

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

C202387

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202387

WBS 45079.3.ST1 STM-0561(20)

T.I.P NO. R-5151

COUNTY OF HERTFORD
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER NC 561 LENGTH 10.210 MILES
LOCATION NC-561 FROM THE NORTHAMPTON COUNTY LINE TO NC-11.

CONTRACTOR ROSE BROTHERS PAVING CO., INC.
ADDRESS P.O. BOX 806
AHOSKIE, NC 279100806

BIDS OPENED AUGUST 18, 2009
CONTRACT EXECUTION SEP 11 2009

ROSE BROTHERS PAVING CO., INC. (3238).

Vendor 2 of 4 Vendors for Call Order 002 (Proposal ID C202387).

County: HERTFORD
Address: P. O. BOX 806
AHOSKIE, NC 27910

Phone Number: 252/209-8144

Signature Check: This bid has been properly signed by EUGENE_T._ROSE_3238.

Time Bid Received: Tue Aug 18 10:43:47 2009

Bid Checksum: D0B0B990

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$1,794,758.61 ✓

Bond ID: R12X-ABWX-86RD-FD1E

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$89,737.93

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 8/18/2009

Surety Name: Fidelity and Deposit Company of Maryland

State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 5.0%
DBE GOAL MET 5.0%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
3056	WB HOLLAND LANDSCAPING, INC 953 BLACK ROCK ROAD , MERRY HILL, NC 27957		Sub	18,648.00 ✓ ARM
5291	WB ATCO TRANSPORT INC 129 KNOBBS CREEK RD , ELIZABETH CITY, NC 27909		Sub	17,542.00 ✓ ARM
2087	MB ANDREW BROWN'S TRUCKING, INC. 312-B US 258 NORTH , COMO, NC 27818		Sub	53,700.00 ✓ ARM
			TOTAL:	\$89,890.00 5.01%

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: R12X-ABWX-86RD-FD1E
Surety Registry Agency: SurePathNetwork
Verified?: Yes
Surety Agency: Fidelity and Deposit Company of Maryland
Bond Execution Date: 8/18/2009
Bond Amount: \$89,737.93 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202387 Project(s): STM-0561(20)
Letting Date: 08-18-09 Call Order: 002
Bidder: 3238 - ROSE BROTHERS PAVING CO., 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		89,500.00
0002	1220000000-E INCIDENTAL STONE BASE	TON	1,250.000	15.00000		18,750.00
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI	20.420	2,100.00000		42,882.00
0004	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	TON	8,451.000	28.52000		241,022.52
0005	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	14,637.000	28.52000		417,447.24
0006	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	1,253.000	418.00000		523,754.00
0007	1891000000-E GENERIC PAVING ITEM ASPHALT SURFACE TREATMENT MAT & SEAL	SY	155,713.000	2.25000		350,354.25
0008	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP		LUMP		18,100.00
0009	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	LF	109,838.000	0.30000		32,951.40
0010	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	LF	67,872.000	0.38000		25,791.36

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202387 Project(s): STM-0561(20)
Letting Date: 08-18-09 Call Order: 002
Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	4710000000-E THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	50.000 LF	20.00000		1,000.00	
0012	4810000000-E PAINT PAVEMENT MARKING LINES (4")	135,248.000 LF	0.08000		10,819.84	
0013	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	712.000 EA	5.25000		3,738.00	
0014	6084000000-E SEEDING & MULCHING	12.600 ACR	1,480.00000		18,648.00	
Section 0001 Total					1,794,758.61	
Bid Total					1,794,758.61	✓

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.

Contract Item Sheets For C202387

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	89,500.00	89,500.00
0002	1220000000-E	545	INCIDENTAL STONE BASE	1,250 TON	15.00	18,750.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	20.42 SMI	2,100.00	42,882.00
0004	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	8,451 TON	28.52	241,022.52
0005	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	14,637 TON	28.52	417,447.24
0006	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,253 TON	418.00	523,754.00
0007	1891000000-E	SP	GENERIC PAVING ITEM ASPHALT SURFACE TREATMENT MAT & SEAL	155,713 SY	2.25	350,354.25
0008	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	18,100.00	18,100.00
0009	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	109,838 LF	0.30	32,951.40
0010	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	67,872 LF	0.38	25,791.36
0011	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	50 LF	20.00	1,000.00
0012	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	135,248 LF	0.08	10,819.84
0013	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	712 EA	5.25	3,738.00
0014	6084000000-E	1660	SEEDING & MULCHING	12.6 ACR	1,480.00	18,648.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,794,758.61 ✓

**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

Rose Brothers Paving Company, Inc.

Full name of Corporation

Post Office Box 806, Ahoskie, North Carolina 27910

Address as Prequalified

Attest

Eugene T. Rose
~~Secretary/Assistant Secretary~~
Select appropriate title

By

Walter F. Rose, Jr.
~~President/Vice President/Assistant Vice President~~
Select appropriate title

Eugene T. Rose
Print or type Signer's name

Walter F. Rose, Jr.
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

2nd day of September 2009

Renny Allen

Signature of Notary Public

of Northampton County

State of North Carolina

My Commission Expires: May 17, 2012

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 C202387

County (ies): Hertford

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

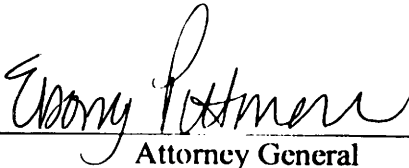


Contract Officer

9/11/09

Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202387
County Hertford

(Rev 7-10-08)

Bond No. 08980246

CONTRACT PAYMENT BOND

Date of Payment Bond Execution August 31, 2009

Name of Principal Contractor Rose Brothers Paving Company, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: One Million Seven Hundred Ninety Four Thousand Seven Hundred Fifty Eight Dollars and 61/100 (\$1,794,758.61)

Contract ID No.: C202387

County Name: Hertford

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. C202387
County Hertford

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Rose Brothers Paving Company, Inc.
Full name of Corporation

P.O. Box 806, Ahoskie, NC 27910
Address as prequalified

By Walter F. Rose, Jr.
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

Walter F. Rose, Jr.
Print or type Signer's name

Affix Corporate Seal

Attest Eugene T. Rose
Signature of ~~Secretary, Assistant Secretary~~
Select appropriate title

Eugene T. Rose
Print or type Signer's name

Contract No. C202387
County Hertford

(Rev 7-10-08)

Bond No. 08980246

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: August 31, 2009

Name of Principal Contractor: Rose Brothers Paving Company, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: One Million Seven Hundred Ninety Four Thousand Seven Hundred Fifty Eight Dollars and 61/100 (\$1,794,758.61)

Contract ID No.: C202387

County Name: Hertford

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. C202387
County Hertford

(Rev 7-10-08)

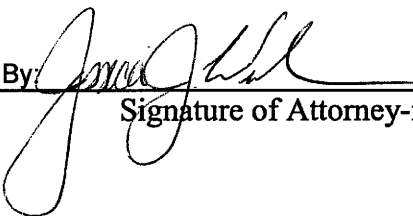
CONTRACT PERFORMANCE BOND

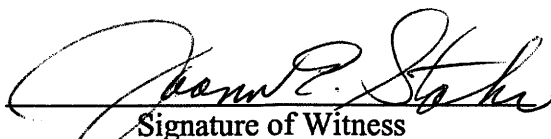
Affix Seal of Surety Company

Fidelity and Deposit Company of Maryland
Print or type Surety Company Name

By Jessica J. Winfree
Print, stamp or type name of Attorney-in-Fact



By 
Signature of Attorney-in-Fact


Signature of Witness

Joann E. Stahr
Print or type Witness's name

1001 Haxall Point, Suite 800
Richmond, VA 23219
Address of Attorney-in-Fact

Contract No. C202387
County Hertford

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND
CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Rose Brothers Paving Company, Inc.

Full name of Corporation

P.O. Box 806, Ahoskie, NC 27910

Address as prequalified

By Walter F. Rose, Jr.
Signature of ~~President~~, Vice President, ~~Assistant Vice President~~
Select appropriate title

Walter F. Rose, Jr.
Print or type Signer's name

Affix Corporate Seal

Attest Eugene T. Rose
Signature of ~~Secretary~~, Assistant Secretary
Select appropriate title

Eugene T. Rose
Print or type Signer's name

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
HOME OFFICE: 3910 KESWICK ROAD, BALTIMORE, MD 21211**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by Frank E. Martin, Jr., Vice President and Gerald F. Haley, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the next page hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint:

Jessica J. Winfree

of Richmond, VA, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: Bond or undertaking number 08980246, issued on behalf of Rose Brothers Paving Company, Inc., as Principal in a penalty not to exceed the

sum of See Bond Form (\$See Bond Form) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, MD, in their own proper persons.

The said Assistant Secretary does hereby certify that the extract set forth on the next page hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND this 4th day of September, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley Assistant Secretary

Frank E. Martin Jr.

Frank E. Martin, Jr. Vice President

State of Maryland }
County of Baltimore } SS:

On this 4th day of September, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came Frank E. Martin, Jr., Vice President, and Gerald F. Haley, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Connie A. Dunn

Connie A. Dunn Notary Public
My Commission Expires: July 14, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President or any Vice President that is specially authorized by the Board of Directors or the Chairman in concurrence with the Corporate Secretary, shall have the power, by and with the concurrence of the Secretary, to appoint Attorney-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto.”

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: “That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.”

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 31st day of August, 2009.



L.L. Goucher

Assistant Secretary

