



PECK FLANNERY GREAM WARREN INC.
a r c h i t e c t s
Larry Gream, Architect

April 17, 2006

Bill Day
Hardin County Board of Education
65 W.A. Jenkins Rd.
Elizabethtown, Kentucky 42701

RE: New Rineyville Elementary School
Rineyville, Kentucky
Architect File No: 0508
BG# 05-116

Dear Bill:

Bids were taken on above referenced project on Wednesday, April 12 at 2:00 p.m. in the Hardin County School board room. Four bids were received. Attached is a copy of the bid tabulations for your use.

Whittenberg Construction submitted the low base bid in the amount of \$13,563,000 with 810 calendar day (27 months). Attached is a copy of Whittenberg Construction's proposal.

There were five mechanical and electrical alternates. Tommy Waldron (of WBW Engineering) recommends accepting Alternates 1, and 2 and not accepting alternates 3, 4 and 5. Therefore credit alternates amounting to \$60,000 is recommended.

The bids were considerable over my final estimate of \$11,620,000. Whittenberg Construction's base bid equates to \$157.75 per square foot (*in a recent conversation with Russ McFarland with Department of Education he relayed that \$140 to \$150 per square foot was his estimate of new elementary school construction cost*).

The cost differential between the estimate and the low bid may be attributed to the following :

> Our estimate may not have factored in adequately; for construction ongoing with students in the school and the extended length of time for project completion (a project of 27 months in lieu of 12 to 16 months).

> In estimating we attempted to factor in the increased cost of oil, etc and the impact of last Fall's hurricanes on the cost of materials but apparently the estimate did not adequately address this issue.

In regard to project quality : This project has basically the same quality of construction as the recently completed Creekside Elementary School with the following exceptions.

> The square footage of New Rineyville Elementary School will total 85,978 square feet when complete. Creekside Elementary is 67,035 square feet. Rineyville Elementary; therefore has a total of 18,943 additional square feet. The Woodland/Lakewood/Creekside plan is a very efficient plan. Utilizing portions of the existing Rineyville School resulted in additional square feet in the gymnasium and corridors. Additionally renovated spaces in the existing school not suitable for a standard elementary classroom resulted in additional support spaces that are seldom programmed into new facilities but are desired by the user of the facilities (additional resource rooms, computer labs and storage areas).

> Creekside Elementary has ground faced block in the main corridors, cafeteria and gymnasium; Rineyville Elementary has standard painted masonry in the above listed spaces. Rineyville Elementary has a two story media center in lieu of a one story media center. Otherwise the schools are very much similar in quality levels.

The following are options for the board to consider

1. Whittenberg Construction is a good contractor and is very capable of constructing this project. Our firm has worked with this firm on John Hardin High School and the Four Rivers Performing Arts Center in Paducah. If funds are available I recommend accepting their base bid and alternates one and two for a contract amount of \$13,503,000.

or, if funds are not available

2. Rebid the project with redesign of certain components of the project. The following are potential deductive options:

> Revise roofing from metal roof to shingle roof. On past projects an alternate had been included for these roofing materials and the shingle roof was approximately \$240,000 less than the metal roof.

> Revise HVAC from geo-thermal to a conventional system. WBW Engineering estimates a potential \$160,000 in savings.

> Delete sod from project, seed only. Delete landscaping from project at this time. Eddie Hawkins relays that this would save approximately \$80,000 to \$100,000.

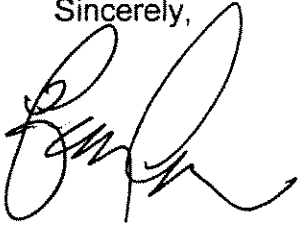
or

3. Build a new school on a new site. Design/bid/construction time should be less than construction time at this site. Construction amount (depending on amount of earth to

move and distance to utilities) would, most likely, be less. The down side to this is the school would be relocated outside a growing community and another vacant building would be create.

Give me a call if you have any questions regarding this transmittal.

Sincerely,

A handwritten signature in black ink, appearing to be 'Larry Gream', written in a cursive style.

Larry Gream

c: David Wyatt

BID TABULATION

RINEYVILLE ELEMENTARY SCHOOL

ARCHITECT FILE NO.: 0508

BID DATE: APRIL 12, 2006

CONTRACTOR	BASE BID	Alternate #1 (Temp Controls)	Alternate #2 (HVAC Equipment)	Alternate #3 (Fire Alarm System)	Alternate #4 (Light Fixtures E and EE)	Alternate #5 (Light Fixtures G and GE)	BASE BID WITH ALTERNATES	Contract Time
Badgett Constructors 217 E. Burnett Ave. Louisville, KY 40208	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
David Construction Inc. 1330 W. Breckinridge St. Louisville, KY 40210	\$13,655,400.00	\$43,200.00	(\$45,000.00)	NO BID	NO BID	NO BID	\$13,653,600.00	641 days
McNutt Construction P.O. Box 431 Elizabethtown, KY 42702	\$14,704,641.00	NO CHANGE	(\$60,000.00)	(\$1,500.00)	NO BID	NO BID	\$14,643,141.00	960 days
Morel Construction 627 W. Main St. Louisville, KY 40202	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
Parco Construction 2521 Ridgeman Court Louisville, KY 40299	\$14,692,000.00	NO BID	(\$48,000.00)	(\$360.00)	(\$6,000.00)	(\$6,300.00)	\$14,631,340.00	810 days
Howard W. Pence, Inc. P.O. Box 2005 Elizabethtown, KY 42702	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
Whittenberg Construction 4774 Almond Ave. Louisville, KY 40209	\$13,563,000.00	NO CHANGE	(\$60,000.00)	(\$360.00)	(\$6,050.00)	(\$6,300.00)	\$13,490,290.00	810 days

WBW Engineering, Inc.

April 17, 2006

Peck Flannery Gream Warren
112 North Main Street
Elizabethtown, KY 42701



Re: Rineyville Elementary School - BG-05-116

Dear Larry:

We have reviewed the Alternates on the above captioned project and have the following recommendations:

Alternate #1 - No Change.

Alternate #2 - Recommend acceptance of deduct of \$60,000.

Alternate #3 - Recommend \$360 not be accepted. Stay with Simplex-Grinnell equipment as specified.

Alternate #4 - Recommend the deduction of \$6050 not be accepted. The exit light proposed is incandescent and requires 120 volt power which would require a change order by the electrical contractor.

Alternate #5 - Recommend \$6300 not be accepted due to the wattage of fixture being quite different and low voltage switching not included.

Please call if you have any questions concerning these recommendations.

Sincerely,

WBW ENGINEERING, INC.

T.W. Waldron, Jr.
T.W. Waldron, Jr., PE

rb

3000 Canton Street, Hopkinsville, KY 42240

Phone: 270-886-2538

Fax: 270-885-7978

office@wbwengr.com for correspondence mail@wbwengr.com for drawings

SECTION D

KENTUCKY DEPARTMENT OF EDUCATION
DIVISION OF FACILITIES MANAGEMENT

FORM OF PROPOSAL

0508

April 2000
702 KAR 4:160Date: 4/12/06 To (Owner): Hardin County Board of EducationProject Title: Rineyville Elementary SchoolCity, County: Rineyville, KY 40162 - Hardin CountyName of Contractor/Supplier: Whittenberg Construction CompanyMailing Address: P.O. Box 9429 Louisville, KY 40209 Telephone: 502-361-8891Business Address: 4774 Allmond Ave. Louisville, KY 40209

Having carefully examined the Instructions to Bidders, Contract Agreement, General Conditions, Supplemental Conditions, Specifications and Drawings, on the above referenced project, the undersigned bidder proposes to furnish all labor, materials, equipment, tools, supplies and temporary devices required to complete the Work in accordance with the contract documents and any addenda listed below for the price state herein.

Addendum: 1, 2, 3 (Insert the addendum numbers received of the word "none" if no addendum received.)

BASE BID

For the construction required to complete the Work, in accordance with the contract documents, I/We submit the following lump sum price of

13,563,000
(Use Figures)

_____ Dollars & _____ Cents
(Use Words) (Use Words)

ALTERNATE BIDS (If applicable and denoted in the Supplemental Conditions)

For omission from and addition to those items, services, or construction specified in the Supplemental Conditions by alternate number, the following lump sum price will be added or deducted from the base bid.

Manufacturer	Add/Deduct
Alternate No.1 (Temp Controls _____)	(Add/Deduct) \$ <u>No change</u>
Alternate No.2 (HVAC Equipment <u>Trane</u>)	(Add/Deduct) \$ <u>60,000</u>
Alternate No.3 (Fire Alarm System <u>Edwards</u>)	(Add/Deduct) \$ <u>360</u>
Alternate No.4 (Light Fixtures E and EE <u>Big Beam</u>)	(Add/Deduct) \$ <u>6050</u>
Alternate No.5 (Light Fixtures G and GE <u>Day-Brite</u>)	(Add/Deduct) \$ <u>6300</u>

CONTRACT TIME

As consideration of award of contract, the bidder will complete the Rineyville Elementary School Project for Owner occupancy in 810 calendar days.

UNIT PRICES

Indicate on the lines below those unit prices to determine any adjustment to the contract price due to changes in work or extra work performed under this contract. The unit prices shall include the furnishing of all labor and materials, cost of all items, and overhead and profit for the Contractor, as well as any subcontractor involved. (See also Division 1 Section "Unit Prices" for additional information) These unit prices shall be listed in units of work.

WORK	PRICE	UNIT
1. Semi-recessed pendant sprinkler head	\$ 187	/ each
2. Upright sprinkler head	\$ 170	/ each
3. 3" sewer (below slab)	\$ 39.00	/ linear foot
4. 4" sewer (below slab)	\$ 40.00	/ linear foot
5. 6" sewer (below slab)	\$ 41.00	/ linear foot
6. 1" copper water line w/insulation & hangers	\$ 24.00	/ linear foot
7. 1 1/4" copper water line w/insulation & hangers	\$ 28.00	/ linear foot
8. 1 1/2" copper water line w/insulation & hangers	\$ 31.00	/ linear foot
9. 2" copper water line w/insulation & hangers	\$ 34.00	/ linear foot
10. 2 1/2" copper water line w/insulation & hangers	\$ 40.00	/ linear foot
11. 6" steel casing left in place	\$ 18.00	/ linear foot
12. 6" steel casing removed	\$ 16.00	/ linear foot
13. Earth coil & bore installed	\$ 11.50	/ linear foot
14. 120V 20A duplex receptacle	\$ 48.00	/ each
15. 120V 15A GFI duplex receptacle	\$ 50.00	/ each
16. Single pole switch 20A	\$ 38.00	/ each
17. Three-way switch 20A	\$ 44.00	/ each
18. 3 #10 THHN	\$ 2.25	/ linear foot
19. 3 #12 THHN	\$ 1.65	/ linear foot
20. 3/4" EMT	\$ 4.55	/ linear foot
21. 12" cable rack	\$ 18.70	/ linear foot
22. AV signal installed	\$ 160.00	/ each
23. Visual signal	\$ 100.00	/ each
24. Pull station	\$ 142	/ each
25. Motion Detector	\$ 165	/ each
26. Wall telephone junction box & conduit to cable tray	\$ 215	/ each
27. Television junction box & conduit to cable tray	\$ 215	/ each
28. Type "A4" light fixture	\$ 187	/ each
29. Type "B2" light fixture	\$ 219	/ each
30. Type "BL" light fixture	\$ 1970	/ each
31. Type "CI" light fixture	\$ 165	/ each
32. Type "CH" light fixture	\$ 580	/ each
33. Type "CL" light fixture	\$ 550	/ each
34. Type "DC4" light fixture	\$ 112	/ each
35. Type "E" light fixture	\$ 229	/ each
36. Type "EG" light fixture	\$ 366	/ each
37. Type "F4G" light fixture	\$ 118	/ each
38. Type "G" light fixture	\$ 380	/ each
39. Type "K4" light fixture	\$ 276	/ each

40. Type "P3" light fixture	\$ 144 - /each
41. Type "PI" light fixture	\$ 1,950 - /each
42. Type "PIF" light fixture	\$ 2,130 - /each
43. Type "PK2" light fixture	\$ 1,750 - /each
44. Type "R" light fixture	\$ 600 - /each
45. Type "RI" light fixture	\$ 750 - /each
46. Type "SV" light fixture	\$ 370 - /each
47. Type "TH" light fixture	\$ 140 - /each
48. Type "VV" light fixture	\$ 680 - /each
49. Type "W" light fixture	\$ 408 - /each
50. Type "WS" light fixture	\$ 750 - /each
51. Type "WP" light fixture	\$ 525 - /each

Note: The bidder shall submit the above list of unit prices with the bid.

LIST OF SUBCONTRACTORS

List on the lines below each major branch of work and major material category for this project and the subcontractor or supplier involved with that portion of work. If the branch of work is to be done by the Contractor, so indicate.

The listing of more than one subcontractor in a work category shall invalidate the bid.

The listing of the bidder as the subcontractor for a work category certifies that the bidder has in current employment, skilled staff and necessary equipment to complete that category. The architect/engineer will evaluate the ability of all listed subcontractors to complete the work and notify the Owner. Listing of the bidder as the subcontractor may invalidate the bid should the architect's review indicate bidder does not have skilled staff and equipment to complete the work category at the time the bid was submitted.

BRANCH OF WORK/MATERIAL CATEGORY	SUBCONTRACTOR/SUPPLIER
1. Earthwork	Phillips Brothers
2. Footing Excavations	WCC
3. Termite Control	AAPC
4. Landscaping	Frank Otte
5. Site/building Concrete	WCC
6. Masonry (Subcontractor/Supplier)	Barley's
7. Steel Supply	Blatner
8. Steel Erection	Shain
9. Light Ga. Metal Trusses (Fabrication)	Tri-State
10. Light Ga. Metal Trusses (Installation)	Tri-State
11. Architectural Woodwork	WCC
12. Bituminous Dampproofing	Barley's
13. Water Repellents	Jaco
14. Building Insulation	Grayhawk, Inc
15. Metal Roofing and Flashing	Concord
16. Modified Bituminous Roofing	Concord
17. Overhead Sectional Doors	Crawford
18. Aluminum Entrances and Storefronts	WR COLE WR COLE
19. Aluminum Windows	WR COLE WR COLE
20. Hardware Installation	WCC
21. Glass and Glazing	WR COLE WR COLE
22. Gypsum Board Assemblies	Grayhawk

23. EIFS
24. Ceramic & Quarry Tile
25. Acoustical Ceilings
26. VCT/Carpet Installation
27. Painting & Special Coatings
28. Athletic Equipment Installation
29. Telescoping Stands Installation
30. Mechanical
31. Plumbing
32. Sheet Metal
33. Geothermal
34. Temperature Controls
35. Test & Balance
36. Electrical
37. Fire Alarm

Grayhawk
American
McCain
CDI
Jennings
Aalco
Travis
Knight's
Knight's
Knight's
Durham
Trane
AHL
Marine
Marine

Note: The bidder shall submit the above list of subcontractors with the bid.

LIST OF MATERIALS MANUFACTURERS

MATERIAL DESCRIPTION BY SPECIFICATION DIVISION AND CATEGORY

MANUFACTURER

1. Masonry (list)
2. Water Repellents
3. Building Insulation
4. Metal Roofing
5. Modified Bituminous Roofing
6. Hollow Metal Doors/Frames
7. Flush Wood Doors
8. Overhead Sectional Doors
9. Aluminum Entrances and Storefronts
10. Aluminum Windows
11. Finish Hardware (list)
12. Ceramic Tile & Quarry Tile (list)
13. Vinyl Composition Tile
14. Carpet
15. Acoustical Ceilings
16. Painting & Special Coating
17. Toilet Partitions
18. Louvers & Vents
19. Signs
20. Toilet Accessories
21. Projection Screen
22. Athletic Equipment
23. Walk-in Cooler/Freezer
24. Telescoping Stands
25. EIFS
26. Heat Pump Units
27. Elevator
28. Heat Recovery Units

[illegible]

- 29. Pumps and Accessories
- 30. Plumbing Fixtures (list)
- 31. Water Heaters
- 32. Insulation
- 33. Grilles, Registers & Diffusers
- 34. Exhaust Fans
- 35. Generator
- 36. Panelboards
- 37. Lighting Fixtures (attach list)
- 38. Wiring Devices
- 39. Fire Alarm System

Note: The apparent low bidder shall submit the above list of materials within one hour of bid receipt time, or provide with the bid.

TIME LIMIT FOR EXECUTION OF CONTRACT DOCUMENTS

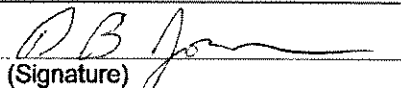
In the event that a bidder's proposal is accepted by the Owner and such bidder should fail to execute the contract within ten (10) consecutive days from the date of notification of the awarding of the contract, the Owner, at his option, may determine that the awardee has abandoned the contract. The bidder's proposal shall then become null and void, and the bid bond or certified check which accompanied it shall be forfeited to and become the property of the Owner as liquidated damages for failure to execute the contract.

The bidder hereby agrees that failure to submit herein above all required information and/or prices can cause disqualification of this proposal.

Submitted by:

NAME OF CONTRACTOR: Whittenberg Construction Company

AUTHORIZED REPRESENTATIVE: _____


(Signature)

NAME (Typed): D. Bruce Jones

TITLE: Vice President

NOTICE: A bid bond or certified check or cash must accompany this proposal.

This form shall not be modified. Attach supplemental form of proposal information pages for project specific requirements as needed.

27. Painting & Special Coatings
28. Athletic Equipment Installation
29. Telescoping Stands Installation
30. Mechanical
31. Plumbing
32. Sheet Metal
33. Geothermal
34. Temperature Controls
35. Test & Balance
36. Electrical
37. Fire Alarm

Note: The bidder shall submit the above list of subcontractors with the bid.

LIST OF MATERIALS MANUFACTURERS

MATERIAL DESCRIPTION BY SPECIFICATION DIVISION AND CATEGORY

MANUFACTURER

1. Masonry (list)
2. Water Repellents
3. Building Insulation
4. Metal Roofing
5. Modified Bituminous Roofing
6. Hollow Metal Doors/Frames
7. Flush Wood Doors
8. Overhead Sectional Doors
9. Aluminum Entrances and Storefronts
10. Aluminum Windows
11. Finish Hardware (list)
12. Ceramic Tile & Quarry Tile (list)
13. Vinyl Composition Tile
14. Carpet
15. Acoustical Ceilings
16. Painting & Special Coating
17. Toilet Partitions
18. Louvers & Vents
19. Signs
20. Toilet Accessories
21. Projection Screen
22. Athletic Equipment
23. Walk-In Cooler/Freezer
24. Telescoping Stands
25. EIFS
26. Heat Pump Units
27. Elevator
28. Heat Recovery Units
29. Pumps and Accessories
30. Plumbing Fixtures (list)
31. Water Heaters
32. Insulation

	Allowance	TBA
	VARIOUS	FABRAI
✓	Supreme	DEAN STEEL
✓	EGGERS	HAAZ
✓	RANCHER	KAUSA
✓	VARIOUS	DAI-Tile
✓	ARMSTRONG	Collins & Aiken
✓	USG	Sherwin Williams
✓	ACERRATE	GREENHECK (MECHANICAL)
✓	BRADLEY	CORNERSTONE
✓	AALCO	DA-LITE
✓	TERMINI	WA-Brown
✓	FLORIDA HEAT PUMP	Dryvit
✓	INNOVENT	CANTON
✓	ZURN	System
✓	PURVIS	Locking
✓		Conning

FORM OF PROPOSAL

SECTION "D" - 4

0508

- 33. Grilles, Registers & Diffusers
- 34. Exhaust Fans
- 35. Generator
- 36. Panelboards
- 37. Lighting Fixtures (attach list)
- 38. Wiring Devices
- 39. Fire Alarm System

Price _____
 _____ Greenheck
 _____ COMMINS
 _____ Cutler - Hammer
 _____ See Attach
 _____ BRYANT
 _____ Simplex

Note: The apparent low bidder shall submit the above list of materials within one hour of bid receipt time, or provide with the bid.

TIME LIMIT FOR EXECUTION OF CONTRACT DOCUMENTS

In the event that a bidder's proposal is accepted by the Owner and such bidder should fail to execute the contract within ten (10) consecutive days from the date of notification of the awarding of the contract, the Owner, at his option, may determine that the awardee has abandoned the contract. The bidder's proposal shall then become null and void, and the bid bond or certified check which accompanied it shall be forfeited to and become the property of the Owner as liquidated damages for failure to execute the contract.

The bidder hereby agrees that failure to submit herein above all required information and/or prices can cause disqualification of this proposal.

Submitted by:

NAME OF CONTRACTOR: _____

AUTHORIZED REPRESENTATIVE: _____
 (Signature)

NAME (Typed): _____

TITLE: _____

NOTICE: A bid bond or certified check or cash must accompany this proposal.

This form shall not be modified. Attach supplemental form of proposal information pages for project specific requirements as needed.

Marine Electric Co., Inc.
Hardin County Board of Education
Rineyville Elementary School

M.E. Co. Proj. ME-048,06
Pg 1 of 3

LIST OF MATERIALS MANUFACTURERS

Item No.	Materials And Equipment	Brand Or Manufacturer
35	Generator	Cummins
36	Panelboards	Cutler-Hammer
37	Light Fixtures	
	Type "A3"	Daybrite
	Type "A4"	Daybrite
	Type "B2"	LA Lighting
	Type "BL"	Lumec
	Type "C"	Capri
	Type "C1"	Capri
	Type "C1E"	Capri
	Type "CH"	FC Lighting
	Type "CL"	FC Lighting
	Type "D"	Capri
	Type "DC2"	Daybrite
	Type "DC3"	Daybrite
	Type "DC4"	Daybrite
	Type "E"	Isolite
	Type "EE"	Isolite
	Type "EG"	Daybrite
	Type "EM"	McPhilben

Marine Electric Co., Inc.
Hardin County Board of Education
Rineyville Elementary School

M.E. Co. Proj. #E-048.06
Pg 2 of 3

LIST OF MATERIALS MANUFACTURERS

Item No.	Materials And Equipment	Brand Or Manufacturer
Light Fixtures (conti.)		
	Type "F4G"	Daybrite
	Type "F8G"	Daybrite
	Type "FP"	Guardco
	Type "G"	Link
	Type "GE"	Link
	Type "G4"	Daybrite
	Type "H"	Capri
	Type "K4"	Daybrite
	Type "L"	Capri
	Type "LE"	Capri
	Type "N"	Daybrite
	Type "P1"	Guardco
	Type "P3"	Daybrite
	Type "P4"	Daybrite
	Type "P1F"	Guardco
	Type "PK2"	Guardco
	Type "PK3"	Guardco
	Type "PK5"	Guardco
	Type "R"	FC Lighting

Marine Electric Co., Inc.
Hardin County Board of Education
Rineyville Elementary School

M.E. Co. Proj. #E-048.06
Pg 3 of 3

LIST OF MATERIALS MANUFACTURERS

Item No.	Materials And Equipment	Brand Or Manufacturer
Light Fixtures (cont.)		
	Type "R2"	FC Lighting
	Type "SV"	Daybrite
	Type "SH"	Capri
	Type "SL"	Guardco
	Type "TH"	Capri
	Type "TL6"	Capri
	Type "V-V"	Daybrite
	Type "W"	Daybrite
	Type "WP"	Daybrite
	Type "WS"	Deleted - Addendum
38	Wiring Devices	Bryant
39	Fire Alarm System	Simplex

THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

Bid Bond

BOND # 041206WHIT

KNOW ALL MEN BY THESE PRESENTS, that we

WHITTENBERG CONSTRUCTION CO.

4774 ALLMOND AVENUE LOUISVILLE, KY 40209

(Here insert full name, and address or legal title of Contractor)

as Principal, hereinafter called the Principal, and

SAFECO INSURANCE COMPANY OF AMERICA

SAFECO PLAZA, SEATTLE, WA 98185

a corporation duly organized under the laws of the State of **WASHINGTON** as Surety, hereinafter called the Surety, are held and firmly bound unto **HARDIN COUNTY BOARD OF EDUCATION**

65 W.A. JENKINS ROAD RADCLIFF, KY 42701

(Here insert full name, and address or legal title of Owner)

as Obligee, hereinafter called the Obligee, in the sum of **Five Percent (5%) of the Amount of the Bid (\$-----)**, 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

NEW RINEYVILLE ELEMENTARY SCHOOL

(Here insert full name, address and description of project)

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 **12th** day of **April, 2006**.


(Witness)

WHITTENBERG CONSTRUCTION CO.

(Principal)  (Seal)

(Title) **D. Bruce Jones, Vice President**

SAFECO INSURANCE COMPANY OF AMERICA

(Surety)  (Seal)

(Title) **JEFFREY A. BROWN**
ATTORNEY-IN-FACT AND KENTUCKY RESIDENT AGENT



POWER
OF ATTORNEY

Safeco Insurance Companies
PO Box 34526
Seattle, WA 98124-1526

No. 12583

KNOW ALL BY THESE PRESENTS:

That **SAFECO INSURANCE COMPANY OF AMERICA**, a Washington corporation, does hereby appoint

*****JEFFREY A. BROWN; STEVEN M. GARRETT; WILLIAM A. KANTLEHNER, III; LINDA KAPFFHAMMER; THOMAS J. MITCHELL; S. ANNETTE MULLEN; ROGER A. NEAL; DIANE L. PHELPS; ROBERT P. STIMPSON; DEBORAH A. YATES; Louisville, Kentucky*****

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind **SAFECO INSURANCE COMPANY OF AMERICA** thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, **SAFECO INSURANCE COMPANY OF AMERICA** has executed and attested these presents

this 28th day of November, 2005

STEPHANIE DALEY-WATSON, SECRETARY

MIKE PETERS, PRESIDENT, SURETY

CERTIFICATE

Extract from the By-Laws of **SAFECO INSURANCE COMPANY OF AMERICA**:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of
SAFECO INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
 - (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
 - (iii) Certifying that said power-of-attorney appointment is in full force and effect,
- the signature of the certifying officer may be by facsimile, and the seal of the Company may be facsimile thereof."

I, Stephanie Daley-Watson, Secretary of **SAFECO INSURANCE COMPANY OF AMERICA**, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of this corporation, and of a Power of Attorney issue pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 12TH day of APRIL, 2006



STEPHANIE DALEY-WATSON, SECRETARY

Safeco® and the Safeco logo are registered trademarks of Safeco Corporation.