

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

C202394

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202394

WBS 45098.3.ST1 STM-077-1(195)69

T.I.P NO. I-5129

COUNTY OF YADKIN
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER I77 LENGTH 3.120 MILES
LOCATION I-77 FROM THE IREDELL COUNTY LINE TO SOUTH OF SR-1125
(ASBURY CHURCH RD).

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

BIDS OPENED OCTOBER 20, 2009
CONTRACT EXECUTION NOV 20 2009

Carl Rose and Sons, Inc (3619).

Vendor 1 of 2 Vendors for Call Order 017 (Proposal ID C202394).

DBE GOAL SET 6.0%
DBE GOAL OBT 4.1%

County: YADKIN
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: Mon Oct 19 22:21:48 2009

Bid Checksum: DC333022

Amendment Count: 0

Bidding Errors: This bid contains errors.

Bid Total: \$945,558.60 ✓

Bond ID: SNC09100807

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$47,277.93

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 9/29/2009 8:42:10 AM

Surety Name: Pacific Indemnity Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT	
4388	WB Foothills Construction Serv Inc 6081 PEA RIDGE PASS , HAMPTONVILLE, NC 27020		Sub 8,550.00	✓ ARM
7505	MB Sloan Trucking P.O. BOX 752 , MORAVIAN FALLS, NC 28654		Sub 5,800.00	✓ ARM
4435	MB Kenneth Leon Martin DBA Martin 9694 NC 268 , ELKIN, NC 28621		Sub 6,500.00	✓ ARM
4705	MB Dennis A Sales DBA Sales Gradin 840 RUTH LINNEY RD , ROARING RIVER, NC 28669		Sub 12,000.00	✓ ARM
4434	WB Long Brothers of Summerfield, I PO BOX 35048 , GREENSBORO, NC 27425		Sub 5,512.50	✓ ARM
			TOTAL: \$38,362.50	✓ ARM
			4.06%	

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: SNC09100807
Surety Registry Agency: surety2000

NCDOT/berc

Vendor 3619's Load Output for Call 017, Letting L091020, 2009-10-20

Verified?: Yes

Surety Agency: Pacific Indemnity Company

Bond Execution Date: 9/29/2009 8:42:10 AM

Bond Amount: \$47,277.93 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 09-22-09
Revised:

Contract ID: C202394 Project(s): STM-077-1(195)69
Letting Date: 10-20-09 Call Order: 017
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		24,000.00
0002	1245000000-E SHOULDER RECONSTRUCTION	SMI	12.480	1,000.00000		12,480.00
0003	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	139,110.000	0.72000		100,159.20
0004	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	11,724.000	33.50000		392,754.00
0005	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON	704.000	412.00000		290,048.00
0006	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	LF	65,894.000	0.14000		9,225.16
0007	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP		LUMP		12,500.00
0008	4815000000-E PAINT PAVEMENT MARKING LINES (6")	LF	74,134.000	0.05000		3,706.70
0009	4847100000-E POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	LF	74,134.000	1.11000		82,288.74
0010	4905000000-N SNOWPLOWABL E PAVEMENT MARKERS	EA	412.000	23.90000		9,846.80

State of NC
 Dept of Transportation

Date: 09-22-09
 Revised:

Contract ID: C202394

Project(s): STM-077-1(195)69

Letting Date: 10-20-09 Call Order: 017

Bidder: 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	6084000000-E SEEDING & MULCHING	7.600 ACR	1,125.00000		8,550.00	
Section 0001 Total						945,558.60
Bid Total						945,558.60

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: 09-22-09
PAGE: 5

PROPOSAL: C202394
LETTING: L091020 CALL: 017
VENDOR: 3619 Carl Rose and Sons, Inc

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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DBE SUBCONTRACTOR: 4388 Foothills Construction Serv Inc
Will Use Quote: Yes

0011	6084000000-E	SEEDING AND ACR		7.600	1125.00000	8550.00
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						8,550.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						8,550.0

DBE SUBCONTRACTOR: 7505 SLOAN TRUCKING
Will Use Quote: Yes

0004	1523000000-E	ASP CONC SUR TON		100.000	58.00000	5800.00
Partial item, Trucking only, 100 hrs @ \$58.00 per hour= \$ 5,800.00						

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						5,800.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						5,800.0

DBE SUBCONTRACTOR: 4435 KENNETH LEON MARTIN DBA MARTIN & MARTIN
Will Use Quote: Yes

0004	1523000000-E	ASP CONC SUR TON		100.000	65.00000	6500.00
Partial item, Haul only, 100 hours @ \$ 65.00 per hour= \$6,500.00						

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						6,500.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						6,500.0

DBE SUBCONTRACTOR: 4705 DENNIS A SALES DBA SALES GRADING
Will Use Quote: Yes

0004	1523000000-E	ASP CONC SUR TON		200.000	.60.00000	12000.00
Partial item, Haul only, 200 hours @ \$60.00 per hour= \$ 12,000.00						

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						12,000.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						12,000.

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

0005	1565000000-E	ASP FOR PLAN TON		350.000	15.75000	5512.50
Partial item, Haul only, Haul 200 tons @ 15.75 per ton= \$ 3,150.00.						

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						5,512.50
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						5,512.5

TOTAL DBE COMMITMENT FOR VENDOR:

Entered: 4.06% or 38362.50
Required: 6.00% or 56733.52
<GOAL NOT MET>

✓ ARM

Contract Item Sheets For C202394

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	24,000.00	24,000.00
0002	1245000000-E	SP	SHOULDER RECONSTRUCTION	12.48 SMI	1,000.00	12,480.00
0003	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	139,110 SY	0.72	100,159.20
0004	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	11,724 TON	33.50	392,754.00
0005	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	704 TON	412.00	290,048.00
0006	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	65,894 LF	0.14	9,225.16
0007	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	12,500.00	12,500.00
0008	4815000000-E	1205	PAINT PAVEMENT MARKING LINES (6")	74,134 LF	0.05	3,706.70
0009	4847100000-E	1205	POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	74,134 LF	1.11	82,288.74
0010	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	412 EA	23.90	9,846.80
0011	6084000000-E	1660	SEEDING & MULCHING	7.6 ACR	1,125.00	8,550.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$945,558.60

Contract Number C202394
County Yadkin

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 Elkton, N.C. 28621
Address as Prequalified

Attest C. Dunder 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

Dele E. Rose
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

6th day of November 2009

Janice N. Stanley
Signature of Notary Public

of Yadkin County

State of North Carolina

My Commission Expires: May 6, 2010

Notary Public-North Carolina
Janice N. Stanley
Yadkin County
My Commission Expires
May 6, 2010

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 C 202394
County Yackin

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.

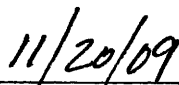
Contract No **C202394**

County (ies): **Yadkin**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

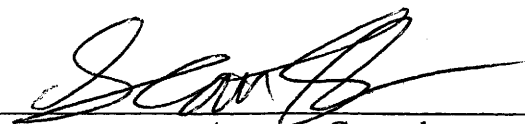


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Signature Sheet (Bid - Acceptance by Department)

Contract No. C202394
County Yadkin

(Rev 7-10-08)

Bond #8204-18-00

CONTRACT PAYMENT BOND

Date of Payment Bond Execution November 11, 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: Nine Hundred Forty-five Thousand Five Hundred Fifty-eight & 60/100 Dollars (\$945,558.60)

Contract ID No.: C202394

County Name: Yadkin

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. C202394
County Yadkin

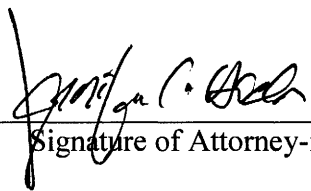
(Rev 7-10-08)

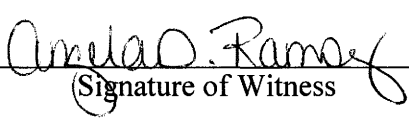
CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Pacific Indemnity Company
Print or type Surety Company Name

By Jennifer C. Hoehn
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

Angela D. Ramsey
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 202394
Madison

(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 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 November 11, 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

C202394
Yadkin

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: November 11, 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: Nine Hundred Forty-five Thousand Five Hundred Fifty-eight & 60/100 Dollars (\$945,558.60)

Contract ID No.: C202394

County Name: Yadkin

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

C 2023 94
Yedkin

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

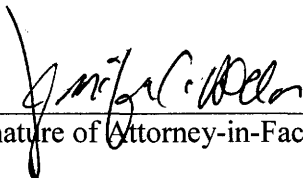
Pacific Indemnity Company

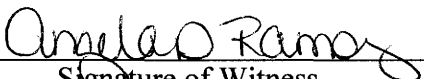
Print or type Surety Company Name

By

Jennifer C. Hoehn

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


Signature of Attorney-in-Fact


Signature of Witness

Angela D. Ramsey

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 202394
Yadkin

(Rev 7-10-08)

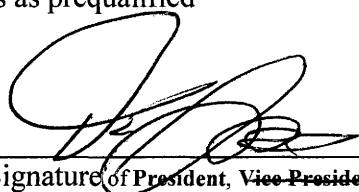
CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

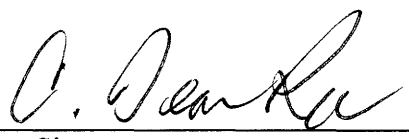
Carl Rose & Sons, Inc.
Full name of Corporation

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**

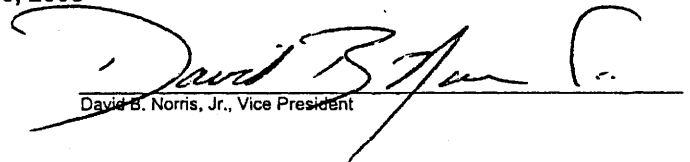
**Attn: Surety Department
15 Mountain View Road
Warren, NJ 07059**

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 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 **November 11, 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

