

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

C202361

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202361

WBS 45100.3.ST1 STM-0016(47)

T.I.P NO. R-5153

COUNTY OF WILKES
THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER NC 16 LENGTH 9.350 MILES
LOCATION NC-16 FROM SR-1559 TO THE ASHE COUNTY LINE.

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

BIDS OPENED JULY 21, 2009
CONTRACT EXECUTION AUG 14 2009

NCDOT/berc

Vendor 3619's Bid Information for Call 011, Letting L090721, 2009-07-21

Carl Rose and Sons, Inc (3619).

Vendor 1 of 1 Vendor for Call Order 011 (Proposal ID C202361).

County WILKES
 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 Jul 21 13.13.58 2009
 Bid Checksum F86E90EA
 Amendment Count 0
 Bidding Errors No bidding errors
 Bid Total \$1,393,353.00 ✓
 Bond ID SNC09781506
 Bond was Verified Yes
 Bond Required Percent 5.00%
 Minimum Check Amount: \$69,667.65
 Bid Security Maximum: \$
 Bond Agency Name.
 Agency Execution Date 6/24/2009 3 25.43 PM
 Surety Name Pacific Indemnity Company
 Surety State of Incorporation
 Bond Company
 Bond Type
 Bond Appr Flag
 Bond Affirm
 Bond was Paid by Check No

DBE GOAL Set 11.0%
 DBE Goal OBT 7.9%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
4434	WB LONG BROTHERS OF SUMMERFIELD, I PO BOX 35048 , GREENSBORO, NC 27425		Sub 3,543.75 <i>ARM</i>
4434	— LONG BROTHERS OF SUMMERFIELD, I PO BOX 35048 , GREENSBORO, NC 27425		Sup 81,875.00 <i>ARM</i>
2199	WB B & B SEEDING & LANDSCAPING 119 GRAND VIEW ROAD , ARARAT, NC 27007		Sub 10,872.00 <i>ARM</i>
12802	WB NICKELSTON INDUSTRIES, INC. POST OFFICE BOX 133 , LAWSONVILLE, NC 27022		Sub 99,050.00 <i>ARM</i>
TOTAL:			\$162,470.75 11,887 <i>7.9% ARM</i>

Miscellaneous Data Info - Contractor Responses.
=====

NON-COLLUSION AND DEBARMENT CERTIFICATION

Explanation of the prospective bidder that is unable to certify to any of the statements in this certification.

Explanation.
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects No

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of NOT ANSWERED for those projects indicated herein, for which bids will be opened on (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

Bid Bond Data Info - Contractor Responses.
=====

BondID: SNC09781506
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Pacific Indemnity Company

NCDOT/berc

Vendor 3619's Load Output for Call 011, Letting L090721, 2009-07-21

Bond Execution Date: 6/24/2009 3:25:43 PM

Bond Amount: \$69,667.65 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 06-23-09
Revised:

Contract ID: C202361 Project(s): STM-0016(47)
Letting Date: 07-21-09 Call Order: 011
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		72,000.00
0002	1220000000-E INCIDENTAL STONE BASE	TON	300.000	40.00000		12,000.00
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI	18.700	3,500.00000		65,450.00
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	2,667.000	5.00000		13,335.00
0005	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	11,123.000	45.00000		500,535.00
0006	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	666.000	412.00000		274,392.00
0007	1704000000-E PATCHING EXISTING PAVEMENT	TON	677.000	125.00000		84,625.00
0008	3030000000-E STEEL BM GUARDRAIL	LF	4,300.000	13.00000		55,900.00
0009	3045000000-E STEEL BM GUARDRAIL, SHOP CURVED	LF	50.000	12.00000		600.00
0010	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	EA	30.000	1,395.00000		41,850.00
0011	3345000000-E REMOVE & RESET EXISTING GUARD-RAIL	LF	50.000	8.00000		400.00

State of NC
Dept of Transportation

Date: 06-23-09
Revised:

Contract ID: C202361
Letting Date: 07-21-09 Call Order: 011
Bidder: 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	3435000000-N GENERIC GUARDRAIL ITEM EXTRA LENGTH GUARDRAIL POST (9' STEEL)	20.000 EA	15.00000		300.00	
0013	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		30,000.00	
0014	4725000000-E THERMOPLASTIC PAVEMENT MARKINGSYMBOL (90 MILS)	9.000 EA	300.00000		2,700.00	
0015	4810000000-E PAINT PAVEMENT MARKING LINES (4")	1,600.000 LF	2.20000		3,520.00	
0016	4847000000-E POLYUREA PAVEMENT MARKING LINES (4", *****) (HIGHLY REFLECTIVE ELEMENTS)	199,878.000 LF	1.00000		199,878.00	
0017	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	828.000 EA	28.00000		23,184.00	
0018	6084000000-E SEEDING & MULCHING	9.060 ACR	1,400.00000		12,684.00	
	Section 0001 Total				1,393,353.00	
	Bid Total				1,393,353.00	✓

NON-COLLUSION AND DEBARMENT CERTIFICATION

The bidder certifies that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this bid, and that the bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. In addition, submitting this electronic bid constitutes the bidder's certification of Status under penalty of perjury under the laws of the United States and in accordance with the Debarment Certification on file with the Department.

By submitting this bid, the bidder certifies to the best of his knowledge and belief that he and his principals:

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

Where the prospective bidder is unable to certify to any of the statements in this certification, the bidder shall submit an explanation in the blanks provided herein. The explanation will not necessarily result in denial of participation in a contract.

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

If the prequalified bidder's status changes, he shall immediately submit a new fully executed non-collusion affidavit and debarment certification with an explanation of the change to the Contract Office prior to submitting the bid.

Failure to furnish a certification or an explanation will be grounds for rejection of a bid

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. No

A bidder who desires to bid on more than one project on which bids are to be opened on the same date, and who also desires to avoid receiving an award of more projects than he is equipped to handle, may bid on any number of projects but may limit the total amount of work awarded to him on selected projects by completing the AWARD LIMITS ON MULTIPLE PROJECTS.

The Award Limits on Multiple Projects must be filled in on each project bid for which the Bidder desires protection.

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of NOT ANSWERED for those

projects indicated herein, for which bids will be opened on (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
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.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT ITEMS

DATE: 06-23-09
PAGE 5

PROPOSAL: C202361
LETTING: L090721 CALL: 011
VENDOR: 3619 Carl Rose and Sons, Inc

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

DBE SUBCONTRACTOR: 4434 LONG BROTHERS OF SUMMERFIELD, INC
Will Use Quote: Yes

0006	1560000000-E	ASP FOR PLAN TON	225 000	15 75000	3543.75	✓ ARM
		DBE COMMITMENT TOTAL FOR SUBCONTRACTOR.			3,543 75	
		DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)			3,543 7	

DBE SUBCONTRACTOR: 4434 LONG BROTHERS OF SUMMERFIELD, INC.
Will Use Quote: Yes

0006	1560000000-E	ASP FOR PLAN TON	225 000	363 00000	81675 00	
		DBE COMMITMENT TOTAL FOR SUBCONTRACTOR.			81,675.00	✓ ARM
		DBE COMMITMENT TOTAL FOR VENDOR (Supplier)			\$49,005	

DBE SUBCONTRACTOR: 2199 B & B SEEDING & LANDSCAPING
Will Use Quote: Yes

0018	6084000000-E	SEEDING AND ACR	9 060	1200.00000	10872 00	
		DBE COMMITMENT TOTAL FOR SUBCONTRACTOR.			10,872.00	✓ ARM
		DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)			10,872.	

DBE SUBCONTRACTOR: 12802 NICKELSTON INDUSTRIES, INC.
Will Use Quote: Yes

0009	3045000000-E	SBGR SHOP CU LF	50 000	12 00000	600 00	
0010	3270000000-N	GR ANCHOR TY EA	30.000	1395.00000	41850.00	
0011	3345000000-E	REMOVE & RES LF	50.000	8.00000	400.00	
0012	3435000000-N	GENERIC GUAR EA	20 000	15 00000	300 00	
0008	3030000000-E	STL BM GUARD LF	4300 000	13 00000	55900 00	
		DBE COMMITMENT TOTAL FOR SUBCONTRACTOR.			99,050.00	✓ ARM
		DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)			99,050	

TOTAL DBE COMMITMENT FOR VENDOR	Entered.	11 66% or	162470 75
	Required.	11 00% or	153268 83
		<GOAL MET>	

Contract Item Sheets For C202361

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	72,000.00	72,000.00
0002	1220000000-E	545	INCIDENTAL STONE BASE	300 TON	40.00	12,000.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	18.7 SMI	3,500.00	65,450.00
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	2,667 SY	5.00	13,335.00
0005	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	11,123 TON	45.00	500,535.00
0006	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	666 TON	412.00	274,392.00
0007	1704000000-E	SP	PATCHING EXISTING PAVEMENT	677 TON	125.00	84,625.00
0008	3030000000-E	862	STEEL BM GUARDRAIL	4,300 LF	13.00	55,900.00
0009	3045000000-E	862	STEEL BM GUARDRAIL, SHOP CURVED	50 LF	12.00	600.00
0010	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	30 EA	1,395.00	41,850.00
0011	3345000000-E	864	REMOVE & RESET EXISTING GUARD- RAIL	50 LF	8.00	400.00
0012	3435000000-N	SP	GENERIC GUARDRAIL ITEM EXTRA LENGTH GUARDRAIL POST (9' STEEL)	20 EA	15.00	300.00
0013	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	30,000.00	30,000.00
0014	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	9 EA	300.00	2,700.00
0015	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	1,600 LF	2.20	3,520.00
0016	4847000000-E	1205	POLYUREA PAVEMENT MARKING LINES (4", *****) (HIGHLY REFLECTIVE ELEMENTS)	199,878 LF	1.00	199,878.00

Contract Item Sheets For C202361

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	828 EA	28.00	23,184.00
0018	6084000000-E	1660	SEEDING & MULCHING	9.06 ACR	1,400.00	12,684.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,393,353.00 ✓

1311/Aug04/Q222227.76/D54630100000/E18

Contract Number C202361
County Wilkes

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 Ekin, N.C. 28621
Address as Prequalified

Attest C. Danda
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

4th day of August 2009

[Signature]
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
May 6, 2010

Contract Number C202361
County Wilkes

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 C202361
County Wilkes

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 **C202361**

County (ies): **Wilkes**

**ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION**

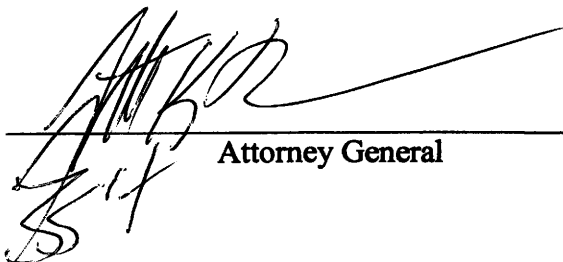


Contract Officer



Date

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



Attorney General

Contract No.
County

C202361
Wilkes

(Rev 7-10-08)

Bond #8204-17-84

CONTRACT PAYMENT BOND

Date of Payment Bond Execution August 7, 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: \$1,393,353.00

Contract ID No.: C202361

County Name: Wilkes County

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.
County

C202361
Wilkes

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

PACIFIC INDEMNITY COMPANY

Print or type Surety Company Name

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

Donna K. Ashley
Signature of Attorney-in-Fact

Jennifer C. Hoehn
Signature of Witness

Jennifer C. Hoehn

Print or type Witness's name

C/O Wells Fargo Insurance Services USA, Inc.
P.O. Box 220748, Charlotte, NC 28222

Address of Attorney-in-Fact

Contract No.
County

C202361
Wilkes

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

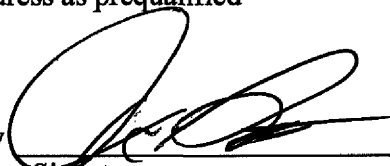
Carl Rose & Sons, Inc.

Full name of Corporation

P.O. Box 786 EIKIN, N.C. 28621

Address as prequalified

By



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 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 ball 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 10th 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 10th 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 August 7, 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.
County

C202361
Wilkes

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: August 7, 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: \$1,393,353.00

Contract ID No.: C202361

County Name: Wilkes County

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.
County

C202361
Wilkes

(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

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

Donna K. Ashley
Signature of Attorney-in-Fact

Jennifer C. Hoehn
Signature of Witness

Jennifer C. Hoehn

Print or type Witness's name

C/O Wells Fargo Insurance Services USA, Inc.
P.O. Box 220748, Charlotte, NC 28222

Address of Attorney-in-Fact

Contract No.
County

C 202361
Wilkes

(Rev 7-10-08)

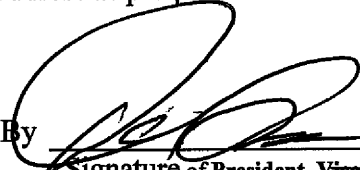
CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)


Carl Rose & Sons, Inc.
Full name of Corporation

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

By 
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 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 10th 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 10th 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 August 7, 2009



Kenneth C. Wendel, Assistant Secretary

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