

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

C202208

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202208

WBS 14CR.20201.5 STATE FUNDED

COUNTY OF CHEROKEE  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER SR 1314 LENGTH 1.600 MILES  
LOCATION SR-1314 FROM SR-1315 TO 1.6 MILES EAST OF SR-1315.

CONTRACTOR COLWELL CONSTRUCTION CO.  
ADDRESS P.O. BOX 850  
BLAIRSVILLE, GA 305140850

BIDS OPENED JULY 21, 2009  
CONTRACT EXECUTION AUG 20 2009

colwell construction (3750).

Vendor 1 of 2 Vendors for Call Order 019 (Proposal ID C202208).

County: CHEROKEE  
 Address: p o box 850  
 blairsville, ga. 30512  
 Phone Number 706-745-6239  
 Signature Check This bid has been properly signed by CARLTON\_CURTIS\_COLWELL\_3750  
 Time Bid Received Tue Jul 21 11 04:00 2009  
 Bid Checksum: A76007E0  
 Amendment Count: 1  
 Bidding Errors No bidding errors  
 Bid Total \$277,820 64 ✓  
 Bond ID: SNC09148433  
 Bond was Verified Yes  
 Bond Required Percent 5 00%  
 Minimum Check Amount: \$13,891 03  
 Bid Security Maximum: \$  
 Bond Agency Name:  
 Agency Execution Date. 7/17/2009  
 Surety Name MERCHANTS BONDING COMPANY  
 Surety State of Incorporation  
 Bond Company  
 Bond Type  
 Bond Appr Flag  
 Bond Affirm:  
 Bond was Paid by Check No

MBE Goal SET 2.0%

WBE Goal SET 2.0%

MBE Goal MET 2.1%

WBE Goal MET 3.7%

LIST OF MBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
1802	MB TENNATEE SERVICES INC POST OFFICE BOX 1272 , CHEROKEE, NC 28710		Sub	5,760.00
			TOTAL	\$5,760 00 2.07%

ARM

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
7572	WB WOOD TRUCKING COMPANY, INC. 233 GUMLOG ROAD , YOUNG HARRIS, GA 30582		Sub	10,400.00
			TOTAL:	\$10,400.00 3.74%

ARM

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

NCDOT/berc

Vendor 3750's Load Output for Call 019, Letting L090721, 2009-07-21

BondID: SNC09148433

Surety Registry Agency: surety2000

Verified?: Yes

Surety Agency: MERCHANTS BONDING COMPANY

Bond Execution Date: 7/17/2009

Bond Amount: \$13,891.03 (Five Percent of Bid)

State of NC  
 Dept of Transportation

Date: 06-23-09  
 Revised: 07-01-09

Contract ID: C202208      Project(s): STATE FUNDED  
 Letting Date: 07-21-09      Call Order: 019  
 Bidder: 3750 - colwell construction

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			7,484.54
0002	1245000000-E SHOULDER RECONSTRUCTION	SMI	3.200	3,531.73000		11,301.54
0003	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	1,739.000	54.50000		94,775.50
0004	1525100000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A (LEVELING COURSE)	TON	1,035.000	59.50000		61,582.50
0005	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	172.000	522.30000		89,835.60
0006	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF	67,584.000	0.19000		12,840.96
	Section 0001 Total					277,820.64
	Bid Total					277,820.64 ✓

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  
 MBE COMMITMENT ITEMS

DATE: 06-23-09  
 PAGE: 4

PROPOSAL: C202208  
 LETTING: L090721 CALL: 019  
 VENDOR: 3750 colwell construction

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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MBE SUBCONTRACTOR: 1802 TENNATEE SERVICES INC  
 Will Use Quote. Yes

0002	1245000000-E	SHOULDER REC SMI		3 200	1800 00000	5760 00 <i>ARM</i>
MBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						5,760 00

TOTAL MBE COMMITMENT FOR VENDOR:	Entered:	2.07% or	5760 00
	Required:	2.00% or	5556 41
		<GOAL MET>	

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
WBE COMMITMENT ITEMS

DATE:06-23-09  
PAGE. 5

PROPOSAL. C202208  
LETTING. L090721 CALL: 019  
VENDOR: 3750 colwell construction

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
-----						
WBE SUBCONTRACTOR. 7572 WOOD TRUCKING COMPANY, INC.						
Will Use Quote. Yes						
0003	1519000000-E	ASP CONC SUR	TON	800 000	8 00000	6400.00
0004	1525100000-E	ASP CONC SUR	TON	500 000	8.00000	4000.00
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						10,400.00 <i>ARM</i>

TOTAL WBE COMMITMENT FOR VENDOR:            Entered:        3.74% or        10400.00  
   Required:        2 00% or        5556.41  
   <GOAL MET>

## Contract Item Sheets For C202208

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	7,484.54	7,484.54
0002	1245000000-E	SP	SHOULDER RECONSTRUCTION	3.2 SMI	3,531.73	11,301.54
0003	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	1,739 TON	54.50	94,775.50
0004	1525100000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A (LEVELING COURSE)	1,035 TON	59.50	61,582.50
0005	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	172 TON	522.30	89,835.60
0006	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	67,584 LF	0.19	12,840.96
<b>TOTAL AMOUNT OF BID FOR ENTIRE PROJECT</b>						<b>\$277,820.64</b> ✓
0850/Jul30/Q70534.2/D10659200000/E6						

Contract Number C202208  
County Cherokee

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**

Colwell Construction Company, Inc.

Full name of Corporation

P.O. Box 850, 1208 Rock Road, Blairsville, GA 30514

Address as Prequalified

Attest

*Steve Colwell*  
Secretary/~~Assistant Secretary~~  
Select appropriate title

By

*Carlton Colwell*  
President/~~Vice President/Assistant Vice President~~  
Select appropriate title

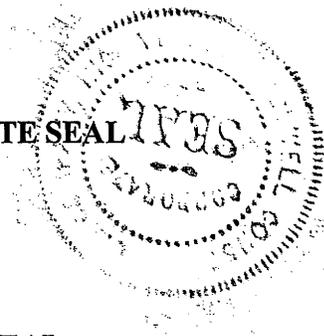
Steve Colwell

Print or type Signer's name

Carlton Colwell

Print or type Signer's name

**CORPORATE SEAL**



**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

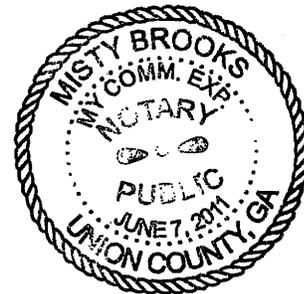
7<sup>th</sup> day of August 2007.

*Misty Brooks*  
Signature of Notary Public

of Union County

State of Georgia

My Commission Expires: June 7, 2011



## 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**     **C202208**

**County (ies):**   **Cherokee**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**

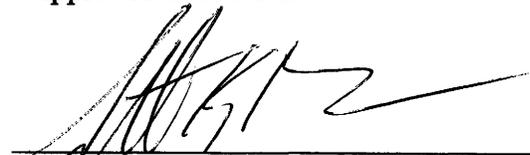


\_\_\_\_\_  
Contract Officer

8/20/09

\_\_\_\_\_  
Date

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



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

AS 4

Contract No. C202208/WBS 14CR.20201.5  
County Cherokee

(Rev 7-10-08)

Bond No. 45695

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution August 3, 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: \$277,820.64

Contract ID No.: C202208/WBS 14CR.20201.5

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 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. C202208/WBS 14CR.20201.5  
County Cherokee

(Rev 7-10-08)

**CONTRACT PAYMENT 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

  
\_\_\_\_\_  
Signature of Attorney-in-Fact

  
\_\_\_\_\_  
Signature of Witness

Linda Leece  
\_\_\_\_\_  
Print or type Witness's name

3160 Campus Dr. Ste. 100, Norcross, GA 30071  
\_\_\_\_\_  
Address of Attorney-in-Fact

Contract No.  
County

C202208/WBS 14CR.20201.5  
Cherokee

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Colwell Construction Company, Inc.

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

P.O. Box 850, Blairsville, GA 30514

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

By Carlton Colwell  
Signature of ~~President, Vice President, Assistant Vice President~~  
Select appropriate title

Carlton H. Colwell, President

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

*Affix Corporate Seal*

Attest

Steven P. Colwell  
Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

Steven P. Colwell, Corporate Secretary

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

# Merchants Bonding Company

(Mutual)

## 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.



MERCHANTS BONDING COMPANY (MUTUAL)

By

*Larry Taylor*

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*

Notary Public, Polk County, Iowa

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 3rd day of August, 2009.



*William Warner Jr.*

Secretary

Contract No. C202208/WBS 14CR.20201.5  
County Cherokee

(Rev 7-10-08)  
Bond No. 45695

**CONTRACT PERFORMANCE BOND**

Date of Performance Bond Execution: August 3, 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: \$277,820.64  
Contract ID No.: C202208/WBS 14CR.20201.5  
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. C202208/WBS 14CR.20201.5  
County Cherokee

(Rev 7-10-08)

**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

  
\_\_\_\_\_  
Signature of Attorney-in-Fact

  
\_\_\_\_\_  
Signature of Witness

Linda Leece

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

3160 Campus Drive, Suite 100, Norcross, GA 30071

\_\_\_\_\_  
Address of Attorney-in-Fact

Contract No.  
County

C202208/WBS 14CR.20201.5

Cherokee

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Colwell Construction Company, Inc.

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

P.O. Box 850, Blairsville, GA 30514

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

By



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

Carlton H. Colwell, President

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

*Affix Corporate Seal*

Attest



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

Steven P. Colwell, Corporate Secretary

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

# Merchants Bonding Company

(Mutual)

## 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.



MERCHANTS BONDING COMPANY (MUTUAL)

By

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.



Notary Public, Polk County, Iowa

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 3rd day of August, 2009.



Secretary