

## SURETY PERFORMANCE BOND

KNOW ALL BY THESE PRESENTS:

That DILLINGHAM CONSTRUCTION PACIFIC, LTD. DBA HAWAIIAN DREDGING CONSTRUCTION COMPANY as Contractor, hereinafter called Principal, and FIREMAN'S FUND INSURANCE COMPANY as Surety, hereinafter called Surety, a corporation(s) authorized to transact business as a surety in the State of Hawaii, are held and firmly bound unto the State of Hawaii, its successors and assigns, hereinafter called Oblige, in the amount of SEVEN MILLION SIX HUNDRED EIGHTY THREE THOUSAND EIGHT HUNDRED FORTY SEVEN AND 20/100 DOLLARS ( \$7,683,847.20 ), to which payment Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above-bound Principal has entered into a Contract with Oblige dated June 28, 2002 for "MAMALAHOA HIGHWAY EMERGENCY REPLACEMENT OF PAAUUA STREAM BRIDGE, IMPROVEMENTS AT KAMANI STREET AND REHABILITATION OF VARIOUS BRIDGES, ISLAND OF HAWAII, FEDERAL-AID PROJECT NO. ER-12(3) ", hereinafter called Contract, which Contract is incorporated herein by reference and made a part hereof.

NOW THEREFORE, the condition of this obligation is such that:

If the Principal shall promptly and faithfully perform, and fully complete the Contract in strict accordance with the terms of the Contract as said Contract may be modified or amended from time to time; then this obligation shall be void; otherwise to remain in full force and effect.

Surety to this Bond hereby stipulates and agrees that no changes, extensions of time, alterations, or additions to the terms of the Contract, including the work to be performed thereunder, and the specifications or drawings accompanying same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any such changes, extensions of time, alterations, or additions, and agrees that they shall become part of the Contract.

In the event of Default by the Principal, of the obligations under the Contract, then after written Notice of Default from the Obligee to the Surety and the Principal and subject to the limitation of the penal sum of this bond, Surety shall remedy the Default, or take over the work to be performed under the Contract and complete such work, or pay moneys to the Obligee in satisfaction of the surety's performance obligation on this bond.

Signed this 28th day of June, 2002

DILLINGHAM CONSTRUCTION  
PACIFIC, LTD. DBA HAWAIIAN  
DREDGING CONSTRUCTION  
COMPANY

(Seal)

Name of Principal

\* William J. Wilson

Signature

William J. Wilson

President

Title

FIREMAN'S FUND INSURANCE  
COMPANY

(Seal)

Name of Surety

\* Michael Grossi

Signature

Michael Grossi, Attorney-in-fact

Title

\*ALL SIGNATURES MUST BE ACKNOWLEDGED  
BY A NOTARY PUBLIC