

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

C202679

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202679

WBS 1C.037030, 1C.037031, 1CR.10371.11, 1CR.10371.12, 1CR.10371.13, 1CR.10371.14,
1CR.20371.20, 1CR.20371.21, 1CR.20371.22, 1CR.20371.23, 1CR.20371.24,
1CR.20371.25, 1CR.20371.26, 1CR.20371.27 STATE FUNDED

COUNTY OF GATES
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER US 158 LENGTH 21.380 MILES
LOCATION 2 SECTIONS OF US-158, 1 SECTION OF US-13 AND NC-37, AND 10
SECTIONS OF SECONDARY ROADS.

CONTRACTOR ROSE BROTHERS PAVING CO., INC.
ADDRESS P.O. BOX 806
AHOSKIE, NC 279100806

BIDS OPENED JANUARY 18, 2011
CONTRACT EXECUTION FEB 09 2011

ROSE BROTHERS PAVING CO., INC. (3238).**Vendor 2 of 4 Vendors for Call Order 002 (Proposal ID C202679).**

County: GATES
Address: P. O. BOX 806
AHOSKIE, NC 27910
Phone Number: 252/209-8144
Signature Check: This bid has been properly signed by EUGENE_T_ROSE_3238.
Time Bid Received: Mon Jan 17 11:45:49 2011
Bid Checksum: DCD35D3E MBE GOAL SET 1.0
Amendment Count: 1
Bidding Errors: No bidding errors MBE GOAL MET 1.0
Bid Total: \$1,966,383.51 /
Bond ID: JVL6-8XKD-QUVS-16KW
Bond was Verified: Yes. WBE GOAL SET 2.0
Bond Required Percent: 5.00%
Minimum Check Amount: \$98,319.18
Bid Security Maximum: \$ WBE GOAL MET 2.0
Bond Agency Name:
Agency Execution Date: 1/18/2011
Surety Name: Fidelity and Deposit Company of Maryland
Surety State of Incorporation:
Bond Company:
Bond Type:
Bond Appr Flag:
Bond Affirm:
Bond was Paid by Check: No.

LIST OF MBE PARTICIPANTS

12840 MB JERRY L. MEBANE, LLC	Sub	19,710.00	✓	3mm
105 ROOSTER LANE , WINDSOR, NC 27893				
	TOTAL:	\$19,710.00		
		1.00%		

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT	
3056 WB	HOLLAND LANDSCAPING, INC		Sub	5,772.00	✓ 3mm
	953 BLACK ROCK ROAD , MERRY HILL, NC 27957				
5291 WB	ATCO TRANSPORT INC		Sub	33,588.00	✓ 3mm
	129 KNOBBS CREEK RD , ELIZABETH CITY, NC 27909				
	TOTAL:			\$39,360.00	
				2.00%	

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: JVL6-8XKD-QUVS-16KW

NCDOT/berc

Vendor 3238's Load Output for Call 002, Letting L110118, 2011-01-18

Surety Registry Agency: SurePathNetwork

Verified?: Yes

Surety Agency: Fidelity and Deposit Company of Maryland

Bond Execution Date: 1/18/2011

Bond Amount: \$98,319.18 (Five Percent of Bid)

State of NC
 Dept of Transportation
 Contract ID: C202679 Project(s): STATE FUNDED
 Letting Date: 01-18-11 Call Order: 002
 Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Date: 12-20-10
 Revised: 01-07-11

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			98,000.00
0002	0156000000-E REMOVAL OF EXISTING ASPHALT PAVEMENT	SY	15.000	45.00000		675.00
0003	0163000000-E REMOVAL OF EXISTING CONCRETE PAVEMENT	SY	25.000	50.00000		1,250.00
0004	1220000000-E INCIDENTAL STONE BASE	TON	58.000	25.00000		1,450.00
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	8,448.000	1.08000		9,123.84
0006	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (3")	SY	45,056.000	1.10000		49,561.60
0007	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	TON	2,490.000	30.00000		74,700.00
0008	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	16,570.000	30.00000		497,100.00
0009	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	TON	9,538.000	30.00000		286,140.00
0010	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	1,721.000	494.00000		850,174.00
0011	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	EA	2.000	400.00000		800.00

State of NC
 Dept of Transportation

Date: 12-20-10
 Revised: 01-07-11

Contract ID: C202679 Project(s): STATE FUNDED
 Letting Date: 01-18-11 Call Order: 002
 Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP			8,000.00
0013	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 764,523.000		0.09000		68,807.07
0014	4835000000-E PAINT PAVEMENT MARKING LINES (24")	LF 7,620.000		1.00000		7,620.00
0015	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	EA 818.000		5.00000		4,090.00
0016	6000000000-E TEMPORARY SILT FENCE	LF 200.000		4.00000		800.00
0017	6037000000-E COIR FIBER MAT	SY 48.000		6.00000		288.00
0018	6071010000-E WATTLE	LF 120.000		10.00000		1,200.00
0019	6071020000-E POLYACRYLAM IDE (PAM)	LB 10.000		18.00000		180.00
0020	6084000000-E SEEDING & MULCHING	ACR 2.700		1,520.00000		4,104.00
0021	1891000000-E GENERIC PAVING ITEM INCIDENTAL MILLING	SY 145.000		16.00000		2,320.00
	Section 0001 Total					1,966,383.51
	Bid Total					1,966,383.51

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

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

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

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

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

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	

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

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 MBE COMMITMENT ITEMS

DATE: 12-20-10
 PAGE: 5

PROPOSAL: C202679
 LETTING: L110118 CALL: 002
 VENDOR: 3238 ROSE BROTHERS PAVING CO., INC.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
MBE SUBCONTRACTOR: 12840 JERRY L. MEBANE, LLC						
Will Use Quote: Yes						
0008	1519000000-E	ASP CONC SUR	TON	2700.000	7.30000	19710.00
		HAUL MATERIALS ONLY				

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 19,710.00 ✓ am

TOTAL MBE COMMITMENT FOR VENDOR: Entered: 1.00% or 19710.00 ✓ am
 Required: 1.00% or 19663.84
 <GOAL MET>

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 WBE COMMITMENT ITEMS

DATE: 12-20-10
 PAGE: 6

PROPOSAL: C202679
 LETTING: L110118 CALL: 002
 VENDOR: 3238 ROSE BROTHERS PAVING CO., INC.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
WBE SUBCONTRACTOR: 3056 HOLLAND LANDSCAPING, INC						
Will Use Quote: Yes						
0017	6037000000-E	COIR FIBER M SY		48.000	6.00000	288.00
0018	6071010000-E	WATTLE LF		120.000	10.00000	1200.00
0019	6071020000-E	POLYACRYLAMI LB		10.000	18.00000	180.00
0020	6084000000-E	SEEDING AND ACR		2.700	1520.00000	4104.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 5,772.00 ✓ am

WBE SUBCONTRACTOR: 5291 ATCO TRANSPORT INC
 Will Use Quote: Yes

0009	1525000000-E	ASP CONC SUR TON		2950.000	7.20000	21240.00
		HAUL MATERIALS ONLY				
0008	1519000000-E	ASP CONC SUR TON		1715.000	7.20000	12348.00
		HAUL MATERIALS ONLY				

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 33,588.00 ✓ am

TOTAL WBE COMMITMENT FOR VENDOR: Entered: 2.00% or 39360.00 ✓ am
 Required: 2.00% or 39327.67
 <GOAL MET>

Contract Item Sheets For C202679

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	98,000.00	98,000.00
0002	0156000000-E	250	REMOVAL OF EXISTING ASPHALT PAVEMENT	15 SY	45.00	675.00
0003	0163000000-E	250	REMOVAL OF EXISTING CONCRETE PAVEMENT	25 SY	50.00	1,250.00
0004	1220000000-E	545	INCIDENTAL STONE BASE	58 TON	25.00	1,450.00
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	8,448 SY	1.08	9,123.84
0006	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (3")	45,056 SY	1.10	49,561.60
0007	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	2,490 TON	30.00	74,700.00
0008	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	16,570 TON	30.00	497,100.00
0009	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	9,538 TON	30.00	286,140.00
0010	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,721 TON	494.00	850,174.00
0011	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	2 EA	400.00	800.00
0012	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	8,000.00	8,000.00
0013	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	764,523 LF	0.09	68,807.07
0014	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	7,620 LF	1.00	7,620.00
0015	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	818 EA	5.00	4,090.00
0016	6000000000-E	1605	TEMPORARY SILT FENCE	200 LF	4.00	800.00

Contract Item Sheets For C202679

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	6037000000-E	SP	COIR FIBER MAT	48 SY	6.00	288.00
0018	6071010000-E	SP	WATTLE	120 LF	10.00	1,200.00
0019	6071020000-E	SP	POLYACRYLAMIDE (PAM)	10 LB	18.00	180.00
0020	6084000000-E	1660	SEEDING & MULCHING	2.7 ACR	1,520.00	4,104.00
0021	1891000000-E	SP	GENERIC PAVING ITEM INCIDENTAL MILLING	145 SY	16.00	2,320.00
TOTAL AMOUNT OF BID FOR ENTIRE PROJECT						\$1,966,383.51 ✓

0921/Jan27/Q857411.7/D64359130000/E21

**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, that the Contractor has not been convicted of violating *N.C.G.S. § 133-24* within the last three years, and that the Contractor intends to do the work with its 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.

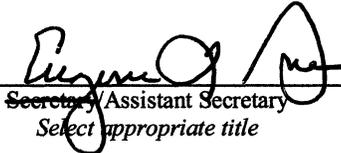
SIGNATURE OF CONTRACTOR

Rose Brothers Paving Company, Inc.

Full name of Corporation

Post Office Box 806, Ahoskie, North Carolina 27910

Address as Prequalified

Attest 
Secretary/Assistant Secretary
Select appropriate title

By 
President/Vice President/Assistant Vice President
Select appropriate title

Eugene T. Rose
Print or type Signer's name

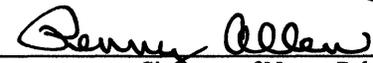
Walter F. Rose, Jr.
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

2nd day of February 2011.


Signature of Notary Public

NOTARY SEAL

of Northampton County

State of North Carolina

My Commission Expires: May 17, 2012

DEBARMENT CERTIFICATION

Conditions for certification:

1. The prequalified bidder shall provide immediate written notice to the Department if at any time the bidder learns that his certification was erroneous when he submitted his debarment certification or explanation filed 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 prequalified bidder 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 prequalified bidder 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 prequalified bidder 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 bidder 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 6 herein, the Department may terminate any contract if the bidder 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 prequalified 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.
- e. Will submit a revised Debarment Certification immediately if his status changes and will show in his bid proposal an explanation for the change in status.

If the prequalified bidder 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 prequalified bidder's bid being considered non-responsive.

Check here if an explanation is attached to this certification.

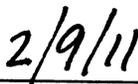
Contract No C202679

County (ies): Gates

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

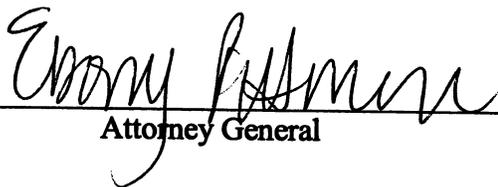


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202679
County Gates

Rev 2-1-10

Bond No. 09034749

CONTRACT PAYMENT BOND

Date of Payment Bond Execution January 31, 2011

Name of Principal Contractor Rose Brothers Paving Company, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: One Million Nine Hundred Sixty Six Thousand
Three Hundred Eighty Three Dollars and 51/100 (\$1,966,383.51)

Contract ID No.: C202679

County Name: Gates

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. C202679
County Gates

Rev 2-1-10

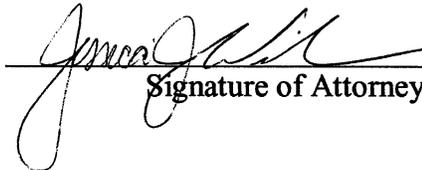
CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Fidelity and Deposit Company of Maryland
Print or type Surety Company Name



By Jessica J. Winfree
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

Debra S. Ritter, NC Resident Agent
Print or type Signer's name

1001 Haxall Point, Suite 800

Richmond, VA 23219
Address of Attorney-in-Fact

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Rose Brothers Paving Company, Inc.
Full name of Corporation

P.O. Box 806, Ahoskie, NC 27910
Address as prequalified

By Walter F. Rose, Jr.
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

Walter F. Rose, Jr.
Print or type Signer's name

Affix Corporate Seal

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

Eugene T. Rose
Print or type Signer's name

Contract No. C202679
County Gates

Rev 2-1-10

Bond No. 09034749

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: January 31, 2011

Name of Principal Contractor: Rose Brothers Paving Company, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: One Million Nine Hundred Sixty Six Thousand
Three Hundred Eighty Three Dollars and 51/100 (\$1,966,383.51)

Contract ID No.: C202679

County Name: Gates

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. C202679
County Gates

Rev 2-1-10

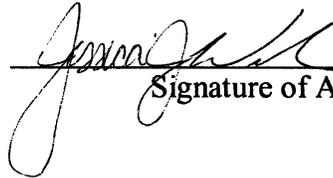
CONTRACT PERFORMANCE BOND

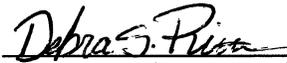
Affix Seal of Surety Company

Fidelity and Deposit Company of Maryland
Print or type Surety Company Name



By Jessica J. Winfree
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

Debra S. Ritter, NC Resident Agent
Print or type Signer's name

1001 Haxall Point, Suite 800
Richmond, VA 23219
Address of Attorney-in-Fact

Contract No. C202679
County Gates

Rev 2-1-10

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Rose Brothers Paving Company, Inc.
Full name of Corporation

P.O. Box 806, Ahoskie, NC 27910
Address as prequalified

By Walter F. Rose, Jr.
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

Walter F. Rose, Jr.
Print or type Signer's name

Affix Corporate Seal

Attest Eugene T. Rose
Signature of ~~Secretary, Assistant Secretary~~
Select appropriate title

Eugene T. Rose
Print or type Signer's name

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by Frank E. Martin, Jr., Vice President and Gerald F. Haley, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the next page hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint:

Jessica J. Winfree

of Richmond, VA, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: Bond or undertaking number 09034749, issued on behalf of Rose Brothers Paving Company, Inc., as Principal in a penalty not to exceed the sum of See Bond Form (\$See Bond Form) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, MD, in their own proper persons.

The said Assistant Secretary does hereby certify that the extract set forth on the next page hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND this 4th day of September, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley Assistant Secretary

Frank E. Martin Jr.

Frank E. Martin, Jr. Vice President

State of Maryland }
County of Baltimore } SS:

On this 4th day of September, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came Frank E. Martin, Jr., Vice President, and Gerald F. Haley, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposed and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Connie A. Dunn

Connie A. Dunn Notary Public
My Commission Expires: July 14, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President or any Vice President that is specially authorized by the Board of Directors or the Chairman in concurrence with the Corporate Secretary, shall have the power, by and with the concurrence of the Secretary, to appoint Attorney-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 31st day of January, 2011.



L.L. Goucher

Assistant Secretary

