Submitted By:

Bidder LEHMAN - ROBERTS Co

Address P.O. BOX 1603

MEMPHIS, TN 38101

License No. 882

Classification MU-A, B, C, D; HRA-A, B, C

Expires 4-30-10

# Shelby County Tennessee

## Contract Documents

## For
## 2008-2009 ASPHALT SURFACING PROGRAM

## DECEMBER 9, 2008

**OFFICE OF ROAD & BRIDGES DEPARTMENT**
**6449 HALEY RD.**
**Memphis, Tennessee 38134**
**ATTN: Cindy Kirkland**

THE AMERICAN INSTITUTE OF ARCHITECTS

*AIA Document A310*

# Bid Bond

**KNOW ALL MEN BY THESE PRESENTS,** that we Lehman-Roberts Company
P.O. Box 1603
Memphis, TN 38101

as Principal, hereinafter called the Principal, and Travelers Casualty and Surety Company of America
One Tower Square
Hartford, CT 06183-6014

a corporation duly organized under the laws of the State of Connecticut

as Surety, hereinafter called the Surety, are held and firmly bound unto the County of Shelby
160 North Main St.
Memphis, TN 38103

as Obligee, hereinafter called the Obligee, in the sum of Five Percent (5%) of Amount of Attached Proposal Dollars ($ ),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for

Construction of 2008-2009 Asphalt Surfacing Program

NOW THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 9th day of December, 2008 .

David A. Recor
(Witness)

Lehman-Roberts Company
(Principal) (Seal)

Charles E. Vaccaro
(Title)
CHARLES E. VACCARO, VICE PRESIDENT

Linda Foster
(Witness)
Linda Foster

Travelers Casualty and Surety Company of America
(Surety) (Seal)

Teresa M. Sheppard
(Title)
Teresa M. Sheppard, Attorney-in-Fact

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

TRAVELERS

# POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 215368

Certificate No. 002643887

**KNOW ALL MEN BY THESE PRESENTS:** That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

L.M. Bryant, Teresa M. Sheppard, and W. Joseph Lammel

of the City of Memphis, State of Tennessee, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

**IN WITNESS WHEREOF**, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 31st day of March, 2006.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: George W. Thompson, Senior Vice President

On this the 31st day of March, 2006, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

**In Witness Whereof,** I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2011.

Marie C. Tetreault, Notary Public

58440-5-07 Printed in U.S.A.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice 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 Resident Vice Presidents, Resident 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 on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seals of said Companies this 9th day of December, 20 08.

Kori M. Johanson, Assistant Secretary

To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

## ***BID FORM***

## ***2008-2009 ASPHALT SURFACING PROGRAM***

| Item Number | Item | Quantities | Unit Prices | Amount |
|---|---|---|---|---|
| 307-03.11 | Bituminous Plant Mix Base (Hot Mix) Grading B | 1500.00 | 78.09 | $ 117,135-00 |
| 411-01.01SP | Mineral Aggregate (ACS) Grading D SP* | 12861.53 | 44.50 | $ 572,338-09 |
| 411-01.02SP | Asphalt Cement (ACS) Grading D SP* | 820.95 | 669.89 | $ 549,946-20 |
| 415.01 | Milling | 250.00 | 28.98 | $ 7,245-00 |
| | | | | |
| 908-07.01 | Manhole Riser | 200.00 | 50.00 | $ 10,000-00 |
| | **TOTAL BID** | | | $1,256,664-29 |

## DRUG-FREE WORKPLACE AFFIDAVIT

**STATE OF** TENNESSEE

**COUNTY OF** SHELBY

The undersigned, principal officer of LEHMAN - ROBERTS Co., an employer of five(5) or more employees contracting with SHELBY County government to provide construction services, herel states under oath as follows:

1. The undersigned is a principal officer of LEHMAN - ROBERTS Co (hereinafter referred to as the "Company"), and is duly authorized to execute this Affidavit on behalf of the Company.

2. The Company submits this Affidavit pursuant to T.C.A. § 50-9-113, which requires each employer with no less than five (5) employees receiving pay who contracts with the state or any local government to provide constructioli services to submit an affidavit stating that such employer has a drug-free workplace program that complies with Title *50,* Chapter 9, of the *Tennessee Code Annotated.*

3. The Company is in compliance with T.C.A.~ 50-9-113. Further affiant saith not.

Principal Officer CHARLES E. VALLCARO, VICE PRESIDENT

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me personally appeared Charles E. Vallcaro with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the foregoing affidavit for the purposes therein contained.
Witness my hand and seal at office this 9TH day of DECEMBER 2008

David A. Reeves

Notary Public
My commission expires: My Commission Expires June 29, 2010

DAVID A. REEVES STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF SHELBY

Submitted By:

Bidder APAC TENNESSEE, INC.
MEMPHIS DIVISION

Address POST OFFICE BOX 13427
MEMPHIS, TN 38113-0427

License No. 00019611

Classification HRA; MU; E-F

Expires 9/30/09

# Shelby County Tennessee

## Contract Documents

## For
## 2008-2009 ASPHALT SURFACING PROGRAM

## DECEMBER 9, 2008

**OFFICE OF ROAD & BRIDGES DEPARTMENT**
**6449 HALEY RD.**
**Memphis, Tennessee 38134**
**ATTN: Cindy Kirkland**

THE AMERICAN INSTITUTE OF ARCHITECTS

*AIA Document A310*

# Bid Bond

**KNOW ALL MEN BY THESE PRESENTS,** that we APAC Tennessee, Inc.

as Principal, hereinafter called the Principal, and FEDERAL INSURANCE COMPANY

a corporation duly organized under the laws of the State of INDIANA
as Surety, hereinafter called the Surety, are held and firmly bound unto Shelby County Government

as Obligee, hereinafter called the Obligee, in the sum of FIVE PERCENT OF AMOUNT BID
Dollars ($5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for RFP #09-011-28, 2008-2009 Asphalt Resurfacing Program

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 9th day of December, 2008.

Mary K. Weeden
*(Witness)*

APAC Tennessee, Inc.
*(Principal)* *(Seal)*
*(Title)*
**Nickolas R. Haynes**
**President**

Max Watson
*(Witness)*

FEDERAL INSURANCE COMPANY
*(Surety)* *(Seal)*
Philip C. Rodgers *(Title)* Attorney-In-Fact

**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 **Nickolas R. Haynes, Murry E. Cline, Daniel S. Rowzee, Billy S. Jones, Matthew B. Carden, Philip C. Rodgers and Michael T. Walker of Memphis, Tennessee**

each as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bid bonds and bid undertakings not to exceed $1,000,000.00 (One million United States Dollars) given or executed in the course of business (but not to include any instruments amending or altering the same, nor consents to the modification or alteration of any instrument referred to in said bonds or obligations) on behalf of **APAC – Tennessee, Inc. (DBA – Memphis Division)** as principal in connection with bids, proposals or contracts to or with the United States of America, any State or political subdivision thereof or any person, firm or corporation. And the execution of such bid bonds or bid obligations 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 **28th day of December, 2006**

Kenneth C. Wendel, Assistant Secretary

John P. Smith, Vice President

STATE OF NEW JERSEY

ss.

County of Somerset

On this **28th** day of **December, 2006** 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 John P. Smith, and knows him to be Vice President of said Companies; and that the signature of John P. Smith, subscribed to said Power of Attorney is in the genuine handwriting of John P. Smith, and was thereto subscribed by authority of said By- Laws and in deponent's presence.

Notarial Seal

KAREN A. EDER NOTARY PUBLIC NEW JERSEY

KAREN A. EDER
Notary Public, State of New Jersey
No. 2231647
Commission Expires Oct. 28, 2009

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 9th day of December 2008

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

# SURETY ACKNOWLEDGMENT

STATE OF Tennessee }

COUNTY OF Shelby } SS

On this 9th day of December, 2008, before me personally came Philip C. Rodgers to me known, who, being by me duly sworn, did depose and say that he is an Attorney-In-Fact of FEDERAL INSURANCE COMPANY the corporation described in and which executed the within instrument; that he knows the corporate seal of said corporation, that the seal affixed to the within instrument is such corporate seal, and that he signed the said instrument and affixed the said seal as Attorney-In-Fact of the Board of Directors of said corporation and by authority of this office under the Standing Resolutions thereof.

Notary Public

JACOB A. TRIM
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY
MY COMM. EXP. NOV. 15, 2010

## ***BID FORM***

## ***2008-2009 ASPHALT SURFACING PROGRAM***

| Item Number | Item | Quantities | Unit Prices | Amount |
|---|---|---|---|---|
| 307-03.11 | Bituminous Plant Mix Base (Hot Mix) Grading B | 1500.00 | 95.00 | $ 142,500.00 |
| 411-01.01SP | Mineral Aggregate (ACS) Grading D SP* | 12861.53 | 64.00 | $ 823,137.92 |
| 411-01.02SP | Asphalt Cement (ACS) Grading D SP* | 820.95 | 645.00 | $ 529,512.75 |
| 415.01 | Milling | 250.00 | 25.00 | $ 6,250.00 |
| | | | | |
| 908-07.01 | Manhole Riser | 200.00 | 87.00 | $ 17,400.00 |
| **TOTAL BID** | | | | $1,518,800.67 |

## DRUG-FREE WORKPLACE AFFIDAVIT

**STATE OF** TENNESSEE

**COUNTY OF** SHELBY

The undersigned, principal officer of **APAC-Tennessee, Inc.**, an employer of five(5) or more employees contracting with SHELBY County government to provide construction services, herel states under oath as follows:

1. The undersigned is a principal officer of **APAC-Tennessee, Inc.** (hereinafter referred to as the "Company"), and is duly authorized to execute this Affidavit on behalf of the Company.

2. The Company submits this Affidavit pursuant to T.C.A. § 50-9-113, which requires each employer with no less than five (5) employees receiving pay who contracts with the state or any local government to provide constructioli services to submit an affidavit stating that such employer has a drug-free workplace program that complies with Title *50,* Chapter 9, of the *Tennessee Code Annotated.*

3. The Company is in compliance with T.C.A. 50-9-113. Further affiant saith not.

Principal Officer

**Nickolas R. Haynes**
**President**

STATE OF Tennessee

COUNTY OF Shelby

Before me personally appeared with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the foregoing affidavit for the purposes therein contained.
Witness my hand and seal at office this 4 day of December 2008

Notary Public
My commission expires:

JACOB A. TRIM
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY
MY COMM. EXP. NOV. 15, 2010

Submitted By:

Bidder STANDARD CONSTRUCTION COMPANY, Inc.

Address P.O. BOX 38289
GERMANTOWN, TN 38183-0289

License No. TENNESSEE
LICENSE NO. 8135
EXP. DATE 1/31/2009

Classification CLASS: HRA; BC; MU;
E-A, B; HC-B,D

Expires LIMIT: UNLIMITED

# Shelby County Tennessee

## Contract Documents

## For
## 2008-2009 ASPHALT SURFACING PROGRAM

## DECEMBER 9, 2008

**OFFICE OF ROAD & BRIDGES DEPARTMENT**
**6449 HALEY RD.**
**Memphis, Tennessee 38134**
**ATTN: Cindy Kirkland**

THE AMERICAN INSTITUTE OF ARCHITECTS

*AIA Document A310*

# Bid Bond

**KNOW ALL MEN BY THESE PRESENTS,** that we **Standard Construction Co., Inc.**

as Principal, hereinafter called the Principal, and **Travelers Casualty and Surety Company of America**

a corporation duly organized under the laws of the State of **Connecticut**

as Surety, hereinafter called the Surety, are held and firmly bound unto **SHELBY COUNTY TN**

as Obligee, hereinafter called the Obligee, in the sum of **Five percent of amount bid**

Dollars($ **5%** ),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for **RFP #09-011-28**
**2008-2009 Asphalt Resurfacing Program**

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this **9th** day of **December** , **2008**.

Dan Traylor
*(Witness)*

**Standard Construction Co., Inc.**

Clifton S. Hunt
*(Principal)* *(Seal)*

President
*(Title)*

Wendy L. Baldwin
*(Witness)*
**Wendy L. Baldwin**

**Travelers Casualty and Surety Company of America**

*(Surety)* *(Seal)*

Joseph Madden III
*(Title)*
**Joseph Madden III, Attorney-in-fact**

TRAVELERS

# POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 219946

Certificate No. 002679157

**KNOW ALL MEN BY THESE PRESENTS:** That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Joseph Madden III, Richard L. Powell, Ric Stallings, and Mark Harris

of the City of Memphis, State of Tennessee, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

**IN WITNESS WHEREOF**, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 30th day of April, 2008.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: George W. Thompson, Senior Vice President

On this the 30th day of April, 2008, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

**In Witness Whereof,** I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2011.

Marie C. Tetreault, Notary Public

58440-5-07 Printed in U.S.A.

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice 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 Resident Vice Presidents, Resident 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 on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seals of said Companies this 9th day of December, 20 08

Kori M. Johanson, Assistant Secretary

To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

STANDARD construction company, inc.
P. O. Box 38289 Germantown, Tenn. 38183-0289
PHONE 754-5181

# ATTACHMENT

## Proposal Response Sheet

## 2008-2009 ASPHALT RESURFACING PROGRAM, RFP # 09-011-28

Name of firm: Standard Constuction Company, Inc.
Firm's Website: stdconst.com

Mailing Address:
P O Box 38289
Germantown, TN 38183
Phone: 901-754-5181
Fax: 901-753-4935

Remit Address:
P O Box 38289
Germantown, TN 38183
Phone: 901-754-5181
Fax: 901-753-4935
Payment Terms: _____

Authorized Representative: Clifton S Hunt Print: Clifton S Hunt
Signature (Person authorized to negotiate with the County on behalf of the organization/firm.)
Email address: cliffh@stdconst.com

Authorized Representative: Dade Hunt Print: Dade Hunt
Signature (Person authorized to negotiate with the County on behalf of the organization/firm.)
Email address: dadeh@stdconst.com

The signature (s) above indicates that certifies that:

(i) the Proposer's signatory is an agent authorized to submit proposals on behalf of the organization/firm;
(ii) all declarations in the proposal and attachments are true to the best of reasonable knowledge;
(iii) all aspects of the proposal, including cost, have been determined independently, without consultation with any other prospective Proposer or competitor for the purpose of restricting competition;
(iv) the offer made in the proposal is firm and binding for 90 days after receipt of the proposal by the County; and
(v) all aspects of this RFP and the proposal submitted are binding for the duration if this proposal is selected and a contract awarded.

EOC #: EOC-199882-I0901128 (If you do not have a valid EOC #, please contact the EOC Office at 901-545-4336)

_____ Check here if you qualify as a MBE_____, or WBE_____
(Minority or Woman owned Business Enterprise) If so, please indicate the classification below:
☐African American ☐Hispanic American ☐Asian American ☐Native American ☐Other _____

_____ Check here if you qualify as an LOSB (Locally owned Small Business)

# RFP UTILIZATION REPORT

| | MALE | | | | | | FEMALE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Subtotals | White | African American | Hispanic | Asian Pacific Islander | Other | White | African American | Hispanic | Asian Pacific Islander | Other |
| Officials and Managers | 22 | 17 | 3 | | | | 2 | | | | |
| Professionals | | | | | | | | | | | |
| Technicians | | | | | | | | | | | |
| Sales Workers | | | | | | | | | | | |
| Office and Clerical | 6 | 2 | | | | | 4 | | | | |
| Crafts workers (Skilled) | 27 | 16 | 8 | 2 | | | 1 | | | | |
| Operative (Semi-Skilled) | 64 | 22 | 34 | 6 | | | 2 | | | | |
| Laborers (Unskilled) | 8 | 3 | 3 | 2 | | | | | | | |
| Service Workers | | | | | | | | | | | |
| **Totals** | 127 | 60 | 48 | 10 | | | 9 | | | | |

How was the above information as to race or ethnicity established?

☐ A) Visual Survey ☒ B) Employee Records

Please list the date for employment information reported , ☐ Other Please Specify: W/E 11/01/08

The Concept of race used by the Equal Employment Opportunity Commission does not denote clear-cut scientific definitions of anthropologic origins. For the purpose of this report an employee may be include in the group to which he or she appears to belong, identities with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic category

NOTE: 1 The Category "HISPANIC" while not a race identification is included as separates race/ethnic category because of the employment discrimination often encountered ht this group; for this reason do not include HISPANIC under either "white" or "black".

For the purpose of this report the following race/ethnic categories will be used:

a) The Category "White" (not of Hispanic origins): All persons having origins in any of the original peoples of Europe North Africa or Middle East.

b) The Category "African American persons having origins in any of the original peoples of Africa

c) The Category "Hispanic"' All persons of Mexican, Puerto Rican, Cuban, Central or South American. For other Spanish culture regardless of race

d) The Category "Asian or Pacific Islander". All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-Continent, or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippine Islands, and Samoa

e) The Category "American Indian or Alaskan Native": All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation community recognition

Source: Bureau of the Census

## *BID FORM*

## *2008-2009 ASPHALT SURFACING PROGRAM*

| Item Number | Item | Quantities | Unit Prices | Amount |
|---|---|---|---|---|
| 307-03.11 | Bituminous Plant Mix Base (Hot Mix) Grading B | 1500.00 | $ 62.90 | $ 94,350.00 |
| 411-01.01SP | Mineral Aggregate (ACS) Grading D SP* | 12861.53 | 31.55 | $ 405,781.27 |
| 411-01.02SP | Asphalt Cement (ACS) Grading D SP* | 820.95 | 480.00 | $ 394,056.00 |
| 415.01 | Milling | 250.00 | 12.25 | $ 3,062.50 |
| | | | | |
| 908-07.01 | Manhole Riser | 200.00 | 55.00 | $ 11,000.00 |
| | **TOTAL BID** | | | $ 908,249.77 |

~~STANDARD CONSTRUCTION COMPANY, Inc.~~

**STANDARD CONSTRUCTION COMPANY, Inc.**
P.O. BOX 38289
GERMANTOWN, TN 38183-0289

Clifton S. [illegible], President
12/9/08

## DRUG-FREE WORKPLACE AFFIDAVIT

**STATE OF** Tennessee

**COUNTY OF** Shelby

The undersigned, principal officer of STANDARD CONSTRUCTION COMPANY, Inc., an employer of five(5) or more employees contracting with Shelby County government to provide construction services, herel states under oath as follows:

1. The undersigned is a principal officer of STANDARD CONSTRUCTION COMPANY, Inc. (hereinafter referred to as the "Company"), and is duly authorized to execute this Affidavit on behalf of the Company.

2. The Company submits this Affidavit pursuant to T.C.A. § 50-9-113, which requires each employer with no less than five (5) employees receiving pay who contracts with the state or any local government to provide constructioli services to submit an affidavit stating that such employer has a drug-free workplace program that complies with Title *50,* Chapter 9, of the *Tennessee Code Annotated.*

3. The Company is in compliance with T.C.A.~ 50-9-113. Further affiant saith not.

Clifton Shunt, President
Principal Officer

STATE OF Tennessee

COUNTY OF Shelby

Before me personally appeared Clifton S. Hunt with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the foregoing affidavit for the purposes therein contained.
Witness my hand and seal at office this 9th day of December 2008

Notary Public Beth Henderson
My commission expires: 12/28/10

BETH HENDERSON
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY