

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

C202076

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202076

WBS 41863.3.ST1 STM-077-1(192)79

T.I.P NO. I-5103

COUNTY OF YADKIN, SURRY  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER I 77 LENGTH 5.100 MILES  
LOCATION I-77 FROM US-21 (EXIT 79) TO MP-84.

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

BIDS OPENED MAY 19, 2009  
CONTRACT EXECUTION JUN 09 2009

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

**Vendor 1 of 1 Vendor for Call Order 019 (Proposal ID C202076).**

County: YADKIN, SURRY

Address: P.O.Box 786

Elkin, NC 28621

Phone Number: 336-835-7506

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

Time Bid Received: Tue May 19 12:25:05 2009

Bid Checksum: 4BF5E074

Amendment Count: 0

Bidding Errors: No bidding errors

Bid Total: \$3,506,675.01 ✓

Bond ID: SNC09641348

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$175,333.75

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 5/12/2009 10:21:54 AM

Surety Name: Pacific Indemnity Company

urety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 4.0%  
DBE GOAL Met 8.2%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
3080 <b>WB</b>	CURTIN TRUCKING & DRAINAGE, INC POST OFFICE BOX 38220 , CHARLOTTE, NC 282781003		Sub 287,152.00 ✓
		TOTAL:	\$287,152.00 ✓ 8.19%

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: SNC09641348  
 Surety Registry Agency: surety2000  
 Verified?: Yes  
 Surety Agency: Pacific Indemnity Company  
 Bond Execution Date: 5/12/2009 10:21:54 AM  
 Bond Amount: \$175,333.75 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 04-21-09  
Revised:

Contract ID: C202076

Project(s): STM-077-1(192)79

Letting Date: 05-19-09 Call Order: 019

Bidder: 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP			215,000.00
0002	0036000000-E UNDERCUT EXCAVATION	CY	1,000.000	8.00000		8,000.00
0003	0170000000-E REMOVAL OF EXISTING CONCRETE PAVEMENT SLABS	SY	1,232.000	55.00000		67,760.00
0004	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	1,232.000	1.00000		1,232.00
0005	0255000000-E GENERIC GRADING ITEM SELECT MATERIAL, CLASS IV	TON	2,000.000	25.00000		50,000.00
0006	1022000000-E SEALING EXISTING PAVEMENT CRACKS	LB	100,000.000	2.15000		215,000.00
0007	1245000000-E SHOULDER RECONSTRUCTION	SMI	25.460	3,000.00000		76,380.00
0008	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (3")	SY	95,041.000	2.75000		261,362.75
0009	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	16,470.000	45.00000		741,150.00
0010	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON	991.000	440.00000		436,040.00
0011	1567000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-28	TON	294.000	640.00000		188,160.00

State of NC  
Dept of Transportation

Date: 04-21-09  
Revised:

Contract ID: C202076 Project(s): STM-077-1(192)79  
Letting Date: 05-19-09 Call Order: 019  
Bidder: 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1839110000-E ULTRATHIN HOT MIX ASPHALT, TYPE B	5,618.000 TON	48.50000		272,473.00	
0013	1839200000-E APPLICATION OF ULTRATHIN HOT MIX ASPHALT	160,513.000 SY	2.38000		382,020.94	
0014	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	107,712.000 LF	0.25000		26,928.00	
0015	1847000000-E *****" PORT CEM CONC PAVEMENT, THROUGH LANES (WITH DOWELS) (9-1/2")	1,232.000 SY	130.00000		160,160.00	
0016	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		100,000.00	
0017	4605000000-N GENERIC TRAFFIC CONTROL ITEM POLICE	200.000 HR	100.00000		20,000.00	
0018	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	148.000 LF	5.00000		740.00	
0019	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	18.000 EA	100.00000		1,800.00	
0020	4815000000-E PAINT PAVEMENT MARKING LINES (6")	143,232.000 LF	0.05000		7,161.60	
0021	4847100000-E POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	143,232.000 LF	1.21000		173,310.72	

State of NC  
Dept of Transportation

Date: 04-21-09  
Revised:

Contract ID: C202076

Project(s): STM-077-1(192)79

Letting Date: 05-19-09 Call Order: 019

Bidder: 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount		
			Dollars	Cts	Dollars	Ct	
0022	4847120000-E POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	4,000.000 LF	2.02000		8,080.00		
0023	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	938.000 EA	37.00000		34,706.00		
0024	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		25,000.00		
0025	6084000000-E SEEDING & MULCHING	31.100 ACR	1,100.00000		34,210.00		
Section 0001 Total						3,506,675.01	
Bid Total						3,506,675.01	✓

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.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
DBE COMMITMENT ITEMS

DATE: 04-21-09  
PAGE: 6

PROPOSAL: C202076  
LETTING: L090519 CALL: 019  
VENDOR: 3619 Carl Rose and Sons, Inc

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 3080 CURTIN TRUCKING & DRAINAGE, INC.						
Will Use Quote: Yes						
0003	0170000000-E	REMOVAL OF C	SY	1232.000	55.00000	67760.00
0004	0196000000-E	SOIL STABILI	SY	1232.000	1.00000	1232.00
0005	0255000000-E	GENERIC GRAD	TON	2000.000	25.00000	50000.00
0015	1847000000-E	*****"PCC P	SY	1232.000	130.00000	160160.00
0002	0036000000-E	UNDERCUT EXC	CY	1000.000	8.00000	8000.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						287,152.00 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						287,152

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 8.19% or 287152.00  
Required: 4.00% or 140267.00  
<GOAL MET>

## Contract Item Sheets For C202076

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	215,000.00	215,000.00
0002	0036000000-E	225	UNDERCUT EXCAVATION	1,000 CY	8.00	8,000.00
0003	0170000000-E	SP	REMOVAL OF EXISTING CONCRETE PAVEMENT SLABS	1,232 SY	55.00	67,760.00
0004	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	1,232 SY	1.00	1,232.00
0005	0255000000-E	SP	GENERIC GRADING ITEM SELECT MATERIAL, CLASS IV	2,000 TON	25.00	50,000.00
0006	1022000000-E	SP	SEALING EXISTING PAVEMENT CRACKS	100,000 LB	2.15	215,000.00
0007	1245000000-E	SP	SHOULDER RECONSTRUCTION	25.46 SMI	3,000.00	76,380.00
0008	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (3")	95,041 SY	2.75	261,362.75
0009	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	16,470 TON	45.00	741,150.00
0010	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	991 TON	440.00	436,040.00
0011	1567000000-E	SP	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-28	294 TON	640.00	188,160.00
0012	1839110000-E	661	ULTRATHIN HOT MIX ASPHALT, TYPE B	5,618 TON	48.50	272,473.00
0013	1839200000-E	661	APPLICATION OF ULTRATHIN HOT MIX ASPHALT	160,513 SY	2.38	382,020.94
0014	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	107,712 LF	0.25	26,928.00
0015	1847000000-E	710	***** PORT CEM CONC PAVEMENT, THROUGH LANES (WITH DOWELS) (9-1/2")	1,232 SY	130.00	160,160.00
0016	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	100,000.00	100,000.00

## Contract Item Sheets For C202076

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	4605000000-N	SP	GENERIC TRAFFIC CONTROL ITEM POLICE	200 HR	100.00	20,000.00
0018	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	148 LF	5.00	740.00
0019	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	18 EA	100.00	1,800.00
0020	4815000000-E	1205	PAINT PAVEMENT MARKING LINES (6")	143,232 LF	0.05	7,161.60
0021	4847100000-E	1205	POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	143,232 LF	1.21	173,310.72
0022	4847120000-E	1205	POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	4,000 LF	2.02	8,080.00
0023	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	938 EA	37.00	34,706.00
0024	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	25,000.00	25,000.00
0025	6084000000-E	1660	SEEDING & MULCHING	31.1 ACR	1,100.00	34,210.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$3,506,675.01 ✓

Contract Number C202076  
County Yadkin, Surry

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**

Carl Rose & Sons, Inc.  
Full name of Corporation

P.O. Box 786 Elkin, N.C. 28621  
Address as Prequalified

Attest Dem Rose  
Secretary/~~Assistant Secretary~~  
Select appropriate title

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

C. Dean Rose  
Print or type Signer's name

Dale E. Rose  
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the  
1<sup>st</sup> day of June 2009

Janice N. Stanley  
Signature of Notary Public

of Yadkin County

State of North Carolina

My Commission Expires: 5-6-2010

Notary Public-North Carolina  
Janice N. Stanley  
Yadkin County  
My Commission Expires  
5-6-2010

Contract Number C202076  
County Yorkin, Surry

Rev 7-20-08

## 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 202076  
County York, Surry

Rev 7-20-08

### 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**      **C202076**

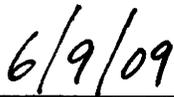
**County (ies):**    **Yadkin, Surry**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**



---

**Contract Officer**



---

**Date**

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



---

**Attorney General**

Contract No. C202076

(Rev 7-10-08)

County Yadkin - Surry

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution: June 3, 2009

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

Name of Surety: Pacific Indemnity Company

Name of Contracting Body: North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond: \$3,506,675.01

Contract ID No.: C202076

County Name: Yadkin-Surry

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. C202076  
County Yadkin - Surry

(Rev 7-10-08)

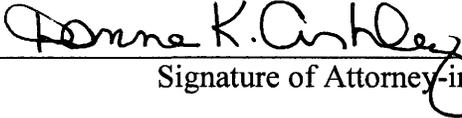
**CONTRACT PAYMENT BOND**

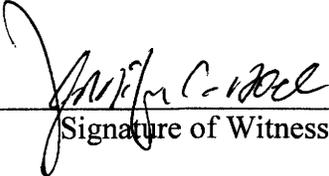
*Affix Seal of Surety Company*

PACIFIC INDEMENTIY COMPANY

Print or type Surety Company Name

By Donna K. Ashley, Attorney-In-Fact  
Print, stamp, or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

Jennifer C. Hoehn  
Print or type Witness's name

Wachovia Insurance Services  
P.O. Box 220748  
Charlotte, NC 28222  
Address of Attorney-in-Fact

Contract No.  
County

C202096  
Yadkin, Surry

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Carl Rose & Sons, Inc.  
Full name of Corporation

P.O. Box 786 Elkin, N.C. 28621  
Address as prequalified

By [Signature]  
Signature of President, ~~Vice President~~, Assistant Vice President  
Select appropriate title

Dale E. Rose  
Print or type Signer's name

*Affix Corporate Seal*

Attest [Signature]  
Signature of Secretary, Assistant Secretary  
Select appropriate title

C. Dean Rose  
Print or type Signer's name



Chubb  
Surety

POWER  
OF  
ATTORNEY

Federal Insurance Company  
Vigilant Insurance Company  
Pacific Indemnity Company

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

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint Donna K. Ashley, Jennifer C. Hoehn, Wendy E. Lahm, John D. Leak III, William J. Quinn, Angela D. Ramsey, John F. Thomas and G. Timothy Wilkerson of Charlotte, North Carolina-----

each as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 10<sup>th</sup> day of June, 2008

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY  
County of Somerset

ss.

On this 10<sup>th</sup> day of June, 2008

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

Notarial Seal



STEPHEN B. BRADT  
Notary Public, State of New Jersey  
No. 2321097  
Commission Expires Oct. 25, 2009

Notary Public

CERTIFICATION

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

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

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

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

Given under my hand and seals of said Companies at Warren, NJ this

June 3, 2009



Kenneth C. Wendel, Assistant Secretary

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

e-mail: surety@chubb.com

Contract No. C202076

(Rev 7-10-08)

County Yadkin - Surry

### CONTRACT PERFORMANCE BOND

Date of Payment Bond Execution: June 3, 2009

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

Name of Surety: Pacific Indemnity Company

Name of Contracting Body: North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond: \$3,506,675.01

Contract ID No.: C202076

County Name: Yadkin - Surry

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 agreement 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. C202076  
County Yadkin - Surry

(Rev 7-10-08)

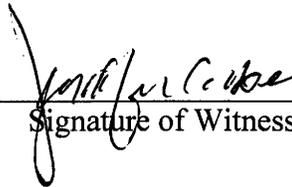
**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

PACIFIC INDEMNITY COMPANY  
Print or type Surety Company Name

By Donna K. Ashley, Attorney-In-Fact  
Print, stamp, or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

Jennifer C. Hoehn  
Print or type Witness's name

Wachovia Insurance Services  
P.O. Box 220748  
Charlotte, NC 28222  
Address of Attorney-in-Fact

Contract No. C 202076  
County Yadkin, Surry

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Carl Rose & Sons, Inc.  
Full name of Corporation

P.O. Box 786 Elkin N.C. 28621  
Address as prequalified

By [Signature]  
Signature of President, Vice President, Assistant Vice President  
Select appropriate title

Dale E. Rose  
Print or type Signer's name

*Affix Corporate Seal*

Attest C. Dean Rose  
Signature of Secretary, Assistant Secretary  
Select appropriate title

C. Dean Rose  
Print or type Signer's name



Chubb  
Surety

POWER  
OF  
ATTORNEY

Federal Insurance Company  
Vigilant Insurance Company  
Pacific Indemnity Company

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

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint Donna K. Ashley, Jennifer C. Hoehn, Wendy E. Lahm, John D. Leak III, William J. Quinn, Angela D. Ramsey, John F. Thomas and G. Timothy Wilkerson of Charlotte, North Carolina-----

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 10<sup>th</sup> day of June, 2008

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY  
County of Somerset ss.

On this 10<sup>th</sup> day of June, 2008 before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



STEPHEN B. BRADT  
Notary Public, State of New Jersey  
No. 2321097  
Commission Expires Oct. 25, 2009

Notary Public

CERTIFICATION

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

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

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

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

Given under my hand and seals of said Companies at Warren, NJ this June 3, 2009



Kenneth C. Wendel, Assistant Secretary

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