

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

C202407

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202407

WBS 5CR.20391.8, 5CR.20731.7 STATE FUNDED

COUNTY OF GRANVILLE, PERSON
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER LENGTH 32.560 MILES
LOCATION 12 SECTIONS OF SECONDARY ROADS.

CONTRACTOR TRIANGLE GRADING & PAVING, INC
ADDRESS P.O. BOX 2570
 BURLINGTON, NC 272162750

BIDS OPENED AUGUST 18, 2009
CONTRACT EXECUTION SEP 15 2009

Triangle Grading Paving, Inc. (3752).

Vendor 2 of 4 Vendors for Call Order 011 (Proposal ID C202407).

County: GRANVILLE, PERSON

Address:

Signature Check: This bid has been properly signed by R_G_Kirkpatrick_Jr_3752.

Time Bid Received: Tue Aug 18 12:18:20 2009

Bid Checksum: 9AC29A24

Amendment Count: 0

Bidding Errors: This bid contains errors.

Bid Total: \$2,955,221.33 ✓

Bond ID: 37nt-63fp-ht9q-85vg

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$147,761.07

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 8/18/2009

Surety Name: Safeco Insurance Company of America

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

MBE GOAL SET 3.0%

WBE GOAL SET 4.0%

MBE GOAL MET 3.1%

WBE GOAL OBT 0.5%

NCDOT/berc

Vendor 3752's Load Output for Call 011, Letting L090818, 2009-08-18

Bid Bond Data Info - Contractor Responses:

=====

BondID: 37nt-63fp-ht9q-85vg
Surety Registry Agency: SurePathNetwork
Verified?: Yes
Surety Agency: Safeco Insurance Company of America
Bond Execution Date: 8/18/2009
Bond Amount: \$147,761.07 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202407 Project(s): STATE FUNDED
Letting Date: 08-18-09 Call Order: 011
Bidder: 3752 - Triangle Grading & Paving, 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 MOBILIZATION	LUMP		LUMP		308,400.00
0002	1220000000-E INCIDENTAL STONE BASE	TON	1,631.000	22.00000		35,882.00
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI	65.100	1,909.32000		124,296.73
0004	1330000000-E INCIDENTAL MILLING	SY	1,640.000	5.33000		8,741.20
0005	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	TON	33,851.000	29.38000		994,542.38
0006	1525100000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A (LEVELING COURSE)	TON	1,765.000	47.52000		83,872.80
0007	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	2,320.000	395.00000		916,400.00
0008	1704000000-E PATCHING EXISTING PAVEMENT	TON	2,685.000	79.97000		214,719.45
0009	4685000000-E THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	LF	350,776.000	0.30000		105,232.80
0010	4686000000-E THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	LF	249,056.000	0.37000		92,150.72

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202407 Project(s): STATE FUNDED
Letting Date: 08-18-09 Call Order: 011
Bidder: 3752 - Triangle Grading & Paving, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	192.000 LF	6.00000		1,152.00	
0012	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	2.000 EA	150.00000		300.00	
0013	6084000000-E SEEDING & MULCHING	51.750 ACR	1,325.00000		68,568.75	
0014	7444000000-E INDUCTIVE LOOP SAWCUT	175.000 LF	5.50000		962.50	
Section 0001 Total					2,955,221.33	
Bid Total					2,955,221.33	✓

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
MBE COMMITMENT ITEMS

DATE: 07-21-09
PAGE: 5

PROPOSAL: C202407
LETTING: L090818 CALL: 011
VENDOR: 3752 Triangle Grading & Paving, Inc.

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

MBE SUBCONTRACTOR: 2100 RICHMOND TRUCKING
Will Use Quote: Yes

0005	1525000000-E	ASP CONC SUR TON	9278.351	9.70000	90000.00
MBE COMMITMENT TOTAL FOR SUBCONTRACTOR:					90,000.00

ARM

TOTAL MBE COMMITMENT FOR VENDOR:	Entered:	3.05% or	90000.00
	Required:	3.00% or	88656.64
		<GOAL MET>	

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
WBE COMMITMENT ITEMS

DATE: 07-21-09
PAGE: 6

PROPOSAL: C202407
LETTING: L090818 CALL: 011
VENDOR: 3752 Triangle Grading & Paving, Inc.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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WBE SUBCONTRACTOR: 1968 MURRAY ENTERPRISES, INC.
Will Use Quote: Yes

0014	7444000000-E	INDUCTIVE LO LFC		175.000	5.50000	962.50
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						962.50

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

0001	0000100000-N	MOBILIZATION LS		1.000	13400.00000	13400.00
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						13,400.00

TOTAL WBE COMMITMENT FOR VENDOR: Entered: 0.49% or 14362.50
Required: 4.00% or 118208.85
<GOAL NOT MET>

Contract Item Sheets For C202407

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	308,400.00	308,400.00
0002	1220000000-E	545	INCIDENTAL STONE BASE	1,631 TON	22.00	35,882.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	65.1 SMI	1,909.32	124,296.73
0004	1330000000-E	607	INCIDENTAL MILLING	1,640 SY	5.33	8,741.20
0005	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	33,851 TON	29.38	994,542.38
0006	1525100000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A (LEVELING COURSE)	1,765 TON	47.52	83,872.80
0007	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	2,320 TON	395.00	916,400.00
0008	1704000000-E	SP	PATCHING EXISTING PAVEMENT	2,685 TON	79.97	214,719.45
0009	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	350,776 LF	0.30	105,232.80
0010	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	249,056 LF	0.37	92,150.72
0011	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	192 LF	6.00	1,152.00
0012	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	2 EA	150.00	300.00
0013	6084000000-E	1660	SEEDING & MULCHING	51.75 ACR	1,325.00	68,568.75
0014	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	175 LF	5.50	962.50

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,955,221.33 ✓

Contract Number C202407
County Granville, Person

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

Triangle Grading & Paving, Inc.
Full name of Corporation

P.O. Drawer 2570, Burlington, NC 27214
Address as Prequalified

Attest [Signature]
Secretary/Assistant Secretary
Select appropriate title

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

Elizabeth Maxwell
Print or type Signer's name

R.G. Kirkpatrick, Jr.
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

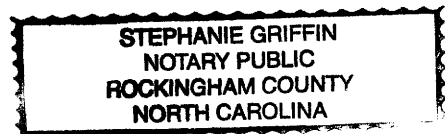
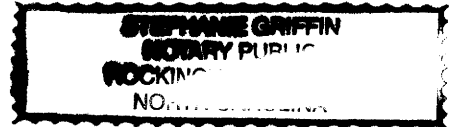
NOTARY SEAL

Subscribed and sworn to before me this the

8th day of September 2009
[Signature]
Signature of Notary Public

of Rockingham County
State of NC

My Commission Expires: 11/22/11



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.

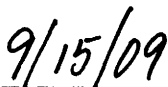
Contract No **C202407**

County (ies): **Granville & Person**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

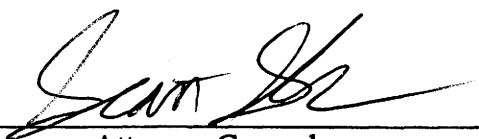


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202407
County Granville/Person

(Rev 7-10-08)

Bond No. 6652299

CONTRACT PAYMENT BOND

Date of Payment Bond Execution September 4, 2009

Name of Principal Contractor Triangle Grading & Paving, Inc.

Name of Surety: Safeco Insurance Company of America

Name of Contracting Body: North Carolina Department of Transportation
Raleigh, North Carolina

Amount of Bond: Two Million Nine Hundred Fifty Five Thousand Two Hundred Twenty One Dollars and 33/100 (\$2,955,221.33)

Contract ID No.: C202407

County Name: Granville/Person

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. C202407
County Granville/Person

(Rev 7-10-08)

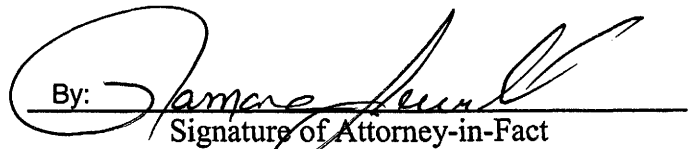
CONTRACT PAYMENT BOND

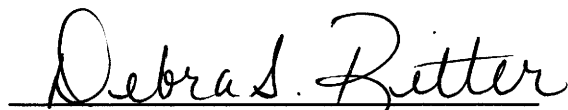
Affix Seal of Surety Company

Safeco Insurance Company of America
Print or type Surety Company Name

By Ramona Fewell
Print, stamp or type name of Attorney-in-Fact



By: 
Signature of Attorney-in-Fact
Surety Phone No. _____


Signature of Witness

Debra S. Ritter
Print or type Witness's name

6230 Fairview Road, Suite 230
Charlotte, NC 28210

Address of Attorney-in-Fact

Contract No. C202407
County Granville/Person

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

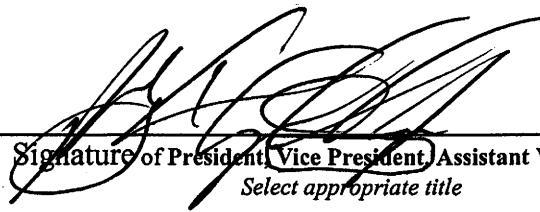
Triangle Grading & Paving, Inc.

Full name of Corporation

PO Drawer 2570, Burlington, NC 27216-2570

Address as prequalified

By



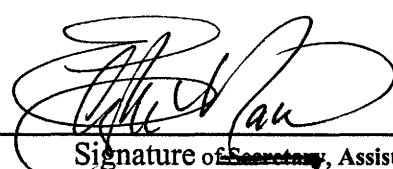
Signature of ~~President~~ Vice President Assistant Vice President
Select appropriate title

R.G. Kirkpatrick Jr.

Print or type Signer's name

Affix Corporate Seal

Attest



Signature of ~~Secretary~~ Assistant Secretary
Select appropriate title

Elizabeth Maxon

Print or type Signer's name

Contract No. C202407
County Granville/Person

(Rev 7-10-08)

Bond No. 6652299

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: September 4, 2009

Name of Principal Contractor: Triangle Grading & Paving, Inc.

Name of Surety: Safeco Insurance Company of America

Name of Contracting Body: **North Carolina Department of Transportation**
Raleigh, North Carolina

Amount of Bond: Two Million Nine Hundred Fifty Five Thousand Two Hundred Twenty One Dollars and 33/100 (\$2,955,221.33)

Contract ID No.: C202407

County Name: Granville/Person

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. C202407
County Granville/Person

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

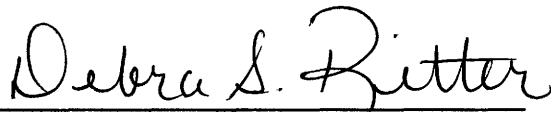
Safeco Insurance Company of America
Print or type Surety Company Name

By Ramona Fewell
Print, stamp or type name of Attorney-in-Fact



By: 
Signature of Attorney-in-Fact

Surety Phone No.


Signature of Witness

Debra S. Ritter
Print or type Witness's name

6230 Fairview Road, Suite 230
Charlotte, NC 28210
Address of Attorney-in-Fact

Contract No. C202407
County Granville/Person

(Rev 7-10-08)

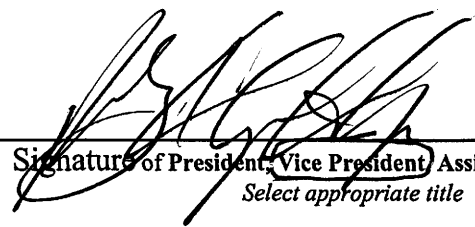
CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

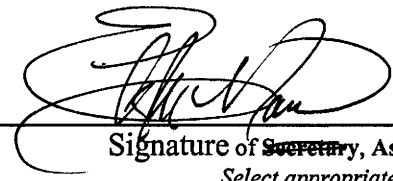
Triangle Grading & Paving, Inc.
Full name of Corporation

PO Drawer 2570, Burlington, NC 27216-2570
Address as prequalified

By 
Signature of President Vice President Assistant Vice President
Select appropriate title

R.G. Kirkpatrick, Jr.
Print or type Signer's name

Affix Corporate Seal

Attest 
Signature of Secretary, Assistant Secretary
Select appropriate title

Elizabeth Makol
Print or type Signer's name

POWER
OF ATTORNEY

KNOW ALL BY THESE PRESENTS:

No. _____

That **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA**, each a Washington corporation, does each hereby appoint

Ramona Fewell Charlotte, NC

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf the following surety bond:

Surety Bond Number: 6652299
Principal: Triangle Grading & Paving, Inc.
Obligee: North Carolina Department of Transportation
Amount of Bond: See Bond Form

IN WITNESS WHEREOF, **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA** has executed and attested these presents

this 4th day of September, 2009

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of **SAFECO INSURANCE COMPANY OF AMERICA** and
GENERAL INSURANCE COMPANY OF AMERICA:

"Article 8, Section 8.1 1. - FIDELITY AND SURETY BONDS . . . the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the corporation fidelity and surety bonds and other documents of similar character issued by the corporation in the course of its business . . . On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the corporation, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

I, Dexter R. Legg, Secretary of **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA**, do hereby certify that the foregoing extracts of the By-Laws of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 4th day of September, 2009



Dexter R. Legg, Secretary