

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

C202714

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202714

WBS 11CR.10141.18, 11CR.10971.18, 11CR.20141.18, 11CR.20971.18 STATE FUNDED

COUNTY OF CALDWELL, WILKES
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER US 321 LENGTH 20.548 MILES
LOCATION US-321 SBL FROM SR-1352 TO END OF DIVIDED HIGHWAY, US-421
NBL FROM SR-2325 TO EXIT 282 & 8 SECTIONS OF SECONDARY RDS.

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

BIDS OPENED FEBRUARY 15, 2011
CONTRACT EXECUTION MAR 15 2011

Carl Rose and Sons, Inc (3619).

Vendor 1 of 1 Vendor for Call Order 023 (Proposal ID C202714).

County: CALDWELL, WILKES

Address: P.O.Box 786
Elkin, NC 28621

Phone Number: 336-835-7506

Signature Check: This bid has been properly signed by Dean_Rose_3619.

Time Bid Received: Tue Feb 15 11:01:58 2011

Bid Checksum: 759C5294

Amendment Count: 0 MBE GOAL SET 4.0

Bidding Errors: No bidding errors/

Bid Total: \$2,766,812.56 ✓ MBE GOAL MET 4.0

Bond ID: SNC11352820

Bond was Verified: Yes.

Bond Required Percent: 5.00% WBE GOAL SET 4.0

Minimum Check Amount: \$138,340.63

Bid Security Maximum: \$

Bond Agency Name: WBE GOAL MET 5.8

Agency Execution Date: 1/26/2011 3:47:19 PM

Surety Name: Pacific Indemnity Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

LIST OF MBE PARTICIPANTS

4705 MB DENNIS A SALES DBA SALES GRADIN	Sub	55,200.00	✓	arm
840 RUTH LINNEY RD , ROARING RIVER, NC 28669				
4435 MB KENNETH LEON MARTIN DBA MARTIN	Sub	27,156.00	✓	arm
9694 NC 268 , ELKIN, NC 28621				
7505 MB SLOAN TRUCKING	Sub	28,428.00	✓	arm
P.O. BOX 752 , MORAVIAN FALLS, NC 28654				
TOTAL:		\$110,784.00	✓	arm
		4.00%		

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT		
8932 WB	A & R MATERIALS, LLC		Sup	160,200.00	96,120.00	✓ arm
	9450 MOSS PLANTATION AVE , CONCORD, NC 28027					✓ arm
4388 WB	FOOTHILLS CONSTRUCTION SERV INC		Sub	27,838.00		✓ arm
	6081 PEA RIDGE PASS , HAMPTONVILLE, NC 27020					✓ arm
2941 WB	LAKE VIEW CONSTRUCTION & EQUIPM		Sub	27,000.00		✓ arm
	P. O. BOX 158 , PINEOLA, NC 28662					✓ arm
4761 WB	TRAFFIC CONTROL SAFETY SERVICES		Sub	8,500.00		✓ arm
	POST OFFICE BOX 24511 , WINSTON-SALEM, NC 27114					✓ arm
TOTAL:				\$159,458.00		✓ arm
				5.76%		

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	

NCDOT/berc

Vendor 3619's Load Output for Call 023, Letting L110215, 2011-02-15

NOT ANSWERED
NOT ANSWERED

Bid Bond Data Info - Contractor Responses:
=====

BondID: SNC11352820
Surety Registry Agency surety2000
Verified?: Yes
Surety Agency Pacific Indemnity Company
Bond Execution Date. 1/26/2011 3 47.19 PM
Bond Amount \$138,340.63 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date 01-18-11
 Revised:

Contract ID C202714 Project(s): STATE FUNDED
 Letting Date. 02-15-11 Call Order. 023
 Bidder 3619 - Carl Rose and Sons, Inc

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		65,000.00
0002	0106000000-E BORROW EXCAVATION	CY	4,413.000	9.50000		41,923.50
0003	1220000000-E INCIDENTAL STONE BASE	TON	170.000	45.00000		7,650.00
0004	1245000000-E SHOULDER RECONSTRUCTION	SMI	29.420	2,976.00000		87,553.92
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	64,232.000	1.88000		120,756.16
0006	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 1-1/2")	SY	200 000	23.50000		4,700.00
0007	1330000000-E INCIDENTAL MILLING	SY	330.000	22.50000		7,425.00
0008	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	4,119.000	43.00000		177,117.00
0009	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	19,320.000	41.00000		792,120.00
0010	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	TON	3,175.000	43.50000		138,112.50

State of NC
Dept of Transportation

Date 01-18-11
Revised.

Contract ID C202714 Project(s). STATE FUNDED
Letting Date 02-15-11 Call Order 023
Bidder 3619 - Carl Rose and Sons, Inc

Line No	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	660.110 TON	538.00000		355,139.18	
0012	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	1,160.000 TON	538.00000		624,080.00	
0013	1704000000-E PATCHING EXISTING PAVEMENT	450.000 TON	125.00000		56,250.00	
0014	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	62,727.000 LF	0.20000		12,545.40	
0015	1891000000-E GENERIC PAVING ITEM THIN LIFT HOT MIX ASPHALT	55,698 000 SY	2.30000		128,105 40	
0016	2830000000-N ADJUSTMENT OF MANHOLES	3.000 EA	500.00000		1,500 00	
0017	4810000000-E PAINT PAVEMENT MARKING LINES (4")	555,506.000 LF	0.10000		55,550 60	
0018	4815000000-E PAINT PAVEMENT MARKING LINES (6")	156,995.000 LF	0.22000		34,538 90	
0019	4825000000-E PAINT PAVEMENT MARKING LINES (12")	5,300.000 LF	0.60000		3,180.00	
0020	4830000000-E PAINT PAVEMENT MARKING LINES (16")	50.000 LF	4.00000		200.00	
0021	4835000000-E PAINT PAVEMENT MARKING LINES (24")	187.000 LF	5.00000		935.00	
0022	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	14.000 EA	35 00000		490 00	

State of NC
 Dept of Transportation

Date 01-18-11
 Revised.

Contract ID: C202714 Project(s): STATE FUNDED
 Letting Date 02-15-11 Call Order. 023
 Bidder. 3619 - Carl Rose and Sons, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	4845000000-N PAINT PAVEMENT MARKING SYMBOL	EA 41.000	35.00000		1,435.00	
0024	4905000000-N SNOWPLOWABL E PAVEMENT MARKERS	EA 825.000	35.00000		28,875.00	
0025	6084000000-E SEEDING & MULCHING	ACR 14.420	1,500.00000		21,630.00	
Section 0001 Total						2,766,812.56
Bid Total						2,766,812.56

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
 WBE COMMITMENT ITEMS

DATE: 01-18-11
 PAGE: 7

PROPOSAL: C202714
 LETTING: L110215 CALL: 023
 VENDOR: 3619 Carl Rose and Sons, Inc

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

WBE SUBCONTRACTOR: 8932 A & R MATERIALS, LLC
 Will Use Quote: Yes

0011 1560000000-E ASP FOR PLAN TON 300.000 534.00000 160200.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

~~160,200.00~~ ✓ arm
 96,120.00

WBE SUBCONTRACTOR: 4388 Foothills Construction Serv Inc
 Will Use Quote: Yes

0003 1220000000-E INCIDENTAL S TON 170.000 45.00000 7650.00
 0025 6084000000-E SEEDING AND ACR 14.420 1400.00000 20188.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

27,838.00 ✓ arm

WBE SUBCONTRACTOR: 2941 Lake View Construction & Equipment Inc
 Will Use Quote: Yes

0013 1704000000-E PATCHING EXI TON 450.000 60.00000 27000.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

27,000.00 ✓ arm

WBE SUBCONTRACTOR: 4761 Traffic Control Safety Services, Inc.
 Will Use Quote: Yes

0001 0000100000-N MOBILIZATION LS 1.000 8500.00000 8500.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

8,500.00 ✓ arm

TOTAL WBE COMMITMENT FOR VENDOR:

Entered: 5.76% or 159458.00 ✓ arm
 Required: 4.00% or 110672.50
 <GOAL MET>

Contract Item Sheets For C202714

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	65,000.00	65,000.00
0002	0106000000-E	230	BORROW EXCAVATION	4,413 CY	9.50	41,923.50
0003	1220000000-E	545	INCIDENTAL STONE BASE	170 TON	45.00	7,650.00
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	29.42 SMI	2,976.00	87,553.92
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	64,232 SY	1.88	120,756.16
0006	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 1-1/2")	200 SY	23.50	4,700.00
0007	1330000000-E	607	INCIDENTAL MILLING	330 SY	22.50	7,425.00
0008	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	4,119 TON	43.00	177,117.00
0009	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	19,320 TON	41.00	792,120.00
0010	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	3,175 TON	43.50	138,112.50
0011	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	660.11 TON	538.00	355,139.18
0012	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	1,160 TON	538.00	624,080.00
0013	1704000000-E	SP	PATCHING EXISTING PAVEMENT	450 TON	125.00	56,250.00
0014	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	62,727 LF	0.20	12,545.40
0015	1891000000-E	SP	GENERIC PAVING ITEM THIN LIFT HOT MIX ASPHALT	55,698 SY	2.30	128,105.40
0016	2830000000-N	858	ADJUSTMENT OF MANHOLES	3 EA	500.00	1,500.00
0017	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	555,506 LF	0.10	55,550.60
0018	4815000000-E	1205	PAINT PAVEMENT MARKING LINES (6")	156,995 LF	0.22	34,538.90

Contract Item Sheets For C202714

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	4825000000-E	1205	PAINT PAVEMENT MARKING LINES (12")	5,300 LF	0.60	3,180.00
0020	4830000000-E	1205	PAINT PAVEMENT MARKING LINES (16")	50 LF	4.00	200.00
0021	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	187 LF	5.00	935.00
0022	4840000000-N	1205	PAINT PAVEMENT MARKING CHARACTER	14 EA	35.00	490.00
0023	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	41 EA	35.00	1,435.00
0024	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	825 EA	35.00	28,875.00
0025	6084000000-E	1660	SEEDING & MULCHING	14.42 ACR	1,500.00	21,630.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,766,812.56

1435/Feb24/Q935619.95/D67252100000/E25



C202714

Contract No. _____
County Caldwell Wilkes

Rev. 7-12-10

**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, 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

CARL ROSE & SONS, INC.

Full name of Corporation

P O. BOX 786 ELKIN, NORTH CAROLINA 28621

Address as Prequalified

Attest

C. Dean Rose
Secretary/Assistant Secretary
Select appropriate title

By

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

C. DEAN ROSE

Print or type Signer's name

DALE E. ROSE

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

28th day of February, 2011.

Janice N. Stanley
Signature of Notary Public

NOTARY SEAL

of Yadkin County

State of North Carolina

My Commission Expires: May 6, 2015

Notary Public
Janice N. Stanley
Yadkin County, NC
My Commission Expires
May 6, 2015

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 **C202714**

County (ies): **Caldwell, Wilkes**

**ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION**

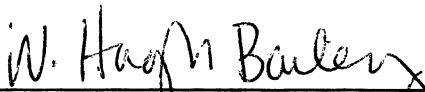


Contract Officer

3/15/11

Date

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



Attorney General

Contract No. C202714
County CALDWELL, WILKES

Rev 2-1-10

Bond No. 8205-53-53

CONTRACT PAYMENT BOND

Date of Payment Bond Execution March 4, 2011

Name of Principal Contractor Carl Rose & Sons, Inc.

Name of Surety: Pacific Indemnity Company

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

Amount of Bond: Two Million Seven Hundred Sixty Six
Thousand Eight Hundred Twelve Dollars and 56/100 (\$2,766,812.56)

Contract ID No.: C202714

County Name: CALDWELL, WILKES

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. C202714
County CALDWELL, WILKES

Rev 2-1-10

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

CARL ROSE & SONS, INC.

Full name of Corporation

P O. BOX 786 ELKIN, NORTH CAROLINA 28621

Address as prequalified

By 

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

DALE E. ROSE

Print or type Signer's name

Affix Corporate Seal

Attest



Signature of Secretary, Assistant Secretary
Select appropriate title

C. DEAN ROSE

Print or type Signer's name



**Chubb
Surety**

**POWER
OF
ATTORNEY**

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

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

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint

Wendy E. Lahm

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, the following Surety Bond:

Surety Bond Number : 8205-53-53
Obligee : North Carolina Department of Transportation

And the execution of such bond or obligation by such Attorney-in-Fact in the Company's name and on its behalf as surety thereon or otherwise, under its corporate seal, in pursuance of the authority hereby conferred shall, upon delivery thereof, be valid and binding upon the Company.

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 20th day of November, 2008.

Kenneth C. Wendel

Kenneth C. Wendel, Assistant Secretary

Richard A. Ciullo

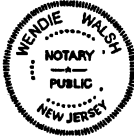
Richard A. Ciullo, Vice President

STATE OF NEW JERSEY
County of Somerset

ss.

On this 20th day of November, 2008, before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with Richard A. Ciullo, and knows him to be Vice President of said Companies; and that the signature of Richard A. Ciullo, subscribed to said Power of Attorney is in the genuine handwriting of Richard A. Ciullo, and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial
Seal



**WENDIE WALSH
Notary Public, State of New Jersey
No. 0054504
Commission Expires April 18, 2013**

Wendie Walsh

Notary

Public

CERTIFICATION

Extract from the By-Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 4th day of March, 2011



Kenneth C. Wendel

Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com

Contract No. C202714
County CALDWELL, WILKES

Rev 2-1-10

Bond No. 8205-53-53

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: March 4, 2011

Name of Principal Contractor: Carl Rose & Sons, Inc.

Name of Surety: Pacific Indemnity Company

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

Amount of Bond: Two Million Seven Hundred Sixty Six
Thousand Eight Hundred Twelve Dollars and 56/100 (\$2,766,812.56)

Contract ID No.: C202714

County Name: CALDWELL, WILKES

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. C202714
County CALDWELL, WILKES

Rev 2-1-10

CONTRACT PERFORMANCE BOND

CORPORATION


SIGNATURE OF CONTRACTOR (Principal)

CARL ROSE & SONS, INC.

Full name of Corporation

P O. BOX 786 ELKIN, NORTH CAROLINA 28621

Address as prequalified


By 

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

DALE E. ROSE

Print or type Signer's name

Affix Corporate Seal

Attest 

Signature of Secretary, Assistant Secretary
Select appropriate title

C. DEAN ROSE

Print or type Signer's name



**Chubb
Surety**

**POWER
OF
ATTORNEY**

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

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

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint

Wendy E. Lahm

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, the following Surety Bond:

Surety Bond Number :8205-53-53
Oblige :North Carolina Department of Transportation

And the execution of such bond or obligation by such Attorney-in-Fact in the Company's name and on its behalf as surety thereon or otherwise, under its corporate seal, in pursuance of the authority hereby conferred shall, upon delivery thereof, be valid and binding upon the Company.

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 20th day of November, 2008.

Kenneth C. Wendel

Kenneth C. Wendel, Assistant Secretary

Richard A. Ciullo

Richard A. Ciullo, Vice President

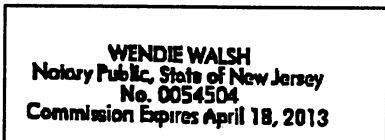
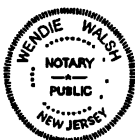
STATE OF NEW JERSEY

ss.

County of Somerset

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Notarial Seal



Wendie Walsh

Notary

Public

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Kenneth C. Wendel

Kenneth C. Wendel, Assistant Secretary

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