



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

**Request for  
 Quotation**

|               |
|---------------|
| RFQ NUMBER    |
| <b>BVH352</b> |

|          |
|----------|
| PAGE     |
| <b>1</b> |

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| ADDRESSES CORRESPONDENCE TO ATTENTION OF |
| <b>JOHN ABBOTT</b>                       |
| <b>304-558-2544</b>                      |

RFQ COPY  
 TYPE NAME/ADDRESS HERE  
**Fairfax, Inc.**  
**114 Co. Rd. 3**  
**P.O. Box 400**  
**Chesapeake, OH 45619**

**WEST VIRGINIA VETERANS HOME**  
**512 WATER STREET**  
**BARBOURSVILLE, WV**  
**25504 736-1027**

| DATE PRINTED | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
|--------------|---------------|----------|-----|---------------|
| 10/11/2009   |               |          |     |               |

|                                     |                                 |
|-------------------------------------|---------------------------------|
| BID OPENING DATE: <b>11/17/2009</b> | <b>BID OPENING TIME 01:30PM</b> |
|-------------------------------------|---------------------------------|

| LINE  | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT                 |
|---|----------|-----|---------|-------------|------------|------------------------|
| 0001  | 1        | LS  |         | 910-66      |            | \$58,600 <sup>00</sup> |
| <p><b>ROOFING MAINTENANCE, REPAIR, AND INSTALLATION</b></p> <p>CONTRACT TO REPLACE THE ROOF AND OTHER RELATED ITEMS AT THE BARBOURSVILLE VETERANS HOME, BARBOURSVILLE, WV, PER THE SPECIFICATIONS.</p> <p>SPECIFICATIONS AND DRAWINGS MAY BE OBTAINED BY CONTACTING ARCHITECTURAL PLANNING &amp; DESIGN AT 304-521-2929</p> <p><b>MANDATORY PRE-BID</b><br/>           A MANDATORY PRE-BID WILL BE HELD ON 11/4/2009 AT 10:00 AM AT THE BARBOURSVILLE VETERANS HOME, AS ABOVE. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THIS MEETING. FAILURE TO ATTEND THE MANDATORY PRE-BID SHALL RESULT IN DISQUALIFICATION OF THE BID. NO ONE PERSON MAY REPRESENT MORE THAN ONE BIDDER.</p> <p>AN ATTENDANCE SHEET WILL BE MADE AVAILABLE FOR ALL POTENTIAL BIDDERS TO COMPLETE. THIS WILL SERVE AS THE OFFICIAL DOCUMENT VERIFYING ATTENDANCE AT THE MANDATORY PRE-BID. FAILURE TO PROVIDE YOUR COMPANY AND REPRESENTATIVE NAME ON THE ATTENDANCE SHEET WILL RESULT IN DISQUALIFICATION OF THE BID. THE STATE WILL NOT ACCEPT ANY OTHER DOCUMENTATION TO VERIFY ATTENDANCE. THE BIDDER IS RESPONSIBLE FOR ENSURING THEY HAVE COMPLETED THE INFORMATION REQUIRED ON THE ATTENDANCE SHEET. THE PURCHASING DIVISION AND THE STATE AGENCY WILL NOT ASSUME ANY RESPONSIBILITY FOR A BIDDER'S FAILURE TO COMPLETE THE PRE-BID ATTENDANCE SHEET. IN ADDITION, WE REQUEST THAT ALL POTENTIAL BIDDERS INCLUDE</p> |          |     |         |             |            |                        |

PURCHASING DIVISION  
 STATE OF WEST VIRGINIA  
 806 W 17 A 9 08  
 RECEIVED

|   |                             |                                   |                                  |
|---|-----------------------------|-----------------------------------|----------------------------------|
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS |                             |                                   |                                  |
| SIGNATURE<br><i>Doak Russell</i>          | NAME<br><b>Doak Russell</b> | TELEPHONE<br><b>740-867-2727</b>  | DATE<br><b>November 17, 2009</b> |
| TITLE<br><b>President</b>                 | FAX<br><b>55-0672983</b>    | ADDRESS CHANGES TO BE NOTED ABOVE |                                  |

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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WEST VIRGINIA VETERANS HOME

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BID OPENING DATE: 11/17/2009 BID OPENING TIME 01:30PM

| LINE  | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|--------|-------------|------------|--------|
| WHICH THE CONTRACT IS ISSUED.<br><br>(2) THE BUYER SHALL SEND THE ADDENDUM TO ALL INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID OPENING DATE. ANY ADDENDUM SHOULD BE RECEIVED BY THE BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID OPENING DATE.<br><br>(3) ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY ALL BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION. THE SAME RULES AND REGULATIONS THAT APPLY TO THE ORIGINAL BIDDING DOCUMENT SHALL ALSO APPLY TO AN ADDENDUM DOCUMENT. THE ONLY EXCEPTION MAY BE FOR AN ADDENDUM THAT IS ISSUED FOR THE SOLE PURPOSE OF CHANGING A BID OPENING TIME AND/OR DATE.<br><br>REV. 11/96<br><br>EXHIBIT 10<br><br>ADDENDUM ACKNOWLEDGEMENT<br><br>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.<br><br>ADDENDUM NOS.:<br>NO. 1 .. Nov. 05, 2009<br>NO. 2 .....<br>NO. 3 ..... |          |     |        |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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| SIGNATURE | TELEPHONE | DATE |
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304-558-2544**

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| 10/11/2009   |               |         |     |               |

BID OPENING DATE: **11/17/2009** BID OPENING TIME **01:30PM**

| LINE  | QUANTITY | UOP | UNIT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|----------|-------------|------------|--------|
| NO. 4   |          |     |          |             |            |        |
| NO. 5   |          |     |          |             |            |        |
| <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p><i>R. Doak Russell</i> ..... SIGNATURE<br/> R. Doak Russell .....<br/> FAIRFAX, INC. .... COMPANY<br/> November 17, 2009 ..... DATE</p> <p>REV. 11/96</p> <p>CONTRACTORS LICENSE</p> <p>WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR CAPITOL COMPLEX, BUILDING 3, ROOM 319, CHARLESTON, WV 25305. TELEPHONE: (304) 558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY</p> |          |     |          |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|           |           |                                   |
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| BID OPENING DATE: 11/17/2009  |               | BID OPENING TIME 01:30PM |              |                                   |            |        |
| LINE  | QUANTITY      | UOP                      | QTY<br>UNITS | ITEM NUMBER                       | UNIT PRICE | AMOUNT |
| <p>PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.</p> <p>BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME: ..... FAIRFAX, INC. ....</p> <p>CONTRACTORS LICENSE NO.: ..... WV008334 .....</p> <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT</p> <p>APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p>REV. 5/2009</p> <p>NOTICE</p> |               |                          |              |                                   |            |        |
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS   |               |                          |              |                                   |            |        |
| SIGNATURE   |               |                          | TELEPHONE    |                                   | DATE       |        |
| TITLE   |               | FEE                      |              | ADDRESS CHANGES TO BE NOTED ABOVE |            |        |

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|---|----------|-----|--------|-------------|------------|--------|
| <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION<br/>PURCHASING DIVISION<br/>BUILDING 15<br/>2019 WASHINGTON STREET, EAST<br/>CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: JOHN ABBOTT (32)</p> <p>REQ. NO.: BVH352</p> <p>BID OPENING DATE: 11/17/2009</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:<br/>740-867-2727</p> <p>PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE:<br/>R. Doak Russell</p> |          |     |        |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|           |           |                                   |
|-----------|-----------|-----------------------------------|
| SIGNATURE | TELEPHONE | DATE                              |
| TITLE     | FAX       | ADDRESS CHANGES TO BE NOTED ABOVE |

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

RE-ROOF BUILDING D

WV VETERANS HOME

BID FORM

Date November 17, 2009

Time 1:30 PM

Proposal by: FAIRFAX, INC.

TO:

Keith Gwinn, Director  
West Virginia Veterans Home  
512 Water Street  
Barboursville, WV 26504

Dear Mr Gwinn;

The undersigned, having examined the proposed Contract Documents for:

RE-ROOF BUILDING D  
West Virginia Veterans Home  
Barboursville, West Virginia

and having visited the site and the conditions affecting the Work, hereby propose and agree to furnish all labor, materials, equipment and appliances, and to perform operations necessary to complete the Work as required by said proposed Contract Documents, for that portion of the Work identified as "Base Bid", for the stipulated sum of:

BASE BID - Re-roof Building "D" with a contract time not to exceed 35 calendar days.

(\$) 58,600<sup>00</sup> DOLLARS FIFTY EIGHT THOUSAND SIX HUNDRED DOLLARS

The above amount INCLUDES the following two ALLOWANCE AMOUNTS:

1. The sum of \$4,000.00 for removal and replacement in kind of tapered EPS foam insulation to match existing where existing material is found to be in unsatisfactory condition.
2. The sum of \$1,000.00 for removal and replacement in kind of wood fiberboard on parapet walls to match existing where existing material is found to be in unsatisfactory condition.

The undersigned understands and agrees to comply with and be bound by the instructions to Bidders and the Contract Documents for this Work and that this bid shall remain valid for a period of ninety (90) days from the date of the bid opening.

The undersigned stipulates that the Work shall be completed within the aggregate time allowance for the Base Bid and the selected alternatives, commencing not more than 15 days after award of the Contract.

The undersigned acknowledges receipt of Addenda numbers:

One (1)

Enclosed with this bid is Bid security in the amount of not less than 5% of the bidder's proposed "Base Bid" Contract Sum.

OCTOBER 2009

BID FORM - 00310-1

RE-ROOF BUILDING D

WV VETERANS HOME

By execution below bidder hereby offers to furnish the required Work as herein indicated.

SIGNED:

R. Doak Russell

by R. Doak Russell - President

(officer, partner, owner, etc.)

P.O. Box 400, Chesapeake, OH 45619

Address

Corporation

Type of business entity: (corporation, partnership, individual, etc.)

Corporation organized under the laws of the State of WV

Corporate Seal:

Notary Seal

RFQ No. BVH352

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

**VENDOR OWING A DEBT TO THE STATE:**

*West Virginia Code* §5A-3-10a provides that: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

**PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:**

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code*. The vendor must make said affirmation with its bid submission. Further, public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code* and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the *West Virginia Code* may take place before their work on the public improvement is begun.

**ANTITRUST:**

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.


**LICENSING:**

Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

**CONFIDENTIALITY:**

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

Under penalty of law for false swearing (*West Virginia Code* §61-5-3), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

Vendor's Name: FAIRFAX, INC  
Authorized Signature:  Date: November 17, 2009  
Purchasing Affidavit (Revised 01/01/09) R. Doak Russell - President





State of West Virginia  
DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT  
West Virginia Code §21-1D-5

STATE OF West Virginia

COUNTY OF Cabell, TO-WIT:

I, R. Doak Russell, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Fairfax, Inc.; and,  
(Company Name)
- 2. I do hereby attest that Fairfax, Inc.  
(Company Name)

maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code §21-1D-5.**

The above statements are sworn to under the penalty of perjury.

FAIRFAX, INC.

(Company Name)

By: R. Doak Russell

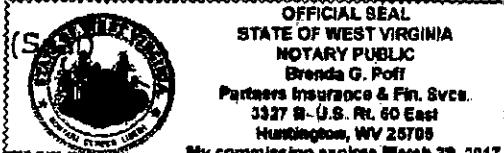
R. Doak Russell

Title: President

Date: November 17, 2009

Taken, subscribed and sworn to before me this 16TH day of NOVEMBER.

By Commission expires 3-28-2017



Brenda G. Poff  
(Notary Public)

**THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.**

BID BOND

BOND #1000835416-09

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED FAIRFAX, INC.

P O BOX 400, CHESAPEAKE, OH 45619 AS PRINCIPAL, AND  
AMERICAN CONTRACTORS INDEMNITY COMPANY AS SURETY, ARE HEREBY HELD AND

FIRMLY BOUND UNTO STATE OF WEST VIRGINIA AS OWNER IN THE  
PENAL SUM OF FIVE THOUSAND DOLLARS & 00/100 FOR THE PAYMENT OF WHICH, WELL AND

TRULY TO BE MADE, WE HEREBY JOINTLY AND SEVERALLY BIND OURSELVES, SUCCESSORS AND  
ASSIGNS,

SIGNED, THIS 17TH DAY OF NOVEMBER, ~~XX~~ 2009

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS THE PRINCIPAL HAS  
SUBMITTED TO STATE OF WEST VIRGINIA A CERTAIN BID, ATTACHED

HERETO AND HEREBY MADE A PART HEREOF TO ENTER INTO A CONTRACT IN WRITING, FOR THE  
ROOFING OF WEST VIRGINIA VETERANS HOME - BUILDING D, 512 WATER STREET,

BARBOURSVILLE, WV 25504 - #RFQ BVH352

~~THE LANGUAGE OF THE CONTRACT NOTWITHSTANDING, IT IS UNDERSTOOD AND AGREED THAT  
SURETY HAS NO WARRANTY RESPONSIBILITY BEYOND TWO YEARS FROM COMPLETION OF THE WOR  
BY THE PRINCIPAL ON THIS BOND.~~

NOW, THEREFORE,

- (A) If said Bid shall be rejected, or in the alternate,
- (B) If said Bid shall be accepted and the principal shall execute and deliver a contract in the form of contract attached hereto (properly completed in accordance with said Bid) and shall furnish a bond for his faithful performance of said contract; and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid.

Then this obligation shall be void, otherwise the same shall remain in force and effect: It being expressly understood and agreed that the liability of the surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

THE SURETY, FOR VALUE RECEIVED, HEREBY STIPULATES AND AGREES THAT THE OBLIGATIONS OF SAID SURETY AND ITS BOND SHALL BE IN NO WAY IMPAIRED OR AFFECTED BY ANY EXTENSION OF THE TIME WITHIN WHICH THE OWNER MAY ACCEPT SUCH BID; AND SAID SURETY DOES HEREBY WAIVE NOTICE OF ANY SUCH EXTENSION.

IN WITNESS WHEREOF, THE PRINCIPAL AND THE SURETY HAVE HEREUNTO SET THEIR HANDS AND SEALS, AND SUCH OF THEM AS ARE CORPORATIONS HAVE CAUSED THEIR CORPORATE SEALS TO BE HERETO AFFIXED AND THESE PRESENTS TO BE SIGNED BY THEIR PROPER OFFICERS. THE DAY AND YEAR FIRST SET FORTH ABOVE.

*R. Doak Russell*

(L.S.)

R. DOAK RUSSELL, PRES PRINCIPAL

AMERICAN CONTRACTORS INDEMNITY COMPANY

SURETY

BY:

*Brenda G. Poff*

BRENDA G. POFF, ATTORNEY-IN-FACT

IMPORTANT -- Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

**POWER OF ATTORNEY**

**AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS, That American Contractors Indemnity Company, a California corporation, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

**Charles W. Manning or Brenda G. Poff of Huntington, West Virginia**

its true and lawful Attorney-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in his name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed Three Million (\*\*\*) Dollars (\$ \*\*3,000,000.00\*\*).

This Power of Attorney shall expire without further action on March 13, 2011. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

*Be it Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorneys-in-fact to represent and act for and on behalf of the Company subject to the following provisions:

*Afternoon*, each may be an or full power and authority, for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents concerning or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-fact shall be binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary.

*Be it Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 15<sup>th</sup> day of July, 2008.

**AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

Corporate Seals



By [Signature]  
Daniel P. Aguilar, Vice President

State of California  
County of Los Angeles SS

On this 15<sup>th</sup> day of July, 2008, before me, Deborah Reese, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature 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 [Signature] (Seal)



I, Jeannie J. Kim, Assistant Secretary of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 17TH day of NOVEMBER, 2009.

Corporate Seals



[Signature]  
Jeannie J. Kim, Assistant Secretary

Bond No. 1006335416-09  
Agency No. 9130