BRSTP-1505(1)

Date: 11-18-08

Contract ID: C202038 Proj Letting Date: 12-16-08 Call Order: 034 Bidder: 3750 - colwell construction

Line		Approx. Quantity and Units		Unit Price	Bid Amount
No.	Description			Dollars   Cts	Dollars  Ct
0023	2033000000-E SUBDRAIN FINE AGGREGATE	CY	90.000	34.93000	3,143.70
0024	2044000000-E 6" PERFORATED SUBDRAIN PIPE	LF	500.000	4.90000	2,450.00
0025	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, &ELBOWS	EA	15.000	23.74000	356.10
0026	2066000000-N CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	EA	1.000	371.84000	371.84
0027	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	LF	6.000	25.52000	153.12
0028	2190000000-N TEMPORARY STEEL PLATE COVERS FOR MASONRY DRAINAGE STRUCTURE	EA	1.000	715.00000	715.00
0029	2286000000-N MASONRY DRAINAGE STRUCTURES	EA	2.000	1,848.00000	3,696.00
0030	2308000000-E MASONRY DRAINAGE STRUCTURES	LF	1.000	870.00000	870.00
0031	2367000000-N FRAME WITH TWO GRATES, STD 840.29	EA	2.000	358.40000	716.80
0032	2556000000-E SHOULDER BERM GUTTER	LF	120.000	32.40000	3,888.00
0033	2570000000-N MODIFIED CONCRETE FLUME	EA	1.000	1,815.88000	1,815.88

State of NC Date: 11-18-08 Revised:

Dept of Transportation

Project(s): BRSTP-1505(1)

Contract ID: C202038 Proj Letting Date: 12-16-08 Call Order: 034 Bidder: 3750 - colwell construction

Line No.	Item Description	Approx. Quantity and Units	Unit Price	Bid Amount  Dollars   Ct
0034	2577000000-E CONCRETE EXPRESSWAY GUTTER	70.000 LF	24.94000	1,745.80
0035	3030000000-E STEEL BM GUARDRAIL	125.000 LF	18.29000	2,286.25
0036	3045000000-E STEEL BM GUARDRAIL, SHOP CURVED	75.000 LF	20.14000	1,510.50
0037	3150000000-N ADDITIONAL GUARDRAIL POSTS	15.000 EA	31.80000	477.00
0038	3165000000-N GUARDRAIL ANCHOR UNITS, TYPE ************ (TL-2)	1.000 EA	1,484.00000	1,484.00
0039	3215000000-N GUARDRAIL ANCHOR UNITS, TYPE III	4.000 EA	1,325.00000	5,300.00
0040	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	3.000 EA	2,120.00000	6,360.00
0041	3380000000-E TEMPORARY STEEL BM GUARDRAIL	25.000 LF	9.54000	238.50
0042	3387000000-N GUARDRAIL ANCHOR UNITS, TYPE ********* TEMPORARY (III)	2.000 EA	848.00000	1,696.00
0043	3389000000-N GUARDRAIL ANCHOR UNITS, TYPE ********* TEMPORARY (TL-2)	2.000 EA	954.00000	1,908.00
0044	3566000000-E WOVEN WIRE FENCE RESET	200.000 LF	7.56000	1,512.00

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State of NC Date: 11-18-08 Revised:

Dept of Transportation

Project(s): BRSTP-1505(1)

Contract ID: C202038 Proj Letting Date: 12-16-08 Call Order: 034 Bidder: 3750 - colwell construction

Line No.	Item Description	Approx. Quantity and Units	Unit Price  Dollars   Cts	
	3635000000-E RIP RAP,  CLASS II	6.000 TON	64.80000	388.80
	3649000000-E RIP RAP, CLASS B	8.000 TON	63.29000	506.32
0047	3656000000-E FILTER FABRIC FOR DRAINAGE	295.000 SY	3.24000	955.80
0048	4400000000-E WORK ZONE SIGNS (STATIONARY)	177.000 SF	5.94000	1,051.38
	4405000000-E WORK ZONE SIGNS (PORTABLE)	96.000 SF	9.61000	922.56
0050	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	72.000 SF	8.10000	583.20
0051	4430000000-N DRUMS	60.000 EA	48.06000	2,883.60
	4445000000-E BARRICADES (TYPE III)	80.000 LF	53.36000	4,268.80
0053	4450000000-N FLAGGER	2,500.000 HR	19.44000	48,600.00
0054	4465000000-N TEMPORARY CRASH CUSHIONS	2.000 EA	6,102.00000	12,204.00
0055	448000000-N TMIA	2.000 EA	3,024.65000	6,049.30
0056	4485000000-E PORTABLE CONCRETE BARRIER	80.000 LF	81.00000	6,480.00

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ettir	Dept of the contract ID: C202038  act ID: C202038  act ID: C202038  act ID: C202038  construction   constructio	der: 034	on Rev BRSTP-1505(1)	Date: 11-18-0 vised:
Line No.	Item	Approx. Quantity		Bid Amount
	  4490000000-E PORTABLE  CONCRETE BARRIER  (ANCHORED)	and Units 	Dollars   Cts	: 
0058	4650000000-N TEMPORARY RAISED PAVEMENT MARKERS	40.000 EA	10.80000	432.0
0059	4810000000-E PAINT PAVEMENT MARKING LINES (4")	6,670.000 LF	0.48000	3,201.6
0060	600000000-E TEMPORARY SILT FENCE	300.000 LF	3.67000	1,101.0
	6006000000-E STONE FOR EROSION CONTROL, CLASS A	115.000 TON	39.76000	4,572.4
	6009000000-E STONE FOR EROSION CONTROL, CLASS B	125.000 TON	42.00000	5,250.0
0063	6012000000-E SEDIMENT CONTROL STONE	50.000 TON	31.36000	1,568.0
0064	6015000000-E TEMPORARY MULCHING	2.500 ACR	891.00000	2,227.5
065	6018000000-E SEED FOR TEMPORARY SEEDING	100.000 LB	3.67000	367.0
066	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	1.250 TON	2,268.00000	2,835.0
0067	6029000000-E SAFETY FENCE	250.000 LF	1.35000	337.5
	6030000000-E SILT EXCAVATION	385.000 CY	11.56000	4,450.6

State of NC Date: 11-18-08  Dept of Transportation Revised: Ontract ID: C202038 Project(s): BRSTP-1505(1) etting Date: 12-16-08 Call Order: 034 idder: 3750 - colwell construction						
Line No.		Approx. Quantity and Units	Unit Price Dollars   Cts			
	6036000000-E MATTING FOR EROSION CONTROL	1,200.000 SY	3.35000	4,020.00		
0070	6037000000-E COIR FIBER MAT	10.000	3.24000	32.40		
	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	160.000  SY	4.64000	742.40		
	6042000000-E 1/4" HARDWARE CLOTH	60.000 LF	3.08000	184.80		
0073	6071010000-E WATTLE	25.000 LF	5.40000	135.00		
	6071020000-E POLYACRYLAM IDE (PAM)	9.000 LB	8.10000	72.90		
	6071030000-E COIR FIBER BAFFLES	155.000 LF	3.24000	502.20		
	6071050000-E **" SKIMMER (1-1/2")	1.000 EA	804.60000	804.60		
	6084000000-E SEEDING & MULCHING	3.000 ACR	1,404.00000	4,212.00		
0078	6087000000-E MOWING	1.000 ACR	432.00000	432.00		
0079	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	3.35000	167.50		
	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	2,160.00000	540.00		

Check: 2C727377 Page 7

State of NC Date:
Dept of Transportation Revised:

Project(s): BRSTP-1505(1)

Date: 11-18-08

Contract ID: C202038 Proj Letting Date: 12-16-08 Call Order: 034 Bidder: 3750 - colwell construction

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars   Cts	Bid Amount  Dollars  Ct
0081	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	50.000 LB	3.24000	162.00
0082	6108000000-E FERTILIZER TOPDRESSING	1.250 TON	3,240.00000	4,050.00
0083	6114000000-N SPECIALIZED HAND MOWING	5.000 HR	22.68000	113.40
0084	6117000000-N RESPONSE FOR EROSION CONTROL	12.000 EA	297.00000	3,564.00
	Section 0001 Total			387,809.33

Section 0004 STRUCTURE ITEMS

### Alt Group

0085	8021000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ************************************	LUMP		LUMP	19,440.00
0086	8182000000-E CLASS A CONCRETE (BRIDGE)	CY	26.100	993.60000	25,932.96
0087	8210000000-N BRIDGE APPROACH SLABS, STATION************************************	LUMP	į	LUMP	32,400.00
0088	8217000000-E REINFORCING STEEL (BRIDGE)	LB	4,159.000	1.57000	6,529.63
0089	8364000000-E HP12X53 STEEL PILES	LF	70.000	103.68000	7,257.60

Dept of Transportation

Date: 11-18-08 Revised:

Project(s): BRSTP-1505(1)

Contract ID: C202038

Letting Date: 12-16-08 Call Order: 034 Bidder: 3750 - colwell construction

Item Approx. Line Quantity No. Description \_\_\_\_\_\_ Dollars | Cts | and Units |8391000000-N STEEL PILE 14.000 2,050.30 |8475000000-E TWO BAR 7,527.25 69.350 108.54000 0091 METAL RAIL |8517000000-E 1'-\*\*"X 0092 \*\*\*\*\* CONCRETE PARA- PET 85.200 162.32000 13,829.66 (1'-2" X 2'-8") |8657000000-N ELASTOMERIC LUMP LUMP 3,086.53 0093 BEARINGS |8762000000-E 3'-0" X 468.650 150.12000 70,353.74 0094 1'-9" PRESTRESSED CONCCORED SLABS 188,407.67 |Section 0004 Total 576,217.00 Bid Total

#### 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:

- 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
- 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

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#### AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowleges 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.

### 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:

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

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

DATE:11-18-08 DBE COMMITMENT ITEMS PAGE: 13

PROPOSAL: C202038

LETTING: L081216 CALL: 03 VENDOR: 3750 colwell construction CALL: 034

LINE ITEM NO. NO.	ITEM DESC.		SUBCONTRACTOR QUANTITY		EXTENDED AMOUNT
DBE SUBCONTRACTOR: Will Use Quote: Ye		S FEN	CE & GUARDRAIL	INC	
0035 3030000000-E	STL BM GUARD	LF	125.000	17.25000	2156.25
0036 3045000000-E		LF	75.000	19.00000	1425.00
0037 3150000000-N	ADDIT GUARDR	EA	15.000	30.00000	450.00
0038 3165000000-N	GR ANCHOR TY	EA	1.000	1400.00000	1400.00
0039 3215000000-N		EA	4.000	1250.00000	
0040 3270000000-N		EA	3.000	2000.00000	
0041 3380000000-E	TEMP STL BM	LF	25.000	9.00000	225.00
0042 3387000000-N			2.000		
0043 3389000000-N	GDRL ANCH UN	EA	2.000	900.00000	1800.00
	ENT TOTAL FOR SENT TOTAL FOR		NTRACTOR: R (SubContracto	r)	20,056.25 × 20,056.
DBE SUBCONTRACTOR: Will Use Quote: Ye		ERT S	AFETY SERVICES	INC	
0052 4445000000-E	BARRICADES (	T.F	80.000	26.00000	2080.00
0054 4465000000-N			2.000		10500.00
	NT TOTAL FOR S	SUBCOI			12,580.00
		/ENDOI	R (SubContracto	r)	12,580.

## North Carolina Department Of Transportation Contract Item Sheets For C202038

Page: 1 of 6

	It a subtraction to	0	Contract Item Sheets For C20			
Line #	itemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
			ROADWAY ITEMS			
-						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	18,560.00	18,560.00
0002	0000400000-N	801		Lump Sum LS	6,216.00	
0003	0043000000-N	226	GRADING	Lump Sum LS	22,620.00	22,620.00
0004	0050000000-E		SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	580.00	580.00
0005	0057000000-E	226	UNDERCUT EXCAVATION	500 CY	12.18	6,090.00
0006	008000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	600 TON	22.62	13,572.00
0007			DRAINAGE DITCH EXCAVATION	40 CY	11.74	469.60
0008	0195000000-E	265	SELECT GRANULAR MATERIAL	500 CY	29.29	14,645.00
0009	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	500 SY	3.50	1,750.00
0010	0255000000-E	SP	GENERIC GRADING ITEM #57 LIMESTONE	4.5 TON	127.60	574.20
 0011	0255000000-E	SP	GENERIC GRADING ITEM AGRICULTURAL GRADE GROUND LIMESTONE	2 TON	290.00	580.00
 0012	0318000000-E	300	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	30 TON	30.74	922.20
0013	0344000000-E	310	18" SIDE DRAIN PIPE	44 LF	24.19	1,064.36
0014	0384000000-E	310	30" RC PIPE CULVERTS, CLASS	184 LF	47.88	8,809.92
 0015	0995000000-E	340	PIPE REMOVAL	34 LF	8.35	283.90
0016	1220000000-E	545	INCIDENTAL STONE BASE	500 TON	26.27	13,135.00
0017	1308000000-E	607	MILLING ASPHALT PAVEMENT, ***" TO ******* DEPTH (0" TO 1-1/4")	270 SY	22.04	5,950.80
0018	148900000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	450 TON	61.95	27,877.50

## North Carolina Department Of Transportation Contract Item Sheets For C202038

Page: 2 of 6

		_	Contract Item Sheets For C2	02038		
Line #	ltemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	240 TON	59.59	14,301.60
0020	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	35 TON	816.32	28,571.20
0021	169300000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	50 TON	435.00	21,750.00
0022	2022000000-E	815	SUBDRAIN EXCAVATION	120 CY	8.00	960.00
0023	2033000000-E	815	SUBDRAIN FINE AGGREGATE	90 CY	34.93	3,143.70
0024	204400000-E	815	6" PERFORATED SUBDRAIN PIPE	500 LF	4.90	2,450.00
0025	205500000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	15 EA	23.74	356.10
0026	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA	371.84	371.84
0027	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF	25.52	153.12
0028	2190000000-N	828	TEMPORARY STEEL PLATE COVERS FOR MASONRY DRAINAGE STRUCTURE	1 EA	715.00	715.00
			MASONRY DRAINAGE STRUCTURES	2 EA	1,848.00	·
	2308000000-E	840	MASONRY DRAINAGE STRUCTURES	1 LF	870.00	
0031	2367000000-N		840.29	2 EA		716.80
		846	SHOULDER BERM GUTTER	120 LF		3,888.00
0033	2570000000-N	SP	MODIFIED CONCRETE FLUME	1 <b>EA</b>	1,815.88	1,815.88
0034	2577000000-E	846	CONCRETE EXPRESSWAY GUTTER	70 LF	24.94	1,745.80
0035			STEEL BM GUARDRAIL	125 LF	18.29	
0036			STEEL BM GUARDRAIL, SHOP CURVED	75 LF		1,510.50
						*******************

## North Carolina Department Of Transportation

Page	:	3	of	6
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Contract Item Sheets For C202038 Line **ItemNumber** Sec **Description** Quantity **Unit Bid Amount** # Unit Price Bid 862 0037 3150000000-N **ADDITIONAL GUARDRAIL POSTS** 15 31.80 477.00 EA 0038 3165000000-N SP **GUARDRAIL ANCHOR UNITS, TYPE** 1.484.00 1.484.00 1 EΑ (TL-2) 862 **GUARDRAIL ANCHOR UNITS, TYPE** 0039 3215000000-N 4 1,325.00 5,300.00 EΑ 0040 3270000000-N SP **GUARDRAIL ANCHOR UNITS, TYPE** 3 2,120.00 6,360.00 350 EΑ 3380000000-E 862 **TEMPORARY STEEL BM GUARDRAIL** 25 9.54 238.50 0041 LF 3387000000-N 862 **GUARDRAIL ANCHOR UNITS, TYPE** 2 848.00 1,696.00 0042 \*\*\*\*\*\* TEMPORARY EA (III)SP **GUARDRAIL ANCHOR UNITS, TYPE** 2 954.00 1,908.00 0043 3389000000-N \*\* TEMPORARY EA (TL-2) **WOVEN WIRE FENCE RESET** 200 7.56 1,512.00 3566000000-E 867 0044 LF 3635000000-E 876 **RIP RAP, CLASS II** 6 64.80 388.80 0045 TON 3649000000-E 876 RIP RAP, CLASS B 8 63.29 506.32 0046 TON 3656000000-E FILTER FABRIC FOR DRAINAGE 295 3.24 955.80 0047 876 SY 1,051.38 0048 440000000-E 1110 **WORK ZONE SIGNS (STATIONARY)** 177 5.94 SF 96 9.61 922.56 0049 4405000000-E 1110 WORK ZONE SIGNS (PORTABLE) SF 72 8.10 583.20 **WORK ZONE SIGNS (BARRICADE** 0050 4410000000-E 1110 MOUNTED) SF 443000000-N 1130 DRUMS 60 48.06 2,883.60 0051 EΑ 4445000000-E **BARRICADES (TYPE III)** 80 53.36 4,268.80 0052 1145 LF 0053 445000000-N 1150 FLAGGER 2,500 19.44 48,600.00 HR 1160 TEMPORARY CRASH CUSHIONS 2 6,102.00 0054 4465000000-N 12,204.00 EA

## North Carolina Department Of Transportation

Page: 4 of 6

Contract Item Sheets For C202038

Amoun	Unit Bid	Quantity	Description	Sec	itemNumber	Line
Bio	Price	Unit		#		#
6,049.30	3,024.65	2 EA	TMIA	1165	448000000-N	0055
6,480.00	81.00	80 LF	PORTABLE CONCRETE BARRIER	1170	4485000000-E	 0056
4,860.00	108.00	45 LF	PORTABLE CONCRETE BARRIER (ANCHORED)	1170	449000000-E	 0057
432.00	10.80	40 EA	TEMPORARY RAISED PAVEMENT MARKERS	1251	4650000000-N	 0058
3,201.60	0.48	6,670 LF	PAINT PAVEMENT MARKING LINES (4")	1205	481000000-E	0059
1,101.00	3.67	300 LF	TEMPORARY SILT FENCE	1605	6000000000-E	0060
4,572.40	39.76	115 TON	STONE FOR EROSION CONTROL, CLASS A	1610	6006000000-E	0061
5,250.00	42.00	125 TON	STONE FOR EROSION CONTROL, CLASS B	1610	600900000-E	 0062
1,568.0	31.36	50 TON	SEDIMENT CONTROL STONE	1610	6012000000-E	0063
2,227.5	891.00	2.5 ACR	TEMPORARY MULCHING	1615	6015000000-E	0064
367.0	3.67	100 LB	SEED FOR TEMPORARY SEEDING	1620	6018000000-E	0065
2,835.0	2,268.00	1.25 TON	FERTILIZER FOR TEMPORARY SEED- ING	1620	6021000000-E	0066
337.5	1.35	250 LF	SAFETY FENCE	SP	6029000000-E	0067
	11.56	385 CY		1630	6030000000-E	0068
4,020.0	3.35	1,200 SY	MATTING FOR EROSION CONTROL	1631	6036000000-E	0069
	3.24	10 SY	COIR FIBER MAT	SP	6037000000-E	0070
742.4	4.64	160 SY	PERMANENT SOIL REINFORCEMENT MAT	SP	6038000000-E	0071
184.8		60 LF	1/4" HARDWARE CLOTH	1632	6042000000-E	0072
135.0	5.40	25 LF	WATTLE	SP	6071010000-E	0073

## North Carolina Department Of Transportation Contract Item Sheets For C202038

Page: 5 of 6

Line	ItemNumber	Sec	Description	Quantity	Unit Bid	Amount
#	· .	#		Unit	Price	Bid
			•			
0074	6071020000-E	SP		9 LB	8.10	72.90
0075	6071030000-E		COIR FIBER BAFFLES	155 LF	3.24	502.20
0076	6071050000-E		**" SKIMMER (1-1/2")	1 EA	804.60	804.60
0077	608400000-E	1660	SEEDING & MULCHING	3 ACR	1,404.00	4,212.00
0078	608700000-E	1660	MOWING	1 ACR	432.00	432.00
0079	609000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	3.35	167.50
080	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	2,160.00	540.00
0081	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	3.24	162.00
0082	6108000000-E		FERTILIZER TOPDRESSING	1.25 TON	3,240.00	4,050.00
0083			SPECIALIZED HAND MOWING	5 HR	22.68	113.40
0084	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12	297.00	3,564.00

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## North Carolina Department Of Transportation Contract Item Sheets For C202038

Line #	item <b>N</b> umber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0085	8021000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ************************************	Lump Sum LS	19,440.00	19,440.00
0086	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	26.1 CY	993.60	25,932.96
0087	821000000-N	422	BRIDGE APPROACH SLABS, STATION ************************************	Lump Sum LS	32,400.00	32,400.00
0088	8217000000-E	425	REINFORCING STEEL (BRIDGE)	4,159 LB	1.57	6,529.63
0089	836400000-E	450	HP12X53 STEEL PILES	70 LF	103.68	7,257.60
0090	8391000000-N	450	STEEL PILE POINTS	14 EA	146.45	2,050.30
0091	8475000000-E	460	TWO BAR METAL RAIL	69.35 LF	108.54	7,527.25
0092	8517000000-E	460	1'-**"X *****" CONCRETE PARA- PET (1'-2" X 2'-8")	85.2 LF	162.32	13,829.66
0093	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS		3,086.53
0094	8762000000-E	430	3'-0" X 1'-9" PRESTRESSED CONC CORED SLABS	468.65 LF	150.12	70,353.74

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$576,217.00

Page: 6 of 6

1338/Jan08/Q23468.05/D373871610000/E94

My Commission Expires: June 7,2011

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.

ertification, the Contractor is certifying his status ebarment Certification attached, provided that the hat are applicable.
EOD
TOR
Ston Colwell
ce President/Assistant Vice President  Select appropriate title
well
Print or type Signer's name
CORPORATE SEAL
RIZED
NOTARY SEAL
TY BROOM TO THE PROPERTY BROOMS

### 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.

Contract Number C	202038
County Cherokee	

#### **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

C202038

County (ies):

**B-3635** 

ACCEPTED BY THE DEPARTMENT OF TRANSPORTATION

Contract Officer

Execution of Contract and Bonds Approved as to Form:

Signature Sheet (Bid - Acceptance by Department)

Contract	No.
County	

C202038	
CHEROKEE	

#### **CONTRACT PAYMENT BOND**

JANUARY 13, 2009
COLWELL CONSTRUCTION COMPANY, INC.
MERCHANTS BONDING COMPANY (MUTUAL)
North Carolina Department of Transportation
Raleigh, North Carolina
\$576,217.00
C202038
CHEROKEE

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.	C202028		•
County	CHEROKEE		
	CO	NTRACT I	PAYMENT BOND
Affir	Seal of Surety Company	ľ	MERCHANTS BONDI
лум і	seui of Surety Company	_	Print or type
			JEDDY BOLITAGE
		By _	Print, stamp or typ
		<u>(</u>	Signature
,			
Try	in Jam		
U/S	ignature of Witness		

LINDA LEECE

Print or type Witness's name

(Rev 7-10-08)

MERCHANTS BONDING COMPANY (MUTUAL)

JERRY BOUTWELL, ATTORNEY-IN-FACT

Print or type Surety Company Name

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

3160 CAMPUS DR., STE. 100, NORCROSS, GA 3007

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υZ	u	_	v	J	О

CHEROKEE

### **CONTRACT PAYMENT BOND**

### **CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

COLWELL CONSTRUCTION COMPANY, INC.			
Full name of Corporation			
P.O. BOX 850, BLAIRSVILLE, GEORGIA 30514-0850			
Address as prequalified	_		

Select appropriate title

Affix Corporate Seal

Attest

Signature of Secretary, Assistant Secretary Select appropriate title

# Merchants Bonding Company

POWER OF ATTORNEY

Know All Persons By These Presents, that the MERCHANTS BONDING COMPANY (MUTUAL), a corporation duly organized under the laws of the State of Iowa, and having its principal office in the City of Des Moines, County of Polk, State of Iowa, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Leslie A. Paulsen, Christopher B. Wortham, Jerry Boutwell, Derek Wortham, Shirley Coleman

of Norcross and State of Georgia its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

#### THREE MILLION FIVE HUNDRED THOUSAND (\$3,500,000.00) DOLLARS

and to bind the MERCHANTS BONDING COMPANY (MUTUAL) thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the MERCHANTS BONDING COMPANY (MUTUAL), and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following Amended Substituted and Restated By-Laws adopted by the Board of Directors of the MERCHANTS BONDING COMPANY (MUTUAL) on November 16, 2002.

ARTICLE II, SECTION 8 - The Chairman of the Board or President or any Vice President or Secretary shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

ARTICLE II, SECTION 9 - The signature of any authorized officer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 8th day of October , 2008.

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MERCHANTS BONDING COMPANY (MUTUAL)

President

STATE OF IOWA COUNTY OF POLK ss.

On this 8th day of October, 2008, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal affixed to the said instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.

CINDY SMYTH
Commission Number 173504
My Commission Expires
March 16, 2009

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STATE OF IOWA COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL), do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said MERCHANTS BONDING COMPANY (MUTUAL), which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Company on this 13th day of January , 2009



William Harner Jo

Contract No. County	C202038	
	CHEROKEE	

### CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution:	JANUARY 13, 2009
Name of Principal Contractor:	COLWELL CONSTRUCTION COMPANY, INC.
Name of Surety:	MERCHANTS BONDING COMPANY (MUTUAL)
Name of Contracting Body:	North Carolina Department of Transportation
	Raleigh, North Carolina
Amount of Bond:	\$576,217.00
Contract ID No.:	C202038
County Name:	CHEROKEE

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.	C202038	
County	CHEROKEE	_

### **CONTRACT PERFORMANCE BOND**

Affix Seal of Surety Company

**MERCHANTS BONDING COMPANY (MUTUAL)** 

Print or type Surety Company Name

By JERRY BOUTWELL, ATTORNEY-IN-FACT

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

LINDA LEECE

Print or type Witness's name

CHEROKEE

### CONTRACT PERFORMANCE BOND

### **CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Full name of Corporation
P.O. BOX 850, BLAIRSVILLE, GEORGIA 30514-0850
Address as prequalified
By <u>Carlos Colusill</u> Signature of President, Vice President, Assistant Vice President Select appropriate title
Carlton Colwell Print or type Signer's name

Affix Corporate Seal

Attest

Signature of Secretary, Assistant Secretary

Select appropriate title

Print or type Signer's name

# Merchants Bonding Company

## POWER OF ATTORNEY

Know All Persons By These Presents, that the MERCHANTS BONDING COMPANY (MUTUAL), a corporation duly organized under the laws of the State of Iowa, and having its principal office in the City of Des Moines, County of Polk, State of Iowa, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Leslie A. Paulsen, Christopher B. Wortham, Jerry Boutwell, Derek Wortham, Shirley Coleman

of Norcross and State of Georgia its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

#### THREE MILLION FIVE HUNDRED THOUSAND (\$3,500,000.00) DOLLARS

and to bind the MERCHANTS BONDING COMPANY (MUTUAL) thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the MERCHANTS BONDING COMPANY (MUTUAL), and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following Amended Substituted and Restated By-Laws adopted by the Board of Directors of the MERCHANTS BONDING COMPANY (MUTUAL) on November 16, 2002.

ARTICLE II, SECTION 8 - The Chairman of the Board or President or any Vice President or Secretary shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

ARTICLE II, SECTION 9 - The signature of any authorized officer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 8th day of October , 2008.

SONG COMPONIES OF THE PROPERTY OF THE PROPERTY

MERCHANTS BONDING COMPANY (MUTUAL)

President

STATE OF IOWA COUNTY OF POLK ss.

On this 8th day of October, 2008, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal affixed to the said instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



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STATE OF IOWA COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL), do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said MERCHANTS BONDING COMPANY (MUTUAL), which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Company on this 13th day of January , 2009



William Harner Js.