

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

C202515

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202515

WBS 45309.3.ST1 STM-000S(610)

T.I.P NO. U-5195

COUNTY OF FORSYTH, GUILFORD  
THIS IS THE SIGNAL CONTRACT  
ROUTE NUMBER LENGTH 0.000 MILES  
LOCATION I-40, I-40 BUSINESS, US-421, AND US-52.

CONTRACTOR MIDASCO, LLC  
ADDRESS 7121 DORSEY RUN ROAD  
ELKRIDGE, MD 21075

BIDS OPENED JANUARY 19, 2010  
CONTRACT EXECUTION FEB 23 2010

**Midasco LLC (8572).**

**Vendor 6 of 7 Vendors for Call Order 030 (Proposal ID C202515).**

County: FORSYTH, GUILFORD

Address: 7121 Dorsey Run Road  
Elkridge, MD 21075

Phone Number: 410-579-6719

Signature Check: This bid has been properly signed by Michael\_Filipczak\_8572.

Time Bid Received: Tue Jan 19 09:42:10 2010

Bid Checksum: 979F4B4A

Amendment Count: 0

Bidding Errors: No bidding errors ✓

Bid Total: \$1,158,800.00 ✓

Bond ID: BACA-BRK7-WQMD-5KQM

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$57,940.00

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 1/19/2010

Surety Name: Western Surety Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 0.0

DBE GOAL MET 0.0

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: BACA-BRK7-WQMD-5KQM  
Surety Registry Agency: SurePathNetwork  
Verified?: Yes  
Surety Agency: Western Surety Company  
Bond Execution Date: 1/19/2010  
Bond Amount: \$57,940.00 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 12-22-09  
Revised:

Contract ID: C202515 Project(s): STM-000S(610)  
Letting Date: 01-19-10 Call Order: 030  
Bidder: 8572 - Midasco LLC

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			57,900.00
0002	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP			36,000.00
0003	7300000000-E UNPAVED TRENCHING (***** (1, 1-1/4" & 1, 1/2")	LF	550.000	7.00000		3,850.00
0004	7552000000-N INTERCONNEC T CENTER	EA	3.000	1,350.00000		4,050.00
0005	7901000000-N CABINET BASE EXTENDER	EA	4.000	625.00000		2,500.00
0006	7980000000-N GENERIC SIGNAL ITEM 5/8" X 10' COPPER CLAD GROUND- ING ELECTRODE	EA	37.000	150.00000		5,550.00
0007	7980000000-N GENERIC SIGNAL ITEM DISPOSAL OF EXISTING CABINET FOUNDATION	EA	12.000	355.00000		4,260.00
0008	7980000000-N GENERIC SIGNAL ITEM DISPOSAL OF EXISTING DMS	EA	16.000	230.00000		3,680.00
0009	7980000000-N GENERIC SIGNAL ITEM DMS	EA	16.000	64,000.00000		1,024,000.00
0010	7980000000-N GENERIC SIGNAL ITEM MODIFY EXISTING DMS CABINET FOUNDATION	EA	4.000	840.00000		3,360.00

State of NC  
 Dept of Transportation

Date: 12-22-09  
 Revised:

Contract ID: C202515 Project(s): STM-000S(610)  
 Letting Date: 01-19-10 Call Order: 030  
 Bidder: 8572 - Midasco LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	7980000000-N GENERIC SIGNAL ITEM MODIFY EXISTING ELECTRICAL SERVICE EQUIPMENT	10.000 EA	915.00000		9,150.00	
0012	7990000000-E GENERIC SIGNAL ITEM #4 AWG SOLID BARE COPPER GROUNDING CONDUCTOR	160.000 LF	3.00000		480.00	
0013	7990000000-E GENERIC SIGNAL ITEM 4-WIRE THWN #6 AWG STRANDED COPPER FEEDER CONDUCTORS	670.000 LF	4.00000		2,680.00	
0014	7990000000-E GENERIC SIGNAL ITEM 6-PAIR 19 AWG FILLED TELEPHONE CABLE	670.000 LF	2.00000		1,340.00	
Section 0001 Total						1,158,800.00
Bid Total						1,158,800.00

NON-COLLUSION AND DEBARMENT CERTIFICATION

The bidder certifies that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this bid, and that the bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. In addition, submitting this electronic bid constitutes the bidder's certification of Status under penalty of perjury under the laws of the United States and in accordance with the Debarment Certification on file with the Department.

By submitting this bid, the bidder certifies to the best of his knowledge and belief that he and his principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph b. of this certification; and
- d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the prospective bidder is unable to certify to any of the statements in this certification, the bidder shall submit an explanation in the blanks provided herein. The explanation will not necessarily result in denial of participation in a contract.

Explanation:  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED

If the prequalified bidder's status changes, he shall immediately submit a new fully executed non-collusion affidavit and debarment certification with an explanation of the change to the Contract Office prior to submitting the bid.

Failure to furnish a certification or an explanation will be grounds for rejection of a bid

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. No

A bidder who desires to bid on more than one project on which bids are to be opened on the same date, and who also desires to avoid receiving an award of more projects than he is equipped to handle, may bid on any number of projects but may limit the total amount of work awarded to him on selected projects by completing the AWARD LIMITS ON MULTIPLE PROJECTS.

The Award Limits on Multiple Projects must be filled in on each project bid for which the Bidder desires protection.

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of NOT ANSWERED for those projects indicated herein, for which bids will be opened on (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

It is agreed that if I am (we are) the low Bidder(s) on indicated projects, the total value of which is more than the above stipulated award limits, the Board of Transportation will award me (us) projects from among those indicated that have a total value not to exceed the award limit and will result in the lowest total bids to the Department of Transportation.

## Contract Item Sheets For C202515

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	57,900.00	57,900.00
0002	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	36,000.00	36,000.00
0003	7300000000-E	1715	UNPAVED TRENCHING (***** (1, 1-1/4" & 1, 1/2")	550 LF	7.00	3,850.00
0004	7552000000-N	1731	INTERCONNECT CENTER	3 EA	1,350.00	4,050.00
0005	7901000000-N	1753	CABINET BASE EXTENDER	4 EA	625.00	2,500.00
0006	7980000000-N	SP	GENERIC SIGNAL ITEM 5/8" X 10' COPPER CLAD GROUND- ING ELECTRODE	37 EA	150.00	5,550.00
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0014	7990000000-E	SP	GENERIC SIGNAL ITEM 6-PAIR 19 AWG FILLED TELEPHONE CABLE	670 LF	2.00	1,340.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,158,800.00 ✓



**EXECUTION OF CONTRACT  
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN CERTIFICATION**

**LIMITED LIABILITY COMPANY**

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

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

**SIGNATURE OF CONTRACTOR**

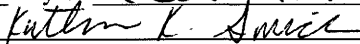
Midasco LLC  
Full Name of Firm

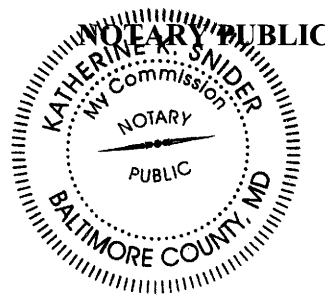
7121 Dorsey Run Road Elkridge, MD 21075  
Address as Prequalified

Signature of Member/Manager   
Individually

Michael Filipczak  
Print or type Signer's Name

**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the  
9<sup>TH</sup> day of FEBRUARY 2010  
  
Signature of Notary Public  
of BALTIMORE County  
State of MARYLAND  
My Commission Expires: 1/20/2011



## DEBARMENT CERTIFICATION OF CONTRACTOR

Conditions for certification:

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

### DEBARMENT CERTIFICATION

The Contractor certifies to the best of his knowledge and belief, that he and his principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph b. of this certification; and
- d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- e. If status changes, will submit a revised Debarment Certification immediately.

If the Contractor cannot certify that he is not debarred, he shall provide an explanation with this submittal. An explanation will not necessarily result in denial of participation in a contract.

Failure to submit a non-collusion affidavit and debarment certification will result in the Contractor's bid being considered non-responsive.

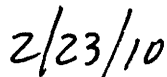
Check here if an explanation is attached to this certification.

Contract No C202515  
Forsyth & Guilford  
County (ies):

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION



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



\_\_\_\_\_  
Date

Execution of Contract and Bonds  
Approved as to Form:



\_\_\_\_\_  
Attorney General

Contract No. C202515  
County Forsyth, Guilford

Rev 2-1-10

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution February 8, 2010  
Name of Principal Contractor Midasco, LLC  
Name of Surety: Western Surety Company  
Name of Contracting Body: **North Carolina Department of Transportation**  
**Raleigh, North Carolina**  
Amount of Bond: \$1,158,800.00  
Contract ID No.: C202515  
County Name: Forsyth, Guilford

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. C202515  
County Forsyth, Guilford

Rev 2-1-10

**CONTRACT PAYMENT BOND**

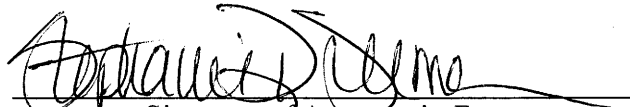
*Affix Seal of Surety Company*

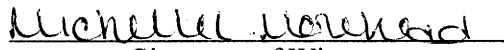
Western Surety Company

\_\_\_\_\_  
Print or type Surety Company Name

By Stephanie D. Freeman

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

  
\_\_\_\_\_  
Signature of Attorney-in-Fact

  
\_\_\_\_\_  
Signature of Witness

Michelle L. Morehead

\_\_\_\_\_  
Print or type Signer's name

6011 University Boulevard, Suite 490, Ellicott City, MD 21043

\_\_\_\_\_  
Address of Attorney-in-Fact

Contract No. C202515  
County Forsyth, Guilford

Rev 2-1-10

**CONTRACT PAYMENT BOND**  
**LIMITED LIABILITY COMPANY**

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor Midasco, LLC  
Full name of Firm

7121 Dorsey Run Road, Elkridge, MD 21075  
Address as prequalified

Signature of Member/Manager   
Individually

MICHAEL FILIPCZAK  
Print or type Signer's name

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Mary Ann Marbury, Deborah B Brown, Michael A Walter, Kent M Pagoota, Stephanie D. Freeman, Dayna M. Betz, Beth Mc Nellis, Individually**

of Columbia, MD, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 27th day of November, 2007.



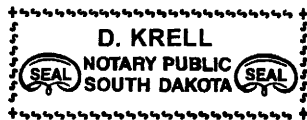
WESTERN SURETY COMPANY

Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 27th day of November, 2007, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires  
November 30, 2012



D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 8th day of February, 2010.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary



**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

Contract No. C202515  
County Forsyth, Guilford

Rev 2-1-10

**CONTRACT PERFORMANCE BOND**

Date of Performance Bond Execution: February 8, 2010

Name of Principal Contractor: Midasco, LLC

Name of Surety: Western Surety Company

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

Amount of Bond: \$1,158,800.00

Contract ID No.: C202515

County Name: Forsyth, Guilford

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. C202515  
County Forsyth, Guilford

Rev 2-1-10

**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

Western Surety Company

\_\_\_\_\_  
Print or type Surety Company Name

By Stephanie D. Freeman  
Print, stamp or type name of Attorney-in-Fact

  
\_\_\_\_\_  
Signature of Attorney-in-Fact

Michelle L. Morehead  
Signature of Witness

Michelle L. Morehead  
\_\_\_\_\_  
Print or type Signer's name

6011 University Boulevard, Suite 490, Ellicott City, MD 21043  
\_\_\_\_\_  
Address of Attorney-in-Fact

Contract No. C202515  
County Forsyth, Guilford

Rev 2-1-10

**CONTRACT PERFORMANCE BOND**

**LIMITED LIABILITY COMPANY**

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor Midasco, LLC  
Full name of Firm

7121 Dorsey Run Road, Elkridge, MD 21075  
Address as prequalified

Signature of Member/Manager   
Individually

MICHAEL FILIPCZAK  
Print or type Signer's name

# Western Surety Company

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**Mary Ann Marbury, Deborah B Brown, Michael A Walter, Kent M Pagoota, Stephanie D. Freeman, Dayna M. Betz, Beth Mc Nellis, Individually**

of Columbia, MD, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 27th day of November, 2007.



WESTERN SURETY COMPANY

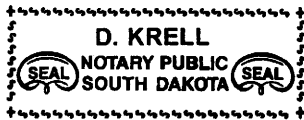
Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 27th day of November, 2007, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 8th day of February, 2010.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.