

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

C203122

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C203122

WBS

17BP.2.P.16 STATE FUNDED

COUNTY OF CARTERET
THIS IS THE STRUCTURE CONTRACT
ROUTE NUMBER NC 58 LENGTH 0.000 MILES
LOCATION BRIDGE #6 ON NC-58 OVER THE INTRACOASTAL WATERWAY.

CONTRACTOR PENHALL COMPANY
ADDRESS P.O. BOX PO BOX 460
ANAHEIM, CA 92803

BIDS OPENED AUGUST 21, 2012
CONTRACT EXECUTION SEP 26 2012

Vendor 1 of 5: PENHALL COMPANY (128) Call Order 003 (Proposal: C203122)

Bid Information

County: CARTERET
Address: PO Box 310
Rogers , MN , 55374
Signature Check: C._George_Bush_128
Time Bid Received: August 21, 2012 01:44 PM
Amendment Count: 0

Bid Checksum: 842F753B
Bid Total: \$2,578,089.00
Items Total: \$2,578,089.00 ✓
Time Total: \$0.00

Bidding Errors:

None.	MBE GOAL SET	0.0
	MBE GOAL MET	0.0
	WBE GOAL SET	0.0
	WBE GOAL MET	0.0

Vendor 128's Bid Information for Call 003, Letting L120821, 08/21/12

Penhall Company and Subsidiaries (128)
Call Order 003 (Proposal ID C203122)

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: SNC12131953
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Arch Insurance Company
Bond Execution Date: 8/14/2012 3
Bond Amount: \$128,904.45 (Five Percent of Bid)

Contract ID: C203122 Project(s): STATE FUNDED
Letting Date: 08-21-12 Call Order: 003
Bidder: 128 - Penhall Company and Subsidiaries

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars Cts	Bid Amount Dollars Ct
Section 0001 ROADWAY ITEMS				
Alt Group				
0001	0000100000-N MOBILIZATION	LUMP	LUMP	219,440.70
0002	1330000000-E INCIDENTAL MILLING	378.000 SY	17.75000	6,709.50
0003	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	30.000 TON	410.00000	12,300.00
0004	1575000000-E ASPHALT BINDER FOR PLANT MIX	2.000 TON	671.00000	1,342.00
0005	4400000000-E WORK ZONE SIGNS (STATIONARY)	98.000 SF	42.25000	4,140.50
0006	4405000000-E WORK ZONE SIGNS (PORTABLE)	208.000 SF	104.50000	21,736.00
0007	4420000000-N PORTABLE CHANGEABLE MESSAGE SIGN	2.000 EA	4,015.00000	8,030.00
0008	4430000000-N DRUMS	200.000 EA	41.50000	8,300.00
0009	4435000000-N CONES	96.000 EA	17.10000	1,641.60
0010	4450000000-N FLAGGER	384.000 HR	42.00000	16,128.00
0011	4480000000-N TMA	1.000 EA	7,950.00000	7,950.00

State of NC
Dept of Transportation

Date: 07-23-12
Revised:

Contract ID: C203122 Project(s): STATE FUNDED
Letting Date: 08-21-12 Call Order: 003
Bidder: 128 - Penhall Company and Subsidiaries

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars Cts	Bid Amount Dollars Ct
0012	4510000000-N LAW ENFORCEMENT	192.000 HR	35.00000	6,720.00
0013	4600000000-N GENERIC TRAFFIC CONTROL ITEM PORTABLE TRAFFIC SIGNAL SYSTEM	1.000 EA	21,500.00000	21,500.00
0014	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (IV)	16,000.000 LF	1.00000	16,000.00
0015	4795000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (24") (IV)	48.000 LF	9.50000	456.00
0016	4847000000-E POLYUREA PAVEMENT MARKING LINES (4", *****) (STANDARD GLASS BEADS)	13,100.000 LF	1.15000	15,065.00
0017	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	60.000 EA	12.00000	720.00
0018	8161000000-E GROOVING BRIDGE FLOORS	141,568.000 SF	0.45000	63,705.60
0019	8217000000-E REINFORCING STEEL (BRIDGE)	810.000 LB	1.35000	1,093.50
0020	8692000000-N FOAM JOINT SEALS	LUMP	LUMP	24,400.00
0021	8699000000-N STRIP SEALS	LUMP	LUMP	193,000.00

Contract ID: C203122 Project(s): STATE FUNDED
 Letting Date: 08-21-12 Call Order: 003
 Bidder: 128 - Penhall Company and Subsidiaries

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars Cts	Bid Amount Dollars Cts
0022	8860000000-N GENERIC STRUCTURE ITEM PARTIAL REMOVAL OF EXISTING STRUCTURE	LUMP	LUMP	194,000.00
0023	8881000000-E GENERIC STRUCTURE ITEM CONCRETE FOR DECK REPAIR	61.000 CY	621.50000	37,911.50
0024	8881000000-E GENERIC STRUCTURE ITEM LATEX MODIFIED CONC OVERLAY - VERY EARLY STRENGTH	832.000 CY	620.00000	515,840.00
0025	8892000000-E GENERIC STRUCTURE ITEM REINFORCED CONCRETE DECK SLAB	2,244.000 SF	27.10000	60,812.40
0026	8893000000-E GENERIC STRUCTURE ITEM HYDRO-DEMOLITION OF BRIDGE DECK	17,178.000 SY	30.00000	515,340.00
0027	8893000000-E GENERIC STRUCTURE ITEM PLACING & FINISHING LATEX MOD CONCRETE OVERLAY - VERY EARLY STRENGTH	17,178.000 SY	29.00000	498,162.00
0028	8893000000-E GENERIC STRUCTURE ITEM SCARIFYING BRIDGE DECK	17,178.000 SY	6.15000	105,644.70
	Section 0001 Total			2,578,089.00
	Bid Total			2,578,089.00

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

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

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

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

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

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	

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.

THIS PROPOSAL CONTAINS THE FOLLOWING ERRORS/WARNINGS (IF ANY)

This Bid contains 0 amendment files

Electronic Bid Submission

By submitting this bid electronically, I hereby acknowledge that all requirements included in the hard copy proposal, addendum, amendments, plans, standard specifications, supplemental specifications and special provisions are part of the bid and contract. Further, I acknowledge that I have read, understand, accept, acknowledge and agree to comply with all statements in this electronic bid.

I Hereby certify that I have the authority to submit this bid.

Signature

Agency

Date

Contract Item Sheets For C203122

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	219,440.70	219,440.70
0002	1330000000-E	607	INCIDENTAL MILLING	378 SY	17.75	6,709.50
0003	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	30 TON	410.00	12,300.00
0004	1575000000-E	620	ASPHALT BINDER FOR PLANT MIX	2 TON	671.00	1,342.00
0005	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	98 SF	42.25	4,140.50
0006	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	208 SF	104.50	21,736.00
0007	4420000000-N	1120	PORTABLE CHANGEABLE MESSAGE SIGN	2 EA	4,015.00	8,030.00
0008	4430000000-N	1130	DRUMS	200 EA	41.50	8,300.00
0009	4435000000-N	1135	CONES	96 EA	17.10	1,641.60
0010	4450000000-N	1150	FLAGGER	384 HR	42.00	16,128.00
0011	4480000000-N	1165	TMA	1 EA	7,950.00	7,950.00
0012	4510000000-N	SP	LAW ENFORCEMENT	192 HR	35.00	6,720.00
0013	4600000000-N	SP	GENERIC TRAFFIC CONTROL ITEM PORTABLE TRAFFIC SIGNAL SYSTEM	1 EA	21,500.00	21,500.00
0014	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (IV)	16,000 LF	1.00	16,000.00
0015	4795000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (24") (IV)	48 LF	9.50	456.00
0016	4847000000-E	1205	POLYUREA PAVEMENT MARKING LINES (4", *****) (STANDARD GLASS BEADS)	13,100 LF	1.15	15,065.00
0017	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	60 EA	12.00	720.00
0018	8161000000-E	420	GROOVING BRIDGE FLOORS	141,568 SF	0.45	63,705.60

Contract Item Sheets For C203122

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	8217000000-E	425	REINFORCING STEEL (BRIDGE)	810 LB	1.35	1,093.50
0020	8692000000-N	SP	FOAM JOINT SEALS	Lump Sum LS	24,400.00	24,400.00
0021	8699000000-N	SP	STRIP SEALS	Lump Sum LS	193,000.00	193,000.00
0022	8860000000-N	SP	GENERIC STRUCTURE ITEM PARTIAL REMOVAL OF EXISTING STRUCTURE	Lump Sum LS	194,000.00	194,000.00
0023	8881000000-E	SP	GENERIC STRUCTURE ITEM CONCRETE FOR DECK REPAIR	61 CY	621.50	37,911.50
0024	8881000000-E	SP	GENERIC STRUCTURE ITEM LATEX MODIFIED CONC OVERLAY - VERY EARLY STRENGTH	832 CY	620.00	515,840.00
0025	8892000000-E	SP	GENERIC STRUCTURE ITEM REINFORCED CONCRETE DECK SLAB	2,244 SF	27.10	60,812.40
0026	8893000000-E	SP	GENERIC STRUCTURE ITEM HYDRO-DEMOLITION OF BRIDGE DECK	17,178 SY	30.00	515,340.00
0027	8893000000-E	SP	GENERIC STRUCTURE ITEM PLACING & FINISHING LATEX MOD CONCRETE OVERLAY - VERY EARLY STRENGTH	17,178 SY	29.00	498,162.00
0028	8893000000-E	SP	GENERIC STRUCTURE ITEM SCARIFYING BRIDGE DECK	17,178 SY	6.15	105,644.70

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,578,089.00



Contract No. C203122
County CARTERET

Rev. 5-19-11

**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.

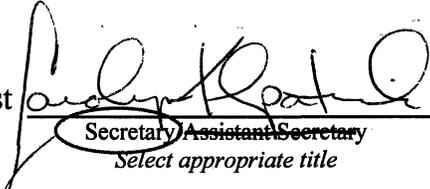
SIGNATURE OF CONTRACTOR

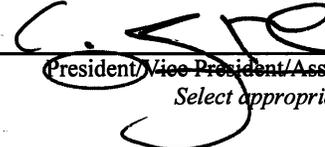
PENHALL COMPANY

Full name of Corporation

P.O BOX 460 ANAHEIM, CA 92803

Address as Prequalified

Attest 
Secretary/Assistant Secretary
Select appropriate title

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

Carolyn Kilpatrick
Print or type Signer's name

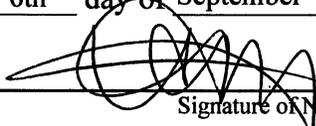
C. George Bush
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

6th day of September 2012.


Signature of Notary Public

By 

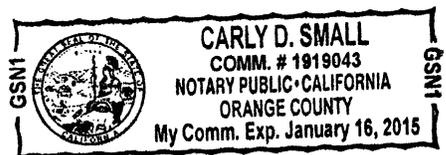
Proved to me on the basis of satisfactory evidence to be the person who appeared before me.

NOTARY SEAL

of Orange County

State of California

My Commission Expires: Jan. 16, 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. **C203122**

County (ies): **Carteret**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Att. Attorney General

Contract No. **C203122**
County CARTERET

CONTRACT PAYMENT BOND

Date of Payment Bond Execution September 6, 2012

Name of Principal Contractor **PENHALL COMPANY**

Name of Surety: Arch Insurance Company

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

Amount of Bond: Two Million Five Hundred Seventy Eight Thousand Eighty Nine and 00/100 Dollars (\$2,578,089.00)

Contract ID No.: **C203122**

County Name: **CARTERET**

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.
County

C203122

CARTERET

Rev 5-17-11

CONTRACT PAYMENT BOND

CORPORATION

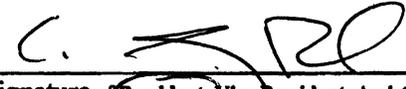
SIGNATURE OF CONTRACTOR (Principal)

PENHALL COMPANY

Full name of Corporation

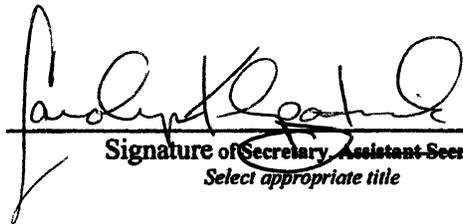
P.O. BOX 460 ANAHEIM, CA 92803

Address as prequalified

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

C. GEORGE BUSH
President / CEO
Print or type Signer's name

Affix Corporate Seal

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

Carolyn Kilpatrick, Secretary
Print or type Signer's name

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

Sept 7, 2012 before me Carly D. Small, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared C. George Bush
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

ACKNOWLEDGMENT OF SURETY COMPANY

STATE OF New York }
COUNTY OF Nassau } SS

On this September 6, 2012, before me personally came Susan Lupski

to me known, who, being by me duly sworn, did depose and say; that he/she resides in Nassau County, State of New York, that he/she is the Attorney-in-Fact of the Arch Insurance Company

the corporation described in which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by the Board of Directors of said corporation; and that he/she signed his/her name thereto by like order; and the affiant did further depose and say that the Superintendent of Insurance of the State of New York, has, pursuant to Section 1111 of the Insurance Law of the State of New York, issued to Arch Insurance Company (Surety) his/her certificate of qualification evidencing the qualification of said Company and its sufficiency under any law of the State of New York as surety and guarantor, and the propriety of accepting and approving it as such; and that such certificate has not been revoked.


.....
Notary Public

NY acknowledgement

MELISSA SARACINO
Notary Public, State of New York
No. 01SA6155895
Qualified in Nassau County
Commission Expires November 20, 2014

ARCH INSURANCE COMPANY
STATEMENT OF FINANCIAL CONDITION
December 31, 2011

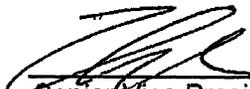
Assets

Cash in Banks	\$ 117,690,832
Bonds owned	1,258,246,334
Stocks	366,270,043
Premiums in course of collection	149,107,088
Accrued interest and other assets	<u>321,772,587</u>
 Total Assets	 <u><u>\$ 2,213,086,884</u></u>

Liabilities

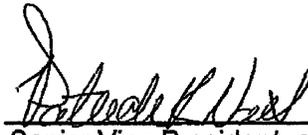
Reserve for losses and adjustment expenses	\$ 856,214,624
Reserve for unearned premiums	282,067,655
Ceded reinsurance premiums payable	76,916,745
Amounts withheld or retained by company for account of others	143,263,809
Reserve for taxes, expenses and other liabilities	<u>284,887,844</u>
 Total Liabilities	 1,643,350,677
 Surplus as regards policyholders	 <u>569,736,207</u>
 Total Surplus and Liabilities	 <u><u>\$ 2,213,086,884</u></u>

By:



Senior Vice President, Chief
Financial Officer and Treasurer

Attest:



Senior Vice President, and
General Counsel

State of New York)

) SS

County of Nassau)

Thomas James Ahern, Senior Vice President and Chief Financial Officer and Treasurer and Patrick K. Nails, Senior Vice President and General Counsel being duly sworn, of ARCH INSURANCE COMPANY, Missouri; and that the foregoing is a true and correct statement of financial condition of said company, as of December 31, 2011.

Subscribed and sworn to before me, this 14th day of March, 2012.

Notary Public



PETER J. CALLEO
Notary Public, State of New York
No. 02CA6109336
Qualified in Nassau County
Commission Expires 5/03/2012

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON BLUE BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Mortgage, Note, Loan, Letter of Credit, Bank Deposit, Currency Rate, Interest Rate or Residential Value Guarantees.

POWER OF ATTORNEY

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Camille Maitland, Colette R. Chisholm, George O. Brewster, Gerard S. Macholz, Rita Sagistano, Robert T. Pearson, Susan Lupski and Thomas Bean of Garden City, NY (EACH)

its true and lawful Attorney(s) in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding Ninety Million Dollars (\$90,000,000.00).

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on September 15, 2011, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on September 15, 2011:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on September 15, 2011, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

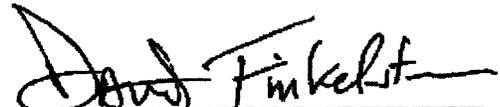
In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 4th day of June, 2012.

Attested and Certified

Arch Insurance Company


Martin J. Nilsen, Secretary

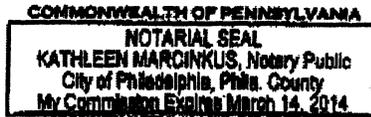


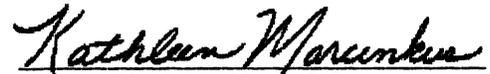

David M. Finkelstein, Executive Vice President

STATE OF PENNSYLVANIA SS

COUNTY OF PHILADELPHIA SS

I, Kathleen Marcinkus, a Notary Public, do hereby certify that Martin J. Nilsen and David M. Finkelstein personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



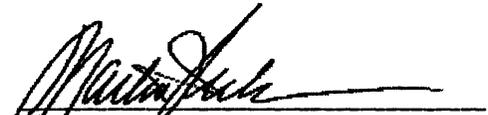

Kathleen Marcinkus, Notary Public
My commission expires 03/14/2014

CERTIFICATION

I, Martin J. Nilsen, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated June 4, 2012 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said David M. Finkelstein, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this _____ day of _____, 20_____.

SEP 0 6 2012


Martin J. Nilsen, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

**Arch Insurance – Surety Division
3 Parkway, Suite 1500
Philadelphia, PA 19102**



Bond No. SU1111599

Contract No. **C203122**
County CARTERET

Rev 5-17-11

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: September 6, 2012

Name of Principal Contractor: **PENHALL COMPANY**

Name of Surety: Arch Insurance Company

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

Amount of Bond: Two Million Five Hundred Seventy Eight Thousand Eighty Nine and 00/100 Dollars (\$2,578,089.00)

Contract ID No.: **C203122**

County Name: **CARTERET**

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

C203122

CARTERET

Rev 5-17-11

CONTRACT PERFORMANCE BOND

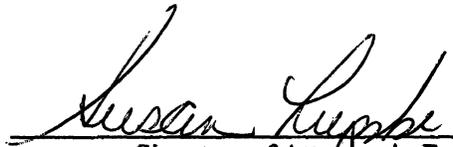
Affix Seal of Surety Company

Arch Insurance Company

Print or type Surety Company Name

By Susan Lupski, Attorney-in-Fact

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


Signature of Attorney-in-Fact


Signature of Witness

Grace Ackerson

Print or type Signer's name

Three Parkway, Suite 1500
Philadelphia, PA 19102

Address of Attorney-in-Fact

Contract No.
County

C203122

CARTERET

Rev 5-17-11

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

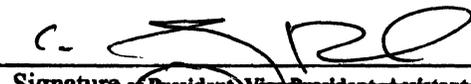
PENHALL COMPANY

Full name of Corporation

P.O. BOX 460 ANAHEIM, CA 92803

Address as prequalified

By



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

C. GEORGE BUSH
President / CEO

Print or type Signer's name

Affix Corporate Seal

Attest



Signature of Secretary Assistant Secretary
Select appropriate title

Carolyn Kilpatrick, Secretary

Print or type Signer's name

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On Sept 7 2012

Date

before me,

Carly D. Small Notary Public
Here Insert Name and Title of the Officer

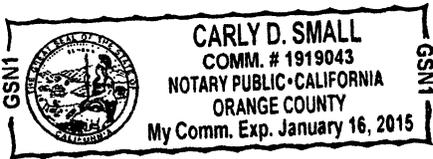
personally appeared

C. George Bush
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature

[Handwritten Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

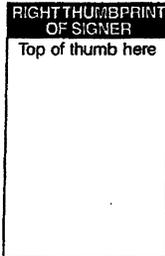
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

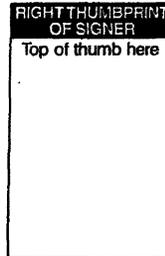
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

ACKNOWLEDGMENT OF SURETY COMPANY

STATE OF New York }
COUNTY OF Nassau } ss

On this September 6, 2012, before me personally came Susan Lupski

to me known, who, being by me duly sworn, did depose and say; that he/she resides in Nassau County, State of New York, that he/she is the Attorney-in-Fact of the Arch Insurance Company

the corporation described in which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by the Board of Directors of said corporation; and that he/she signed his/her name thereto by like order; and the affiant did further depose and say that the Superintendent of Insurance of the State of New York, has, pursuant to Section 1111 of the Insurance Law of the State of New York, issued to Arch Insurance Company (Surety) his/her certificate of qualification evidencing the qualification of said Company and its sufficiency under any law of the State of New York as surety and guarantor, and the propriety of accepting and approving it as such; and that such certificate has not been revoked.


.....
Notary Public

NY acknowledgement

MELISSA SARACINO
Notary Public, State of New York
No. 01SA6155895
Qualified in Nassau County
Commission Expires November 20, 2014

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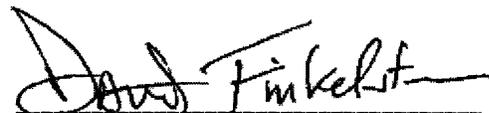
In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 4th day of June, 2012.

Attested and Certified

Arch Insurance Company


Martin J. Nilsen, Secretary

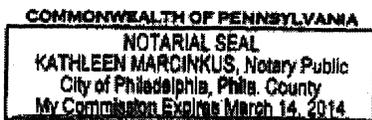



David M. Finkelstein, Executive Vice President

STATE OF PENNSYLVANIA SS

COUNTY OF PHILADELPHIA SS

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Kathleen Marcinkus, Notary Public
My commission expires 03/14/2014

CERTIFICATION

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IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this _____ day of _____, 20____.

SEP 06 2012


Martin J. Nilsen, Secretary

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Philadelphia, PA 19102



