

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

C202197

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202197

WBS 38683.3.3 FBD-0012(33)

T.I.P NO. F-4004C

COUNTY OF HYDE
THIS IS THE FERRY CONTRACT

ROUTE NUMBER _____ LENGTH 0.000 MILES
LOCATION REPLACEMENT OF THE M/V PAMLICO.

CONTRACTOR ORANGE SHIPBUILDING CO., INC.
ADDRESS P.O. BOX 1670
ORANGE, TX 776311670

BIDS OPENED SEPTEMBER 15, 2009
CONTRACT EXECUTION OCT 12 2009

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

**Irregular
Low Bid**

PROPOSAL FORM

Vendor#: **2989** **PQ**

ORANGE SHIPBUILDING CO., INC.

P.O. Box 1670

ORANGE TX 776311670
ADDRESS OF BIDDER

DATE AND TIME OF OPENING BIDS: **2:00 PM, September 15, 2009**

PROJECT NO. WBS 38683.3.3

TIP NO. F-4004C

Federal Aid No. FBD-0012(33)

Contract No. C202197

VESSEL CLASS: SOUND CLASS VESSEL NAME: N/A

DESCRIPTION: CONSTRUCTION OF ONE (1) 220' x 50' x 12'-6"

PASSENGER/VEHICLE FERRY WITH STANDARD PROPULSION

TYPE OF WORK: NEW CONSTRUCTION

Bids Will Be Received As Shown:

NEW CONSTRUCTION:

REPAIR:

5% BID BOND REQUIRED, SECURED BY EITHER A CORPORATE SURETY OR CERTIFIED CHECK.

PROJECT: WBS 38683.3.3 TIP F-4004C

NEW CONSTRUCTION PASSENGER/VEHICLE FERRY

INSTRUCTIONS: Contractor shall complete each item below by inserting the appropriate value for each. Lump sum per vessel shall be equal to the total of individual item cost. Please use pen for completion.

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>COST (Labor & Material)</u>
1	Engineering & As-built	<u>223,650.00</u>
2	Stability	<u>7,199.00</u>
3	Hull Steel	<u>2,477,584.00</u>
4	Superstructure	<u>619,645.00</u>
5	Bulwarks & Tire Guards	<u>331,752.00</u>
6	Machinery	<u>688,325.00</u>
7	Piping	<u>1,996,930.00</u>
8	Electrical	<u>886,963.00</u>
9	Joiner (Passenger Lounge & Crew Quarters)	<u>1,206,762.00</u>
10	Elevator	<u>280,040.00</u>
11	Stairways, Ladders & Handrails	<u>195,394.00</u>
12	Outfitting	<u>314,390.00</u>
13	Doors, Windows & Manholes	<u>305,127.00</u>
14	Shafting	<u>191,136.00</u>
15	Rudders & Steering	<u>173,852.00</u>
16	Electronics	<u>411,171.00</u>
17	Fire, Safety & Rescue Boat	<u>264,944.00</u>
18	Painting	<u>986,880.00</u>
19	Names & Tags	<u>24,014.00</u>
20	Testing & Trials	<u>235,514.00</u>
21	Delivery	<u>260,583.00</u>
22	Bonding	<u>142,098.00</u>
23	Profit	<u>772,047.00</u>

PROJECT: WBS 38683.3.3 TIP F-4004 C

NEW CONSTRUCTION PASSENGER/VEHICLE FERRY

LABOR AND MATERIALS

PER HOUR COST

a. Price of Chipper	\$ <u>57.50</u>
b. Price of Shipfitter	\$ <u>63.25</u>
c. Price of Machinist	\$ <u>88.00</u>
d. Price of Carpenter	\$ <u>63.25</u>
e. Price of Electrician	\$ <u>71.50</u>
f. Price of Rigger	\$ <u>63.25</u>
g. Price of Pattern Maker	\$ <u>63.25</u>
h. Price of Pipe Fitter	\$ <u>63.25</u>
i. Price of Welder	\$ <u>63.25</u>
j. Price of Sheet Metal Worker	\$ <u>63.25</u>
k. Price of Painter	\$ <u>63.25</u> Plus Equipment
l. Price of Welder Helper	\$ <u>57.50</u>
m. Price of Pipe Fitter Helper	\$ <u>57.50</u>
n. Price of Electrician Helper	\$ <u>57.50</u>
o. Price of General Labor (helper)	\$ <u>57.50</u>
p. Price of Crane Operator	\$ <u>63.25</u>
q. Price of Crane Service (overhead shop crane)	\$ <u>75.00</u>
r. Price of Crane Service (crawler crane)	\$ <u>200.00</u> Plus Operator
s. Price of Metal Prep (sand blasting or shot blast)	\$ <u>200.00</u> PER Nozzle
t. Price of Welding (per linear foot /pass)	\$ <u>32.50</u>
u. Price of Galvanizing (hot dip process)	\$ <u>2.00/#</u>

The price charged as itemized opposite each of the above listed artificers will, except as noted, include the cost of materials and tools such as gas, electricity, heat, compressed air, torches, air hammers, forges, welding equipment, welding iron, and all other materials normally employed by artificers in performing operations under their trades, but will exclude the cost of any other materials actually used by the artificers in these processes. When welding is performed, the required number of passes over one (1) foot of seam shall constitute one (1) linear welded foot. Materials used in work, if purchased from the Contractor, shall be priced at his invoiced cost, plus 15 %.

PROJECT: WBS 38683.3.3 TIP F-4004 C

NEW CONSTRUCTION PASSENGER/VEHICLE FERRY

******* LUMP SUM BID *******

C202197

Amount to complete plans, construction, testing and delivery of one (1) passenger/vehicle ferry in accordance with the plans and specifications.

Lump Sum \$ 12,996,000.⁰⁰

*** NOTE ***

All bidders shall specify, in the space provide below, the physical location of the construction facility, which will be used for the construction of this project.

This information shall be used by the Board of Transportation when award is made to the Lowest Responsible Bidder. Any substitution of construction site after award of contract shall be approved by the Department. The Contractor shall submit any request for substitution through the Marine Engineer of the Ferry Division, and the request must provide a valid basis or reason for proposed substitution.

FACILITY LOCATION

ORANGE SHIPBUILDING Co., INC.

P.O. Box 1670

ORANGE, TX 77631

PROJECT: WBS 38683.3.3 TIP F-4004C

NEW CONSTRUCTION PASSENGER/VEHICLE FERRY

INSTRUCTIONS: Contractor shall complete each item below by inserting the appropriate value for each. Lump sum per vessel shall be equal to the total of individual item cost. Please use pen for completion.

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>COST (Labor & Material)</u>
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PROJECT: WBS 38683.3.3 TIP F-4004 C

NEW CONSTRUCTION PASSENGER/VEHICLE FERRY

<u>LABOR AND MATERIALS</u>	<u>PER HOUR COST</u>
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PROJECT: WBS 38683.3.3 TIP F-4004 C

NEW CONSTRUCTION PASSENGER/VEHICLE FERRY

DBE GOAL SET 0.0%
DBE GOAL MET 0.0%

***** LUMP SUM BID *****

C202197

Amount to complete plans, construction, testing and delivery of one (1) passenger/vehicle ferry in accordance with the plans and specifications.

Lump Sum \$ 12,996,000.00 ✓

* NOTE *

All bidders shall specify, in the space provide below, the physical location of the construction facility, which will be used for the construction of this project.

This information shall be used by the Board of Transportation when award is made to the Lowest Responsible Bidder. Any substitution of construction site after award of contract shall be approved by the Department. The Contractor shall submit any request for substitution through the Marine Engineer of the Ferry Division, and the request must provide a valid basis or reason for proposed substitution.

FACILITY LOCATION

ORANGE SHIPBUILDING Co, INC.

P.O. Box 1670

ORANGE, TX 77631

EXECUTION OF BID, NONCOLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) 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, execution of this bid in the proper manner also constitutes the Bidder's certification of "Status" under penalty of perjury under the laws of the United States in accordance with the Debarment Certification included elsewhere in the proposal form, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR

(If a corporation uses this sheet)

ORANGE SHIPBUILDING Co., INC.
(Print full name of corporation)

P.O. Box 1670 ORANGE TX 77631
(Address as Prequalified)

Attest Cecil A. Hernandez (Secretary) ~~(Assistant Secretary)~~ Delete inappropriate title
By John P. Conrad, Jr. (President) ~~(Vice President)~~ ~~(Asst. Vice President)~~ Delete inappropriate title

CECIL A. HERNANDEZ
Print Signer's Name

JOHN P. CONRAD, JR.
Print Signer's Name

CORPORATE SEAL

NOTE - AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the 12th day of August, 2009.

[Signature]
(Signature of Notary Public) #4678

NOTARY SEAL:

of St Mary County, Parish

State of LOUISIANA

My Commission Expires: at my death

EXECUTION OF BID, NONCOLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) 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, execution of this bid in the proper manner also constitutes the Bidder's certification of "Status" under penalty of perjury under the laws of the United States in accordance with the Debarment Certification included elsewhere in the proposal form, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR
(If a joint venture, use this sheet)

Instructions to Bidders: On Line (1), print the name of each contractor. On Line (2), print the name of one of the joint venturers and execute below in the appropriate manner and furnish in the following lines all information required by Article 102-8 of the Specifications. On Line (3), print the name of the other joint venturer and execute below in the appropriate manner and furnish all information required by said article of the Specifications. For correct form of execution and information required for execution of this sheet by an individual, see Signature Sheets 3 and 4; for a corporation, see Signature Sheet 1; and for a partnership, see Signature Sheet 5.

(1) _____ and _____
A Joint Venture

(2) _____ (Seal)
(Name of Contractor)

Witness or Attest

By _____

Print Signer's Name

Print Signer's Name
If a corporation, affix corporate seal:

and

(3) _____ (Seal)
(Name of Contractor)

(Address as Prequalified)

Witness or Attest

By _____

Print Signer's Name

Print Signer's Name
If a corporation, affix corporate seal:

NOTE - AFFIDAVIT MUST BE NOTARIZED For Line (2) NOTE - AFFIDAVIT MUST BE NOTARIZED For Line (3)

Subscribed and sworn to before me
this the ____ day of _____, 20__.

Subscribed and sworn to before me
this the ____ day of _____, 20__.

(Signature of Notary Public & Seal)

(Signature of Notary Public & Seal)

of _____ County.

of _____ County.

State of _____.

State of _____.

My Commission Expires: _____

My Commission Expires _____

EXECUTION OF BID, NONCOLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) 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, execution of this bid in the proper manner also constitutes the Bidder's certification of "Status" under penalty of perjury under the laws of the United States in accordance with the Debarment Certification included elsewhere in the proposal form, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR
(If an individual doing business under a firm name, use this sheet)

Name of Contractor _____ trading
(Print individual name)

Witness

Print signer's name

and doing business as _____
(Print firm name)

(Address as Prequalified)

Signature of Contractor _____
(Individually)

Print signer's name

NOTE - AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the
_____ day of _____, 20_____.

NOTARY SEAL

(Signature of Notary Public)

of _____ County.

State of _____.

My Commission Expires: _____

EXECUTION OF BID, NONCOLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) 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, execution of this bid in the proper manner also constitutes the Bidder's certification of "Status" under penalty of perjury under the laws of the United States in accordance with the Debarment Certification included elsewhere in the proposal form, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR
(If an individual doing business in his own name, use this sheet)

Name of Contractor _____
(Print)

(Address as Prequalified)

Witness

Signature of Contractor _____
(Individually)

Print Signer's Name

Print Signer's Name

NOTE - AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the _____ day of _____, 20____.

NOTARY SEAL

(Signature of Notary Public)

of _____ County.

State of _____.

My Commission Expires: _____

EXECUTION OF BID, NONCOLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) 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, execution of this bid in the proper manner also constitutes the bidder's certification of "Status" under penalty of perjury under the laws of the United States in accordance with the Debarment Certification included elsewhere in the proposal form, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR
(If a partnership, use this sheet)

(Print Name of Partnership)

(Address as Prequalified)

By _____

Witness

Partner

Print Signer's Name

Print Signer's Name

NOTE - AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

NOTARY SEAL

_____ day of _____, 20____.

(Signature of Notary Public)

of _____ County.

State of _____.

My Commission Expires: _____

EXECUTION OF BID, NONCOLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) 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, execution of this bid in the proper manner also constitutes the Bidder's certification of "Status" under penalty of perjury under the laws of the United States in accordance with the Debarment Certification included elsewhere in the proposal form, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR
(Limited Liability Company, use this sheet)

Name of Contractor _____
(Print firm name)

(Address as Prequalified)

Signature of Manager _____
(Individually)

Print Signer's Name

NOTE - AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the
_____ day of _____, 20_____.

NOTARY SEAL

(Signature of Notary Public)

of _____ County.

State of _____.

My Commission Expires: _____

Contract No: C202197

County: Hyde

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer

10/12/09

Date

Execution of Contract and Bonds
Approved as to Form:



Assistant Attorney General

DEBARMENT CERTIFICATION OF BIDDERS

Instructions & conditions for certification

1. By signing and submitting this proposal, the bidder is providing the certification set out below.
2. The inability of a bidder to provide the certification required below will not necessarily result in denial of participation in this contract. If the certification is not provided, the bidder must submit an explanation (exception) of why it cannot provide the certification set out below. The certification or explanation (exception) will be considered in connection with the Department's determination whether to award the contract. However, failure of the prospective bidder to furnish a certification or an explanation (exception) may be grounds for rejection of the bid.
3. The certification in this provision is a material representation of fact upon which reliance is placed when the Department determines whether or not to award the contract. If it is later determined that the bidder knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department may terminate this contract for cause of default.
4. The prospective bidder shall provide immediate written notice to the Department if at any time the bidder learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. 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 12540*. 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.
6. The bidder agrees by submitting this bid that, should the contract be awarded, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this contract, unless authorized by the Department.
7. The prospective bidder further agrees by submitting this proposal that it 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.

8. The prospective bidder may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals.
9. 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.
10. Except for transactions authorized under paragraph 6 of these instructions, if the successful bidder 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 to the Federal Government, the Department may terminate this transaction for cause of default.

DEBARMENT CERTIFICATION

The bidder certifies to the best of its knowledge and belief, that it and its 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, it shall attach an explanation to this proposal.

IF AN EXPLANATION, AS PROVIDED IN THE ABOVE DEBARMENT CERTIFICATION, HAS BEEN ATTACHED TO THE PROPOSAL, PLEASE CHECK THE BOX SHOWN BELOW:

An explanation has been attached to the proposal.

Contract Item Sheets For C202197

Line #	ItemNumber	Sec #	Description	Quantity	Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS							
001	0000900000-N	SP	GENERIC MISCELLANEOUS ITEM CONST OF 220' X 50' X 12'-6" PASSENGER/ VEHICLE FERRY WITH STANDARD PROPULSION	Lump Sum	LS	12,996,000.00	12,996,000.00
TOTAL AMOUNT OF BID FOR ENTIRE PROJECT							\$12,996,000.00

054/Sep25/Q1/D900000/E1

Contract No. C202197
County Hyde

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Bond No. 6668452

Date of Payment Bond Execution October 2, 2009

Name of Principal Contractor Orange Shipbuilding Co., Inc.

Name of Surety: Safeco Insurance Company of America

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

Amount of Bond: \$12,996,000.00

Contract ID No.: C202197

County Name: Hyde

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. C202197
County Hyde

(Rev 7-10-08)

CONTRACT PAYMENT BOND

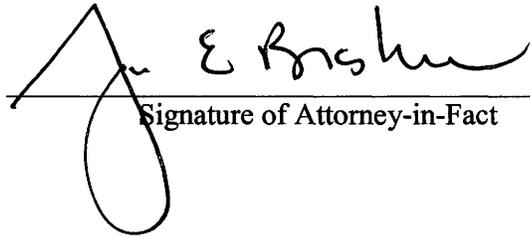
Affix Seal of Surety Company

Safeco Insurance Company of America

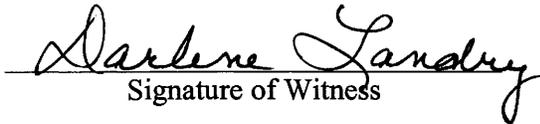
Print or type Surety Company Name

By Jim E. Brashier, Attorney-In-Fact

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



Signature of Attorney-in-Fact



Signature of Witness

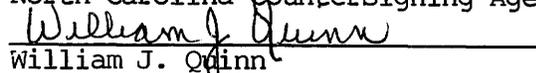
Darlene Landry

Print or type Witness's name

213 Porter Avenue, Biloxi, MS 39530

Address of Attorney-in-Fact

North Carolina Countersigning Agent:



William J. Quinn

Wells Fargo Insurance Services USA, Inc.
6100 Fairview Road, Suite 800
Charlotte, NC 28210

Contract No.
County

C202197

Hyde

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Orange Shipbuilding Co., Inc.

Full name of Corporation

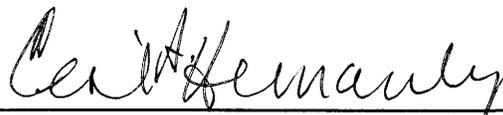
P. O. Box 1670, Orange, TX 77631-1670

Address as prequalified

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

JOHN P. CONRAD, JR.
Print or type Signer's name

Affix Corporate Seal

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

CECILIA HERNANDEZ
Print or type Signer's name



POWER OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

No. 9958

KNOW ALL BY THESE PRESENTS:

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

KIMBERLY B. BARHUM; DAVID ROBIN FORTENBERRY; RICHARD TEB JONES; MARY JONES NORVAL; Hattiesburg, Mississippi; CHRIS BOONE; JOHN R. PITTMAN, SR.; SHARON TUTEN; Jackson, Mississippi; JIM E. BRASHIER; TROY P. WAGENER; NORMA J. MCMAHON; LOREN RICHARD HOWELL, JR.; KATHLEEN SCARBOROUGH; Biloxi Mississippi; SCOTT NAUGLE; JOHN B SNEED; WAYNE TIDSALE; Gulfport, Mississippi

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March, 2009

Dexter R. Legg signature

Dexter R. Legg, Secretary

Timothy A. Mikolajewski signature

Timothy A. Mikolajewski, Vice President

CERTIFICATE

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

"Article V, Section 13. - 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 company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business...

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution 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 2nd day of October, 2009



Dexter R. Legg signature

Dexter R. Legg, Secretary

Contract No. C202197
County Hyde

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Bond No. 6668452

Date of Performance Bond Execution: October 2, 2009
Name of Principal Contractor: Orange Shipbuilding Co., Inc.
Name of Surety: Safeco Insurance Company of America
Name of Contracting Body: **North Carolina Department of Transportation**
Raleigh, North Carolina
Amount of Bond: \$12,996,000.00
Contract ID No.: C202197
County Name: Hyde

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. C202197
County Hyde

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

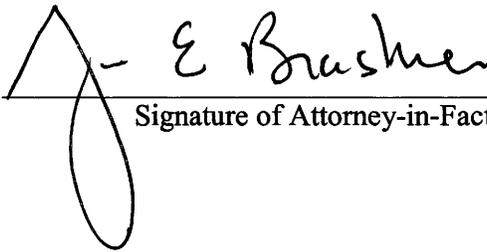
Affix Seal of Surety Company

Safeco Insurance Company of America

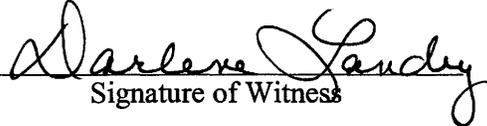
Print or type Surety Company Name

By Jim E. Brashier, Attorney-In-Fact

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



Signature of Attorney-in-Fact



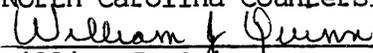
Signature of Witness

Darlene Landry

Print or type Witness's name

213 Porter Avenue, Biloxi, MS 39530

Address of Attorney-in-Fact

North Carolina Countersigning Agent:


William J. Quinn
Wells Fargo Insurance Services USA, Inc.
6100 Fairview Road, Suite 800
Charlotte, NC 28210

Contract No. C202197
County Hyde

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Orange Shipbuilding Co., Inc.

Full name of Corporation

P. O. Box 1670, Orange, TX 77631-1670

Address as prequalified

By John P. Conrad, Jr.
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

JOHN P. CONRAD, JR.
Print or type Signer's name

Affix Corporate Seal

Attest Cecil A. Hernandez
Signature of ~~Secretary, Assistant Secretary~~
Select appropriate title

CECIL A. HERNANDEZ
Print or type Signer's name



POWER OF ATTORNEY

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its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March, 2009

Dexter R. Legg (handwritten signature)

TAMIKOLAJEWSKI (handwritten signature)

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

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Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

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

this 2nd day of October, 2009



Dexter R. Legg (handwritten signature)

Dexter R. Legg, Secretary

