

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

C202227

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202227

WBS 33314.3.1 BRSTP-1151(3)

T.I.P NO. B-3869

COUNTY OF MADISON
THIS IS THE ROADWAY & STRUCTURE CONTRACT
ROUTE NUMBER SR 1151 LENGTH 0.024 MILES
LOCATION BRIDGE OVER BIG PINE CREEK AND APPROACHES ON SR-1151.

CONTRACTOR COLWELL CONSTRUCTION CO.
ADDRESS P.O. BOX 850
BLAIRSVILLE, GA 30514

BIDS OPENED JANUARY 19, 2010
CONTRACT EXECUTION FEB 1 1 2010

Colwell Construction Company (3750).

Vendor 5 of 5 Vendors for Call Order 040 (Proposal ID C202227).

County: MADISON
Address: P.O. Box 850
Blairsville, GA 30514

Phone Number: 706-745-6239

Signature Check: This bid has been properly signed by CARLTON_CURTIS_COLWELL_3750.

Time Bid Received: Tue Jan 19 11:58:37 2010

Bid Checksum: C7F2C417

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$417,509.74 ✓

Bond ID: SNC10916075

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$20,875.49

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 1/18/2010 8:26:16 AM

Surety Name: Merchants Bonding Company (Mutual)

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 6.0

DBE GOAL MET 6.0

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT	
3376	WB REYNOLDS FENCE & GUARDRAIL INC 9320 MACHADO DRIVE , INDIAN TRAIL, NC 28079		Sub	15,325.00	✓ am
3765	WB STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub	5,212.90	✓ am
1802	MB TENNATEE SERVICES INC POST OFFICE BOX 1272 , CHEROKEE, NC 28710		Sub	4,600.00	✓ am
TOTAL:				\$25,137.90	✓ am
				6.02%	

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: SNC10916075
 Surety Registry Agency: surety2000
 Verified?: Yes
 Surety Agency: Merchants Bonding Company (Mutual)
 Bond Execution Date: 1/18/2010 8:26:16 AM
 Bond Amount: \$20,875.49 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 12-22-09
Revised:

Contract ID: C202227 Project(s): BRSTP-1151(3)
Letting Date: 01-19-10 Call Order: 040
Bidder: 3750 - Colwell Construction Company

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			38,000.00
0002	0000400000-N CONSTRUCTIO N SURVEYING	LUMP	LUMP			5,500.00
0003	0036000000-E UNDERCUT EXCAVATION	CY	100.000	2.50000		250.00
0004	0043000000-N GRADING	LUMP	LUMP			15,000.00
0005	0050000000-E SUPPLEMENTA RY CLEARING & GRUB-BING	ACR	1.000	1,500.00000		1,500.00
0006	0080000000-E CLASS IV SUBGRADE STABILIZA- TION	TON	100.000	44.60000		4,460.00
0007	0195000000-E SELECT GRANULAR MATERIAL	CY	100.000	45.75000		4,575.00
0008	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	100.000	2.75000		275.00
0009	1121000000-E AGGREGATE BASE COURSE	TON	42.000	36.29000		1,524.18
0010	1220000000-E INCIDENTAL STONE BASE	TON	25.000	35.50000		887.50
0011	1275000000-E PRIME COAT	GAL	42.000	27.50000		1,155.00

State of NC
Dept of Transportation

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Bidder: 3750 - Colwell Construction Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	12.000 TON	215.00000		2,580.00	
0013	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	70.000 TON	215.00000		15,050.00	
0014	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	6.000 TON	525.00000		3,150.00	
0015	2000000000-N RIGHT OF WAY MARKERS	6.000 EA	175.00000		1,050.00	
0016	2022000000-E SUBDRAIN EXCAVATION	15.000 CY	22.50000		337.50	
0017	2033000000-E SUBDRAIN FINE AGGREGATE	10.000 CY	42.90000		429.00	
0018	2044000000-E 6" PERFORATED SUBDRAIN PIPE	50.000 LF	7.75000		387.50	
0019	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	3.000 EA	110.50000		331.50	
0020	2066000000-N CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1.000 EA	295.80000		295.80	
0021	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	6.000 LF	18.90000		113.40	
0022	3030000000-E STEEL BM GUARDRAIL	25.000 LF	21.60000		540.00	
0023	3045000000-E STEEL BM GUARDRAIL, SHOP CURVED	12.500 LF	23.76000		297.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	3150000000-N ADDITIONAL GUARDRAIL POSTS	5.000 EA	32.40000		162.00	
0025	3165000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** (350 TL-2)	2.000 EA	1,728.00000		3,456.00	
0026	3180000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** (III SHOP CURVED)	1.000 EA	1,296.00000		1,296.00	
0027	3215000000-N GUARDRAIL ANCHOR UNITS, TYPE III	1.000 EA	1,404.00000		1,404.00	
0028	3382000000-E TEMPORARY STEEL BM GUARDRAIL (SHOP CURVED)	12.500 LF	12.96000		162.00	
0029	3387000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** TEMPORARY (III SHOP CURVED)	1.000 EA	864.00000		864.00	
0030	3387000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** TEMPORARY (III)	2.000 EA	918.00000		1,836.00	
0031	3389000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** TEMPORARY (350 TL-2)	3.000 EA	756.00000		2,268.00	
0032	3435000000-N GENERIC GUARDRAIL ITEM IMPACT ATTENUATOR UNIT, TYPE 350 TL-2	1.000 EA	4,320.00000		4,320.00	
0033	3656000000-E FILTER FABRIC FOR DRAINAGE	600.000 SY	3.25000		1,950.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0034	4072000000-E SUPPORTS, 3-LB STEEL U-CHANNEL	LF 39.000	5.88000		229.32	
0035	4102000000-N SIGN ERECTION, TYPE E	EA 3.000	72.80000		218.40	
0036	4155000000-N DISPOSAL OF SIGN SYSTEM, U- CHANNEL	EA 9.000	5.60000		50.40	
0037	4400000000-E WORK ZONE SIGNS (STATIONARY)	SF 213.000	6.66000		1,418.58	
0038	4405000000-E WORK ZONE SIGNS (PORTABLE)	SF 144.000	9.69000		1,395.36	
0039	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	SF 32.000	7.11000		227.52	
0040	4430000000-N DRUMS	EA 30.000	37.00000		1,110.00	
0041	4445000000-E BARRICADES (TYPE III)	LF 48.000	24.00000		1,152.00	
0042	4450000000-N FLAGGER	HR 480.000	12.85000		6,168.00	
0043	4650000000-N TEMPORARY RAISED PAVEMENT MARKERS	EA 25.000	28.00000		700.00	
0044	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 5,642.000	0.50000		2,821.00	
0045	4850000000-E REMOVAL OF PAVEMENT MARKING LINES (4")	LF 350.000	1.96000		686.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0046	6000000000-E TEMPORARY SILT FENCE	LF 700.000	3.50000		2,450.00	
0047	6006000000-E STONE FOR EROSION CONTROL, CLASS A	TON 310.000	39.60000		12,276.00	
0048	6009000000-E STONE FOR EROSION CONTROL, CLASS B	TON 15.000	39.60000		594.00	
0049	6012000000-E SEDIMENT CONTROL STONE	TON 65.000	36.45000		2,369.25	
0050	6015000000-E TEMPORARY MULCHING	ACR 0.500	648.00000		324.00	
0051	6018000000-E SEED FOR TEMPORARY SEEDING	LB 50.000	2.16000		108.00	
0052	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	TON 0.250	756.00000		189.00	
0053	6024000000-E TEMPORARY SLOPE DRAINS	LF 200.000	10.80000		2,160.00	
0054	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	EA 4.000	270.00000		1,080.00	
0055	6029000000-E SAFETY FENCE	LF 550.000	2.16000		1,188.00	
0056	6030000000-E SILT EXCAVATION	CY 40.000	8.64000		345.60	
0057	6036000000-E MATTING FOR EROSION CONTROL	SY 7,500.000	2.70000		20,250.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0058	6042000000-E 1/4" HARDWARE CLOTH	280.000 LF	5.67000		1,587.60	
0059	6071030000-E COIR FIBER BAFFLES	20.000 LF	7.56000		151.20	
0060	6084000000-E SEEDING & MULCHING	0.500 ACR	1,728.00000		864.00	
0061	6087000000-E MOWING	0.500 ACR	162.00000		81.00	
0062	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	3.24000		162.00	
0063	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	756.00000		189.00	
0064	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	50.000 LB	3.24000		162.00	
0065	6108000000-E FERTILIZER TOPDRESSING	0.250 TON	756.00000		189.00	
0066	6114500000-N SPECIALIZED HAND MOWING	12.000 MHR	91.80000		1,101.60	
0067	6117000000-N RESPONSE FOR EROSION CONTROL	12.000 EA	108.00000		1,296.00	
0068	6123000000-E REFORESTATION	0.100 ACR	10,800.00000		1,080.00	
Section 0001 Total						181,780.21

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct

Section 0004 STRUCTURE ITEMS

Alt Group

0069	8007000000-N CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP STRUCTURE AT STA ***** (11+17.00-L-)	LUMP		LUMP		42,174.00
0070	8021000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (11+17.00-L-)	LUMP		LUMP		11,000.00
0071	8096000000-E PILE EXCAVATION IN SOIL	LF	120.000	165.02000		19,802.40
0072	8097000000-E PILE EXCAVATION NOT IN SOIL	LF	60.000	826.20000		49,572.00
0073	8182000000-E CLASS A CONCRETE (BRIDGE)	CY	30.600	770.00000		23,562.00
0074	8217000000-E REINFORCING STEEL (BRIDGE)	LB	4,218.000	1.27000		5,356.86
0075	8364000000-E HP12X53 STEEL PILES	LF	75.000	71.16000		5,337.00
0076	8365000000-E HP12X53 GALVANIZED STEEL PILES	LF	105.000	78.25000		8,216.25
0077	8505000000-E VERTICAL CONCRETE BARRIER RAIL	LF	75.210	77.00000		5,791.17
0078	8608000000-E RIP RAP CLASS II (2'-0" THICK)	TON	35.000	33.00000		1,155.00

State of NC
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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0079	8622000000-E FILTER FABRIC FOR DRAINAGE	39.000 SY	4.40000		171.60	
0080	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP		1,246.30	
0081	8762000000-E 3'-0" X 1'-9" PRESTRESSED CONCCORED SLABS	300.830 LF	129.58000		38,981.55	
0082	8892000000-E GENERIC STRUCTURE ITEM 18" GALVANIZED STEEL SHEET PILES	345.000 SF	67.72000		23,363.40	
Section 0004 Total						235,729.53
Bid Total						417,509.74 ✓

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: 12-22-09
PAGE: 11

PROPOSAL: C202227
LETTING: L100119 CALL: 040
VENDOR: 3750 Colwell Construction Company

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 3376 REYNOLDS FENCE & GUARDRAIL INC						
Will Use Quote: Yes						
0022	3030000000-E	STL BM GUARD LF		25.000	20.00000	500.00
0023	3045000000-E	SBGR SHOP CU LF		12.500	22.00000	275.00
0024	3150000000-N	ADDIT GUARDR EA		5.000	30.00000	150.00
0025	3165000000-N	GR ANCHOR TY EA		2.000	1600.00000	3200.00
0026	3180000000-N	GR ANCHOR TY EA		1.000	1200.00000	1200.00
0027	3215000000-N	GR ANCHOR TY EA		1.000	1300.00000	1300.00
0028	3382000000-E	TEMP STL BM LF		12.500	12.00000	150.00
0029	3387000000-N	GDRL ANCH UN EA		1.000	850.00000	850.00
0030	3387000000-N	GDRL ANCH UN EA		2.000	800.00000	1600.00
0031	3389000000-N	GDRL ANCH UN EA		3.000	700.00000	2100.00
0032	3435000000-N	GENERIC GUAR EA		1.000	4000.00000	4000.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 15,325.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 15,325.00 ✓ am

DBE SUBCONTRACTOR: 3765 STAY ALERT SAFETY SERVICES INC
Will Use Quote: Yes

0034	4072000000-E	SUPPORT, 3-L LF		39.000	5.25000	204.75
0035	4102000000-N	SIGN ERECTIO EA		3.000	65.00000	195.00
0036	4155000000-N	DISPOSE SIGN EA		9.000	5.00000	45.00
0037	4400000000-E	WORK ZONE SI SF		213.000	5.95000	1267.35
0038	4405000000-E	WORK ZONE SI SF		144.000	8.65000	1245.60
0039	4410000000-E	WORK ZONE SI SF		32.000	6.35000	203.20
0040	4430000000-N	DRUMS EA		30.000	34.00000	1020.00
0041	4445000000-E	BARRICADES (LF		48.000	21.50000	1032.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 5,212.90 ✓ am
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 5,212.9

DBE SUBCONTRACTOR: 1802 TENNATEE SERVICES INC
Will Use Quote: Yes

0070	8021000000-N	REMV EXIST S LS		1.000	4600.00000	4600.00
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 4,600.00 ✓ am
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 4,600.0

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 6.02% or 25137.90 ✓ am
Required: 6.00% or 25050.58
<GOAL MET>

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	38,000.00	38,000.00
0002	0000400000-N	801	CONSTRUCTION SURVEYING	Lump Sum LS	5,500.00	5,500.00
0003	0036000000-E	225	UNDERCUT EXCAVATION	100 CY	2.50	250.00
0004	0043000000-N	226	GRADING	Lump Sum LS	15,000.00	15,000.00
0005	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	1,500.00	1,500.00
0006	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	100 TON	44.60	4,460.00
0007	0195000000-E	265	SELECT GRANULAR MATERIAL	100 CY	45.75	4,575.00
0008	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	100 SY	2.75	275.00
0009	1121000000-E	520	AGGREGATE BASE COURSE	42 TON	36.29	1,524.18
0010	1220000000-E	545	INCIDENTAL STONE BASE	25 TON	35.50	887.50
0011	1275000000-E	600	PRIME COAT	42 GAL	27.50	1,155.00
0012	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	12 TON	215.00	2,580.00
0013	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	70 TON	215.00	15,050.00
0014	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	6 TON	525.00	3,150.00
0015	2000000000-N	806	RIGHT OF WAY MARKERS	6 EA	175.00	1,050.00
0016	2022000000-E	815	SUBDRAIN EXCAVATION	15 CY	22.50	337.50
0017	2033000000-E	815	SUBDRAIN FINE AGGREGATE	10 CY	42.90	429.00
0018	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	50 LF	7.75	387.50
0019	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	3 EA	110.50	331.50

Contract Item Sheets For C202227

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0020	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA	295.80	295.80
0021	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF	18.90	113.40
0022	3030000000-E	862	STEEL BM GUARDRAIL	25 LF	21.60	540.00
0023	3045000000-E	862	STEEL BM GUARDRAIL, SHOP CURVED	12.5 LF	23.76	297.00
0024	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	32.40	162.00
0025	3165000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE ***** (350 TL-2)	2 EA	1,728.00	3,456.00
0026	3180000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE ***** (III SHOP CURVED)	1 EA	1,296.00	1,296.00
0027	3215000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE III	1 EA	1,404.00	1,404.00
0028	3382000000-E	862	TEMPORARY STEEL BM GUARDRAIL (SHOP CURVED)	12.5 LF	12.96	162.00
0029	3387000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE ***** TEMPORARY (III SHOP CURVED)	1 EA	864.00	864.00
0030	3387000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE ***** TEMPORARY (III)	2 EA	918.00	1,836.00
0031	3389000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE ***** TEMPORARY (350 TL-2)	3 EA	756.00	2,268.00
0032	3435000000-N	SP	GENERIC GUARDRAIL ITEM IMPACT ATTENUATOR UNIT, TYPE 350 TL-2	1 EA	4,320.00	4,320.00
0033	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	600 SY	3.25	1,950.00
0034	4072000000-E	903	SUPPORTS, 3-LB STEEL U-CHANNEL	39 LF	5.88	229.32
0035	4102000000-N	904	SIGN ERECTION, TYPE E	3 EA	72.80	218.40

Contract Item Sheets For C202227

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0036	4155000000-N	907	DISPOSAL OF SIGN SYSTEM, U-CHANNEL	9 EA	5.60	50.40
0037	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	213 SF	6.66	1,418.58
0038	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	144 SF	9.69	1,395.36
0039	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	32 SF	7.11	227.52
0040	4430000000-N	1130	DRUMS	30 EA	37.00	1,110.00
0041	4445000000-E	1145	BARRICADES (TYPE III)	48 LF	24.00	1,152.00
0042	4450000000-N	1150	FLAGGER	480 HR	12.85	6,168.00
0043	4650000000-N	1251	TEMPORARY RAISED PAVEMENT MARKERS	25 EA	28.00	700.00
0044	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	5,642 LF	0.50	2,821.00
0045	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	350 LF	1.96	686.00
0046	6000000000-E	1605	TEMPORARY SILT FENCE	700 LF	3.50	2,450.00
0047	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	310 TON	39.60	12,276.00
0048	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	15 TON	39.60	594.00
0049	6012000000-E	1610	SEDIMENT CONTROL STONE	65 TON	36.45	2,369.25
0050	6015000000-E	1615	TEMPORARY MULCHING	0.5 ACR	648.00	324.00
0051	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	50 LB	2.16	108.00
0052	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	0.25 TON	756.00	189.00
0053	6024000000-E	1622	TEMPORARY SLOPE DRAINS	200 LF	10.80	2,160.00
0054	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4 EA	270.00	1,080.00

Contract Item Sheets For C202227

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0055	6029000000-E	SP	SAFETY FENCE	550 LF	2.16	1,188.00
0056	6030000000-E	1630	SILT EXCAVATION	40 CY	8.64	345.60
0057	6036000000-E	1631	MATTING FOR EROSION CONTROL	7,500 SY	2.70	20,250.00
0058	6042000000-E	1632	1/4" HARDWARE CLOTH	280 LF	5.67	1,587.60
0059	6071030000-E	SP	COIR FIBER BAFFLES	20 LF	7.56	151.20
0060	6084000000-E	1660	SEEDING & MULCHING	0.5 ACR	1,728.00	864.00
0061	6087000000-E	1660	MOWING	0.5 ACR	162.00	81.00
0062	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	3.24	162.00
0063	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	756.00	189.00
0064	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	3.24	162.00
0065	6108000000-E	1665	FERTILIZER TOPDRESSING	0.25 TON	756.00	189.00
0066	6114500000-N	SP	SPECIALIZED HAND MOWING	12 MHR	91.80	1,101.60
0067	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12 EA	108.00	1,296.00
0068	6123000000-E	1670	REFORESTATION	0.1 ACR	10,800.00	1,080.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0069	8007000000-N	SP	CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP STRUCTURE AT STA ***** (11+17.00-L-)	Lump Sum LS	42,174.00	42,174.00
0070	8021000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (11+17.00-L-)	Lump Sum LS	11,000.00	11,000.00
0071	8096000000-E	SP	PILE EXCAVATION IN SOIL	120 LF	165.02	19,802.40
0072	8097000000-E	SP	PILE EXCAVATION NOT IN SOIL	60 LF	826.20	49,572.00
0073	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	30.6 CY	770.00	23,562.00
0074	8217000000-E	425	REINFORCING STEEL (BRIDGE)	4,218 LB	1.27	5,356.86
0075	8364000000-E	SP	HP12X53 STEEL PILES	75 LF	71.16	5,337.00
0076	8365000000-E	SP	HP12X53 GALVANIZED STEEL PILES	105 LF	78.25	8,216.25
0077	8505000000-E	SP	VERTICAL CONCRETE BARRIER RAIL	75.21 LF	77.00	5,791.17
0078	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	35 TON	33.00	1,155.00
0079	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	39 SY	4.40	171.60
0080	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	1,246.30	1,246.30
0081	8762000000-E	430	3'-0" X 1'-9" PRESTRESSED CONC CORED SLABS	300.83 LF	129.58	38,981.55
0082	8892000000-E	SP	GENERIC STRUCTURE ITEM 18" GALVANIZED STEEL SHEET PILES	345 SF	67.72	23,363.40

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$417,509.74 ✓

**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

Colwell Construction Company, Inc.

Full name of Corporation

P.O. Box 850, Blairsville, G.A. 30514

Address as Prequalified

Attest

Luke Colwell
Secretary/Assistant Secretary
Select appropriate title

By

Carlton Colwell
President/Vice President/Assistant Vice President
Select appropriate title

Luke Colwell

Print or type Signer's name

Carlton Colwell

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

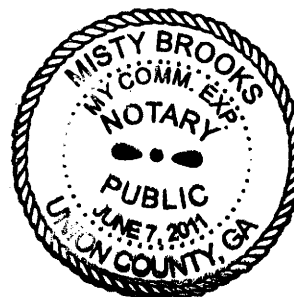
1st day of February 2010.

Misty Brooks
Signature of Notary Public

of Union County

State of Georgia

My Commission Expires: June 7, 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 C202227

County (ies): Madison

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

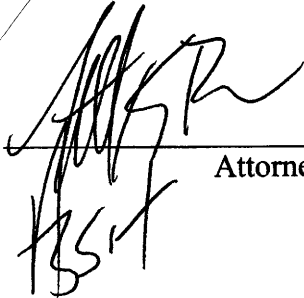


Contract Officer

2/11/10

Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Signature Sheet (Bid - Acceptance by Department)

Contract No. C202227
County Madison

(Rev 7-10-08)
Bond No. NCC 48503

CONTRACT PAYMENT BOND

Date of Payment Bond Execution February 1, 2010

Name of Principal Contractor Colwell Construction Company, Inc.

Name of Surety: Merchants Bonding Company (Mutual)

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

Amount of Bond: \$417,509.74

Contract ID No.: C202227

County Name: Madison

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. C202227
County Madison

(Rev 7-10-08)

CONTRACT PAYMENT BOND

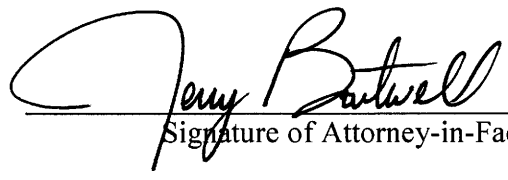
Affix Seal of Surety Company

Merchants Bonding Company (Mutual)

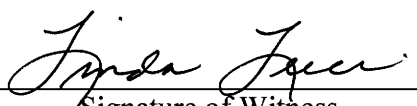
Print or type Surety Company Name

By Jerry Boutwell, Attorney-in-Fact

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



Signature of Attorney-in-Fact



Signature of Witness

Linda Leece

Print or type Witness's name

3160 Campus Drive, Suite 100, Norcross, GA 30071

Address of Attorney-in-Fact

Contract No. C202227
County Madison

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Colwell Construction Company, Inc.

Full name of Corporation

P.O. Box 850, Blairsville, GA 30514

Address as prequalified

By Carlton H Colwell
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

Carlton H. Colwell, President

Print or type Signer's name

Affix Corporate Seal

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

Luke Colwell
Print or type Signer's name

Merchants Bonding Company

(Mutual)

POWER OF ATTORNEY

Know All Persons By These Presents, that the MERCHANTS BONDING COMPANY (MUTUAL), a corporation duly organized under the laws of the State of Iowa, and having its principal office in the City of Des Moines, County of Polk, State of Iowa, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Leslie A. Paulsen, Christopher B. Wortham, Jerry Boutwell, Derek Wortham, Shirley Coleman

of Norcross and State of Georgia its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

THREE MILLION FIVE HUNDRED THOUSAND (\$3,500,000.00) DOLLARS

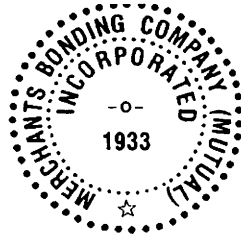
and to bind the MERCHANTS BONDING COMPANY (MUTUAL) thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the MERCHANTS BONDING COMPANY (MUTUAL), and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following Amended Substituted and Restated By-Laws adopted by the Board of Directors of the MERCHANTS BONDING COMPANY (MUTUAL) on November 16, 2002.

ARTICLE II, SECTION 8 - The Chairman of the Board or President or any Vice President or Secretary shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

ARTICLE II, SECTION 9 - The signature of any authorized officer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 8th day of October, 2008.



MERCHANTS BONDING COMPANY (MUTUAL)

By

Larry Taylor
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 8th day of October, 2008, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal affixed to the said instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



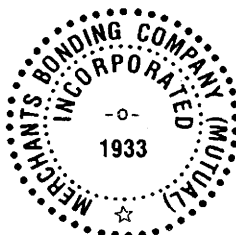
Cindy Smyth

Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL), do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said MERCHANTS BONDING COMPANY (MUTUAL), which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Company on this 1st day of February, 2010.



William Warner Jr.
Secretary

Contract No. C202227
County Madison

(Rev 7-10-08)
Bond No. NCC 48503

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: February 1, 2010

Name of Principal Contractor: Colwell Construction Company, Inc.

Name of Surety: Merchants Bonding Company (Mutual)

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

Amount of Bond: \$417,509.74

Contract ID No.: C202227

County Name: Madison

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. C202227
County Madison

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

Merchants Bonding Company (Mutual)

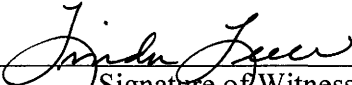
Print or type Surety Company Name

By Jerry Boutwell, Attorney-in-Fact

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



Signature of Attorney-in-Fact



Signature of Witness

Linda Leece

Print or type Witness's name

3160 Campus Drive, Suite 100, Norcross, GA 30071

Address of Attorney-in-Fact

Contract No. C202227
County Madison

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Colwell Construction Company, Inc.

Full name of Corporation

P.O. Box 850, Blairsville, GA 30514

Address as prequalified

By Carlton H. Colwell
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

Carlton H. Colwell, President

Print or type Signer's name

Affix Corporate Seal

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

Luke Colwell
Print or type Signer's name

Merchants Bonding Company

(Mutual)

POWER OF ATTORNEY

Know All Persons By These Presents, that the MERCHANTS BONDING COMPANY (MUTUAL), a corporation duly organized under the laws of the State of Iowa, and having its principal office in the City of Des Moines, County of Polk, State of Iowa, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Leslie A. Paulsen, Christopher B. Wortham, Jerry Boutwell, Derek Wortham, Shirley Coleman

of Norcross and State of Georgia its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

THREE MILLION FIVE HUNDRED THOUSAND (\$3,500,000.00) DOLLARS

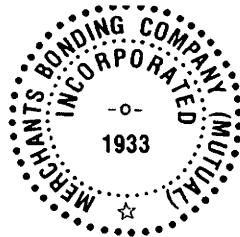
and to bind the MERCHANTS BONDING COMPANY (MUTUAL) thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the MERCHANTS BONDING COMPANY (MUTUAL), and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following Amended Substituted and Restated By-Laws adopted by the Board of Directors of the MERCHANTS BONDING COMPANY (MUTUAL) on November 16, 2002.

ARTICLE II, SECTION 8 - The Chairman of the Board or President or any Vice President or Secretary shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

ARTICLE II, SECTION 9 - The signature of any authorized officer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 8th day of October, 2008.



MERCHANTS BONDING COMPANY (MUTUAL)

By

Larry Taylor

President

STATE OF IOWA
COUNTY OF POLK ss.

On this 8th day of October, 2008, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal affixed to the said instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



Cindy Smyth

Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL), do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said MERCHANTS BONDING COMPANY (MUTUAL), which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Company on this 1st day of February, 2010.



William Warner Jr.

Secretary

