

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

C201589

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C201589

WBS 38728.3.1 IMS-40-4(125)259

T.I.P NO. I-4716

COUNTY OF ORANGE
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER I 40 LENGTH 12.120 MILES
LOCATION I-40 FROM I-40/I-85 SPLIT TO THE DURHAM COUNTY LINE.

CONTRACTOR SAFETY GROOVING & GRINDING, L.P.
ADDRESS P.O. BOX 431
NAPOLEAN, OH 43545

BIDS OPENED JANUARY 19, 2010
CONTRACT EXECUTION FEB 17 2010

Safety Grooving Grinding, LP (10263).

Vendor 1 of 8 Vendors for Call Order 023 (Proposal ID C201589).

County: ORANGE

Address: P. O. Box 431
Napoleon, Ohio 43545

Phone Number: 419 592 8666

Signature Check: This bid has been properly signed by Duff_E_Parker_10263.

Time Bid Received: Tue Jan 19 13:48:15 2010

Bid Checksum: 19A9EEF9

Amendment Count: 0

DBE GOAL SET 3.0

Bidding Errors: No bidding errors ✓

Bid Total: \$2,676,915.70 ✓

DBE GOAL MET 23.8

Bond ID: SNC10484958

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$133,845.79

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 1/11/2010 8:19:46 AM

Surety Name: Federal Insurance 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	
12445	MB CUT-RITE CONCRETE CUTTING INC O 456 ANSLEY WALK TERRACE , ATLANTA, GA 30309		Sub 636,380.00	✓ am
			TOTAL: \$636,380.00	✓ am
			23.77%	

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	

Bid Bond Data Info - Contractor Responses:

=====

BondID: SNC10484958
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Federal Insurance Company
Bond Execution Date: 1/11/2010 8:19:46 AM
Bond Amount: \$133,845.79 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 12-22-09
Revised:

Contract ID: C201589 Project(s): IMS-40-4(125)259
Letting Date: 01-19-10 Call Order: 023
Bidder: 10263 - Safety Grooving & Grinding, LP

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		108,000.00
0002	0000960000-E GENERIC MISCELLANEOUS ITEM DIAMOND GRINDING PCC PAVEMENT	SY	393,000.000	2.45000		962,850.00
0003	0036000000-E UNDERCUT EXCAVATION	CY	140.000	15.00000		2,100.00
0004	0080000000-E CLASS IV SUBGRADE STABILIZA- TION	TON	132.000	20.00000		2,640.00
0005	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	TON	85.000	60.00000		5,100.00
0006	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	4.000	500.00000		2,000.00
0007	1737000000-E PATCHING CONCRETE PAVEMENT SPALLS	SF	1,310.000	123.07000		161,221.70
0008	1891000000-E GENERIC PAVING ITEM GEOTEXTILE FOR PAVEMENT STABI-LIZATION	SY	825.000	6.00000		4,950.00
0009	1891000000-E GENERIC PAVING ITEM REPAIR OF JOINTED CONCRETE PAVEMENT SLAB	SY	290.000	600.00000		174,000.00
0010	2752000000-E GENERIC PAVING ITEM JOINT CONSTRUCTION, REPAIR & SEALING	LF	677,000.000	0.97000		656,690.00

State of NC
Dept of Transportation

Date: 12-22-09
Revised:

Contract ID: C201589

Project(s): IMS-40-4(125)259

Letting Date: 01-19-10 Call Order: 023

Bidder: 10263 - Safety Grooving & Grinding, LP

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	2752000000-E GENERIC PAVING ITEM MILLED RUMBLE STRIPS IN EXIST- ING PCC SHOULDERS	248,600.000 LF	0.24000		59,664.00	
0012	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		92,000.00	
0013	4810000000-E PAINT PAVEMENT MARKING LINES (4")	300,000.000 LF	0.28000		84,000.00	
0014	4847100000-E POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	300,000.000 LF	0.80000		240,000.00	
0015	4847120000-E POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	22,000.000 LF	1.60000		35,200.00	
0016	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	3,000.000 EA	25.50000		76,500.00	
0017	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		10,000.00	
Section 0001 Total					2,676,915.70	
Bid Total					2,676,915.70	

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.

Contract Item Sheets For C201589

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	108,000.00	108,000.00
0002	0000960000-E	SP	GENERIC MISCELLANEOUS ITEM DIAMOND GRINDING PCC PAVEMENT	393,000 SY	2.45	962,850.00
0003	0036000000-E	225	UNDERCUT EXCAVATION	140 CY	15.00	2,100.00
0004	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	132 TON	20.00	2,640.00
0005	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	85 TON	60.00	5,100.00
0006	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	4 TON	500.00	2,000.00
0007	1737000000-E	SP	PATCHING CONCRETE PAVEMENT SPALLS	1,310 SF	123.07	161,221.70
0008	1891000000-E	SP	GENERIC PAVING ITEM GEOTEXTILE FOR PAVEMENT STABI- LIZATION	825 SY	6.00	4,950.00
0009	1891000000-E	SP	GENERIC PAVING ITEM REPAIR OF JOINTED CONCRETE PAVEMENT SLAB	290 SY	600.00	174,000.00
0010	2752000000-E	SP	GENERIC PAVING ITEM JOINT CONSTRUCTION, REPAIR & SEALING	677,000 LF	0.97	656,690.00
0011	2752000000-E	SP	GENERIC PAVING ITEM MILLED RUMBLE STRIPS IN EXIST- ING PCC SHOULDERS	248,600 LF	0.24	59,664.00
0012	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	92,000.00	92,000.00
0013	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	300,000 LF	0.28	84,000.00
0014	4847100000-E	1205	POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	300,000 LF	0.80	240,000.00
0015	4847120000-E	1205	POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	22,000 LF	1.60	35,200.00
0016	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	3,000 EA	25.50	76,500.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	10,000.00	10,000.00
TOTAL AMOUNT OF BID FOR ENTIRE PROJECT						\$2,676,915.70

Contract Number C201589
County Orange

Rev 2-1-10

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

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

Safety Grooving & Grinding, LP

Full name of Corporation

P.O. Box 431, Napoleon, Ohio 43545

Address as Prequalified

Attest



Secretary/Assistant Secretary

Select appropriate title

By



President/Vice President/Assistant Vice President

Select appropriate title

Kenneth Walker

Print or type Signer's name

John F. Depman

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the
9th day of February, 2010.

Paula Lauer-Belet
Signature of Notary Public

of Harford County

State of Maryland

My Commission Expires: 04/01/11

NOTARY SEAL

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 **C201589**

County (ies): **Orange**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

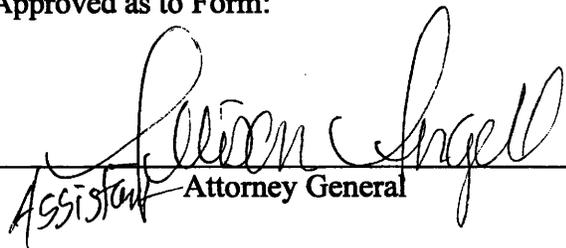


Contract Officer

2/17/10

Date

Execution of Contract and Bonds
Approved as to Form:



Assistant Attorney General

Contract No.
County

C201589
Orange

Bond No. 82166315
(Rev 7-10-08)

CONTRACT PAYMENT BOND

Date of Payment Bond Execution **February 3, 2010**

Name of Principal Contractor **Safety Grooving & Grinding, LP**

Name of Surety: **Federal Insurance Company**

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

Amount of Bond: **\$2,676,915.70**

Contract ID No.: **C201589**

County Name: **Orange**

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. C201589
County Orange

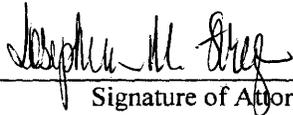
(Rev 7-10-08)

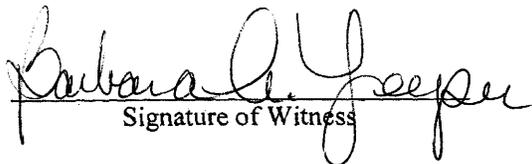
CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Federal Insurance Company
Print or type Surety Company Name

By Josephine M. Streyle
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

Barbara A. Leeper
Print or type Witness's name

1010 Ohio River Boulevard, Pittsburgh, PA 15202
Address of Attorney-in-Fact

Contract No.
County

C201589
Orange

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

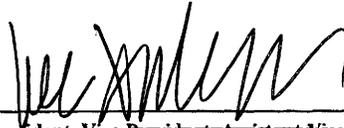
Safety Grooving & Grinding, LP

Full name of Corporation

P.O. Box 431, Napoleon, OH 43545

Address as prequalified

By



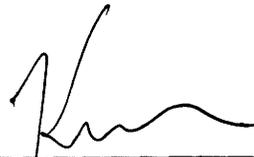
Signature of President, Vice President, Assistant Vice President
Select appropriate title

John F. Depman

Print or type Signer's name

Affix Corporate Seal

Attest



Signature of Secretary, Assistant Secretary
Select appropriate title

Kenneth Walker

Print or type Signer's name



**Chubb
Surety**

**POWER
OF
ATTORNEY**

**Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company**

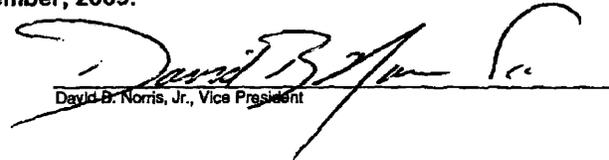
**Attn: Surety Department
15 Mountain View Road
Warren, NJ 07059**

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 Jay Black, Marge Fedak, Brian F. Jeffe, Barbara A. Leeper, Michael J. Petrusek, Sr. and Josephine M. Streytle of Pittsburgh, Pennsylvania

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 **16th** day of **November, 2009**.


Kenneth C. Wendel, Assistant Secretary


David B. Norris, Jr., Vice President

STATE OF NEW JERSEY
County of Somerset

ss.

On this **16th** day of **November, 2009**

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



KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No 2316685
Commission Expires July 16, 2014
CERTIFICATION


Notary Public

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 **February 3, 2010**




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) 903-3483 Fax (908) 903-3656 e-mail: surety@chubb.com

Contract No. C201589
County Orange

Bond No. 82166315
(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: February 3, 2010

Name of Principal Contractor: Safety Grooving & Grinding, LP

Name of Surety: Federal Insurance Company

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

Amount of Bond: \$2,676,915.70

Contract ID No.: 201589

County Name: Orange

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Contract No.
County

C201589
Orange

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

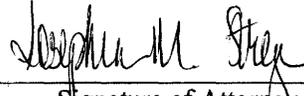
Affix Seal of Surety Company

Federal Insurance Company

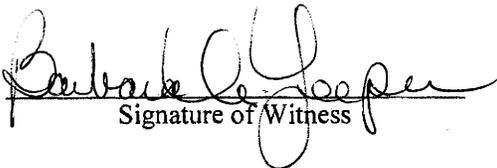
Print or type Surety Company Name

By Josephine M. Streyle

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



Signature of Attorney-in-Fact



Signature of Witness

Barbara A. Leeper

Print or type Witness's name

1010 Ohio River Boulevard, Pittsburgh, PA 15202

Address of Attorney-in-Fact

Contract No.
County

C201589
Orange

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

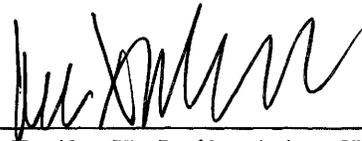
Safety Grooving & Grinding, LP

Full name of Corporation

P.O. Box 431, Napoleon, OH 43545

Address as prequalified

By



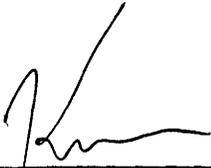
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

John F. Depman

Print or type Signer's name

Affix Corporate Seal

Attest



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

Kenneth Walker

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 Jay Black, Marge Fedak, Brian F. Jeffe, Barbara A. Leeper, Michael J. Petrasek, Sr. and Josephine M. Streytle of Pittsburgh, Pennsylvania

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 **16th** day of **November, 2009**.

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY
County of Somerset

ss.

On this **16th** day of **November, 2009**

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



KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No 2316685
Commission Expires July 16, 2014
CERTIFICATION

Notary Public

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 **February 3, 2010**



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