

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

C202395

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202395

WBS 45107.3.ST1 STM-0018(14)

T.I.P NO. R-5160

COUNTY OF ALLEGHANY  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER NC 18 LENGTH 0.540 MILES  
LOCATION NC-18 FROM SR-1173 (TAYSON RD) TO SR-1138 (OSBORNE RD).

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

BIDS OPENED NOVEMBER 17, 2009  
CONTRACT EXECUTION DEC 16 2009

**Carl Rose and Sons, Inc (3619).****Vendor 1 of 2 Vendors for Call Order 011 (Proposal ID C202395).**

County: ALLEGHANY  
Address: P.O.Box 786  
Elkin, NC 28621  
Phone Number: 336-835-7506  
Signature Check: This bid has been properly signed by Dean\_Rose\_3619.  
Time Bid Received: Tue Nov 17 11:34:23 2009  
Bid Checksum: A18B7B11  
Amendment Count: 0 DBE GOAL SET 7.0  
Bidding Errors: This bid contains errors. DBE GOAL MET 7.0  
Bid Total: \$358,963.21 ✓  
Bond ID: SNC09882155  
Bond was Verified: Yes.  
Bond Required Percent: 5.00%  
Minimum Check Amount: \$17,948.16  
Bid Security Maximum: \$  
Bond Agency Name:  
Agency Execution Date: 11/11/2009 3:18:29 PM  
Surety Name: Pacific Indemnity Company  
Surety State of Incorporation:  
Bond Company:  
Bond Type:  
Bond Appr Flag:  
Bond Affirm:  
Bond was Paid by Check: No.

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT		
2199	<b>WB</b> B & B SEEDING & LANDSCAPING 119 GRAND VIEW ROAD . , ARARAT, NC 27007		Sub 9,839.00	✓	arm
7505	<b>MB</b> SLOAN TRUCKING P.O. BOX 752 , MORAVIAN FALLS, NC 28654		Sub 2,610.00	✓	arm
4705	<b>MB</b> DENNIS A SALES DBA SALES GRADIN 840 RUTH LINNEY RD , ROARING RIVER, NC 28669		Sub 5,220.00	✓	arm
4435	<b>MB</b> KENNETH LEON MARTIN DBA MARTIN 9694 NC 268 , ELKIN, NC 28621		Sub 2,925.00	✓	arm
6372	<b>WB</b> BIRD DOG TRAFFIC CONTROL, LLC SOUTH OAKLAND AVENUE , STATESVILLE, NC 28677		Sub 3,960.00	✓	arm
4434	<b>WB</b> LONG BROTHERS OF SUMMERFIELD, I PO BOX 35048 , GREENSBORO, NC 27425		Sub 762.50	✓	arm
			TOTAL:	\$25,316.50	7.05%

Miscellaneous Data Info - Contractor Responses:  
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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	

Bid Bond Data Info - Contractor Responses:  
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NCDOT/berc

Vendor 3619's Load Output for Call 011, Letting L091117, 2009-11-17

BondID: SNC09882155  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Pacific Indemnity Company  
Bond Execution Date: 11/11/2009 3:18:29 PM  
Bond Amount: \$17,948.16 (Five Percent of Bid)

State of NC  
 Dept of Transportation

Date: 10-20-09  
 Revised:

Contract ID: C202395 Project(s): STM-0018(14)  
 Letting Date: 11-17-09 Call Order: 011  
 Bidder: 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATION	LUMP	LUMP			30,000.00
0002	0000400000-N CONSTRUCTION SURVEYING	LUMP	LUMP			3,500.00
0003	0043000000-N GRADING	LUMP	LUMP			19,560.00
0004	0318000000-E FOUNDATION CONDITIONING MATERIAL, MINOR STRS	TON	44.000	22.20000		976.80
0005	0320000000-E FOUNDATION CONDITIONING FABRIC	SY	139.000	0.75000		104.25
0006	0343000000-E 15" SIDE DRAIN PIPE	LF	20.000	17.84000		356.80
0007	0344000000-E 18" SIDE DRAIN PIPE	LF	16.000	21.81000		348.96
0008	0366000000-E 15" RC PIPE CULVERTS, CLASS III	LF	20.000	16.80000		336.00
0009	0372000000-E 18" RC PIPE CULVERTS, CLASS III	LF	208.000	22.65000		4,711.20
0010	0378000000-E 24" RC PIPE CULVERTS, CLASS III	LF	152.000	34.00000		5,168.00
0011	0995000000-E PIPE REMOVAL	LF	206.000	4.00000		824.00

State of NC  
 Dept of Transportation

Date: 10-20-09  
 Revised:

Contract ID: C202395 Project(s): STM-0018(14)  
 Letting Date: 11-17-09 Call Order: 011  
 Bidder: 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1220000000-E INCIDENTAL STONE BASE	100.000 TON	17.90000		1,790.00	
0013	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	7,710.000 SY	2.25000		17,347.50	
0014	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (9-1/2")	665.000 SY	17.50000		11,637.50	
0015	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	745.000 TON	65.00000		48,425.00	
0016	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	1,465.000 TON	55.00000		80,575.00	
0017	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	120.000 TON	450.00000		54,000.00	
0018	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	18.000 TON	200.00000		3,600.00	
0019	1891000000-E GENERIC PAVING ITEM PAVEMENT FABRIC	1,980.000 SY	3.50000		6,930.00	
0020	2253000000-E PIPE COLLARS	0.450 CY	2,500.00000		1,125.00	
0021	2286000000-N MASONRY DRAINAGE STRUCTURES	3.000 EA	1,300.00000		3,900.00	
0022	2364000000-N FRAME WITH TWO GRATES, STD 840.16	3.000 EA	580.00000		1,740.00	
0023	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		26,800.00	

State of NC  
Dept of Transportation

Date: 10-20-09  
Revised:

Contract ID: C202395 Project(s): STM-0018(14)  
Letting Date: 11-17-09 Call Order: 011  
Bidder: 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	4810000000-E PAINT PAVEMENT MARKING LINES (4")	11,460.000 LF	0.35000		4,011.00	
0025	4847000000-E POLYUREA PAVEMENT MARKING LINES (4", *****) (STANDARD GLASS BEADS)	11,460.000 LF	0.85000		9,741.00	
0026	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	45.000 EA	45.00000		2,025.00	
0027	6000000000-E TEMPORARY SILT FENCE	2,510.000 LF	1.65000		4,141.50	
0028	6009000000-E STONE FOR EROSION CONTROL, CLASS B	150.000 TON	22.90000		3,435.00	
0029	6012000000-E SEDIMENT CONTROL STONE	150.000 TON	22.20000		3,330.00	
0030	6015000000-E TEMPORARY MULCHING	1.500 ACR	900.00000		1,350.00	
0031	6018000000-E SEED FOR TEMPORARY SEEDING	20.000 LB	1.00000		20.00	
0032	6030000000-E SILT EXCAVATION	100.000 CY	10.00000		1,000.00	
0033	6036000000-E MATTING FOR EROSION CONTROL	350.000 SY	1.65000		577.50	
0034	6042000000-E 1/4" HARDWARE CLOTH	250.000 LF	6.00000		1,500.00	

State of NC  
 Dept of Transportation

Date: 10-20-09  
 Revised:

Contract ID: C202395 Project(s): STM-0018(14)  
 Letting Date: 11-17-09 Call Order: 011  
 Bidder: 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0035	6084000000-E SEEDING & MULCHING	ACR 2.500	1,250.00000		3,125.00	
0036	6117000000-N RESPONSE FOR EROSION CONTROL	EA 5.000	125.00000		625.00	
0037	8594000000-E RIP RAP, CLASS B	TON 13.000	22.90000		297.70	
0038	8622000000-E FILTER FABRIC FOR DRAINAGE	SY 38.000	0.75000		28.50	
Section 0001 Total						358,963.21
Bid Total						358,963.21 ✓

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	

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:10-20-09  
PAGE: 7

PROPOSAL: C202395  
LETTING: L091117 CALL: 011  
VENDOR: 3619 Carl Rose and Sons, Inc

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

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

0027	6000000000-E	TEMPORARY SI LF	2510.000	1.65000	4141.50
0030	6015000000-E	TEMPORARY MU ACR	1.500	900.00000	1350.00
0031	6018000000-E	SEED FOR TEM LB	20.000	1.00000	20.00
0033	6036000000-E	MATTING FOR SY	350.000	1.65000	577.50
0035	6084000000-E	SEEDING AND ACR	2.500	1250.00000	3125.00
0036	6117000000-N	RESPONSE FOR EA	5.000	125.00000	625.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 9,839.00  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 9,839.00 ✓ arm

DBE SUBCONTRACTOR: 7505 SLOAN TRUCKING  
Will Use Quote: Yes

0016	1519000000-E	ASP CONC SUR TON	45.000	58.00000	2610.00
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 2,610.00  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 2,610.00 ✓ arm

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

0016	1519000000-E	ASP CONC SUR TON	90.000	58.00000	5220.00
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 5,220.00  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 5,220.00 ✓ arm

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

0016	1519000000-E	ASP CONC SUR TON	45.000	65.00000	2925.00
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 2,925.00  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 2,925.00 ✓ arm

DBE SUBCONTRACTOR: 6372 BIRD DOG TRAFFIC CONTROL, LLC  
Will Use Quote: Yes

0023	4589000000-N	GENERIC TRAF LS	11.000	360.00000	3960.00
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Note: 11 days @ \$ 360.00 per day = \$3,960.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 3,960.00  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 3,960.00 ✓ arm

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
 DBE COMMITMENT ITEMS

DATE:10-20-09  
 PAGE: 8

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

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

0017 1560000000-E    ASP FOR PLAN TON                    50.000                    15.25000                    762.50  
 Note: Partial item, Haul only 50 tons @ \$ 15.50 per ton.=762.50

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:                    762.50  
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )                    762.50

✓ arm

TOTAL DBE COMMITMENT FOR VENDOR:                    Entered:                    7.05% or                    25316.50  
    Required:                    7.00% or                    25127.42  
    <GOAL MET>

## Contract Item Sheets For C202395

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	30,000.00	30,000.00
0002	0000400000-N	801	CONSTRUCTION SURVEYING	Lump Sum LS	3,500.00	3,500.00
0003	0043000000-N	226	GRADING	Lump Sum LS	19,560.00	19,560.00
0004	0318000000-E	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRS	44 TON	22.20	976.80
0005	0320000000-E	SP	FOUNDATION CONDITIONING FABRIC	139 SY	0.75	104.25
0006	0343000000-E	310	15" SIDE DRAIN PIPE	20 LF	17.84	356.80
0007	0344000000-E	310	18" SIDE DRAIN PIPE	16 LF	21.81	348.96
0008	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	20 LF	16.80	336.00
0009	0372000000-E	310	18" RC PIPE CULVERTS, CLASS III	208 LF	22.65	4,711.20
0010	0378000000-E	310	24" RC PIPE CULVERTS, CLASS III	152 LF	34.00	5,168.00
0011	0995000000-E	340	PIPE REMOVAL	206 LF	4.00	824.00
0012	1220000000-E	545	INCIDENTAL STONE BASE	100 TON	17.90	1,790.00
0013	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	7,710 SY	2.25	17,347.50
0014	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (9-1/2")	665 SY	17.50	11,637.50
0015	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	745 TON	65.00	48,425.00
0016	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	1,465 TON	55.00	80,575.00
0017	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	120 TON	450.00	54,000.00

## Contract Item Sheets For C202395

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	18 TON	200.00	3,600.00
0019	1891000000-E	SP	GENERIC PAVING ITEM PAVEMENT FABRIC	1,980 SY	3.50	6,930.00
0020	2253000000-E	840	PIPE COLLARS	0.45 CY	2,500.00	1,125.00
0021	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	3 EA	1,300.00	3,900.00
0022	2364000000-N	840	FRAME WITH TWO GRATES, STD 840.16	3 EA	580.00	1,740.00
0023	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	26,800.00	26,800.00
0024	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	11,460 LF	0.35	4,011.00
0025	4847000000-E	1205	POLYUREA PAVEMENT MARKING LINES (4", *****) (STANDARD GLASS BEADS)	11,460 LF	0.85	9,741.00
0026	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	45 EA	45.00	2,025.00
0027	6000000000-E	1605	TEMPORARY SILT FENCE	2,510 LF	1.65	4,141.50
0028	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	150 TON	22.90	3,435.00
0029	6012000000-E	1610	SEDIMENT CONTROL STONE	150 TON	22.20	3,330.00
0030	6015000000-E	1615	TEMPORARY MULCHING	1.5 ACR	900.00	1,350.00
0031	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	20 LB	1.00	20.00
0032	6030000000-E	1630	SILT EXCAVATION	100 CY	10.00	1,000.00
0033	6036000000-E	1631	MATTING FOR EROSION CONTROL	350 SY	1.65	577.50
0034	6042000000-E	1632	1/4" HARDWARE CLOTH	250 LF	6.00	1,500.00
0035	6084000000-E	1660	SEEDING & MULCHING	2.5 ACR	1,250.00	3,125.00

## Contract Item Sheets For C202395

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0036	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	5 EA	125.00	625.00
0037	8594000000-E	876	RIP RAP, CLASS B	13 TON	22.90	297.70
0038	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	38 SY	0.75	28.50

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$358,963.21✓

1519/Nov24/Q40173.45/D119078500000/E38

Contract Number C202395  
County Allegheny

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. Dean Rose  
Secretary/Assistant Secretary  
Select appropriate title

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

C. Dean Rose  
Print or type Signer's name

Dale E. Rose  
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

30<sup>th</sup> day of November 2009

[Signature]  
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  
5-6-2010

Contract Number C202395  
County Allegheny

Rev 7-20-08

## DEBARMENT CERTIFICATION OF CONTRACTOR

Conditions for certification:

1. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that his certification was erroneous when he submitted his debarment certification or explanation that is on file with the Department, or has become erroneous because of changed circumstances.
2. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this provision, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. A copy of the Federal Rules requiring this certification and detailing the definitions and coverages may be obtained from the Contract Officer of the Department.
3. The Contractor agrees by submitting this form, that he will not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in NCDOT contracts, unless authorized by the Department.
4. For Federal Aid projects, the Contractor further agrees that by submitting this form he will include the Federal-Aid Provision titled *Required Contract Provisions Federal-Aid Construction Contract (Form FHWA PR 1273)* provided by the Department, without subsequent modification, in all lower tier covered transactions.
5. The Contractor may rely upon a certification of a participant in a lower tier covered transaction that he is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless he knows that the certification is erroneous. The Contractor may decide the method and frequency by which he will determine the eligibility of his subcontractors.
6. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this provision. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
7. Except as authorized in paragraph 3 herein, the Department may terminate any contract if the Contractor knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available by the Federal Government.

Contract Number C202395  
County Allegheny

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**      **C202395**

**County (ies):**    **Alleghany**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**



\_\_\_\_\_  
**Contract Officer**

12/16/09

\_\_\_\_\_  
**Date**

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

  
\_\_\_\_\_  
1/25/09 **Attorney General**

Contract No. C202395

(Rev 7-10-08)

County Alleghany

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution: December 3, 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: \$358,963.21

Contract ID No.: C202395

County Name: Alleghany

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. C202395  
County Alleghany

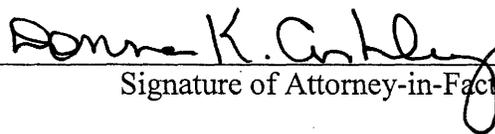
(Rev 7-10-08)

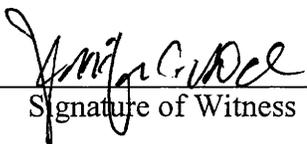
**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

PACIFIC INDEMENTIY COMPANY  
Print or type Surety Company Name

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

  
Signature of Attorney-in-Fact

  
Signature of Witness

Jennifer C. Hoehn  
Print or type Witness's name

Wells Fargo Insurance Services USA, Inc.  
P.O. Box 220748 Charlotte, NC 28222  
Address of Attorney-in-Fact

Contract No.  
County

C202395  
Allegheny

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Carl Rose & Sons, Inc.  
Full name of Corporation

P.O. Box 286 ELKIN, 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 10<sup>th</sup> 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 10<sup>th</sup> 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 therelo 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

December 3, 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. C202395

(Rev 7-10-08)

County Alleghany

**Bond #8204-18-03**

**CONTRACT PERFORMANCE BOND**

Date of Payment Bond Execution: **December 3, 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: **\$358,963.21**

Contract ID No.: **C202395**

County Name: **Alleghany**

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 agreement 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. C202395  
County Alleghany

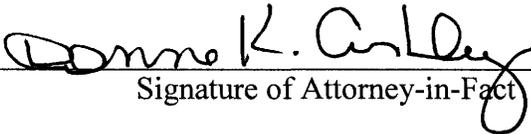
(Rev 7-10-08)

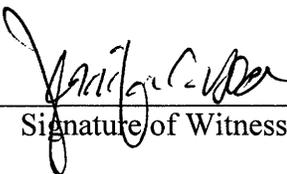
**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

PACIFIC INDEMNITY COMPANY  
Print or type Surety Company Name

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

  
Signature of Attorney-in-Fact

  
Signature of Witness

Jennifer C. Hoehn  
Print or type Witness's name

Wells Fargo Insurance Services USA, Inc.  
P.O. Box 220748, Charlotte, NC 28222  
Address of Attorney-in-Fact

Contract No.  
County

C202395  
Allegheny

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**

**CORPORATION**

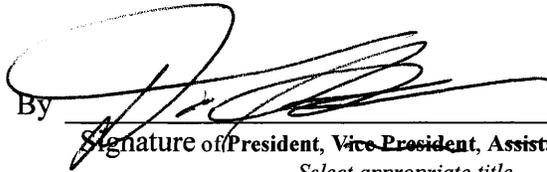
SIGNATURE OF CONTRACTOR (Principal)

Carl Rose & Sons, Inc.

Full name of Corporation

P.O. Box 786 Elkin, 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

C. Dean Rose

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 10<sup>th</sup> 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 10<sup>th</sup> 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

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"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 December 3, 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