

## SURETY PERFORMANCE BOND

KNOW ALL BY THESE PRESENTS:

That GLOBAL SPECIALTY CONTRACTORS, INC. as Contractor, hereinafter called Principal, and FIDELITY AND GUARANTY 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 Obligee, in the amount of EIGHT HUNDRED NINETY ONE THOUSAND THREE HUNDRED TEN AND NO/100 DOLLARS ( \$891,310.00 ), 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 Obligee dated July 15, 2002 for "HALEAKALA HIGHWAY GUARDRAIL AND SHOULDER IMPROVEMENTS, HALIIMAILE ROAD TO KULA HIGHWAY AND KAHEKILI HIGHWAY GUARDRAIL AND SHOULDER IMPROVEMENTS AT WAIHEE BRIDGE AND APPROACHES, ISLAND OF MAUI, FEDERAL-AID PROJECT NO. STP-0900(60)", 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.

Every Claimant who has not been paid amounts due for labor and materials furnished for work provided in the Contract may institute an action against the Principal and its Surety on this bond at the time and in the manner prescribed in Section 103D-324, Hawaii Revised Statutes, and have the rights and claims adjudicated in the action, and judgment rendered thereon; subject to the Obligee's priority on this bond. If the full amount of the liability of the Surety on this bond is insufficient to pay the full amount of the claims, then after paying the full amount due the Obligee, the remainder shall be distributed pro rata among the claimants.

Signed this 15th day of July, 2002.

GLOBAL SPECIALTY *NO SEAL*  
CONTRACTORS, INC. (Seal)

Thomas E. Heinrich  
Name of Principal (Contractor)

\* T.E. Heinrich  
Signature

VICE president  
Title

FIDELITY AND GUARANTY  
INSURANCE COMPANY (Seal)

Name of Surety

\* Richard J. Ahmann, III  
Signature

Richard J. Ahmann, III Attorney-in-Fact  
Title

\*ALL SIGNATURES MUST BE  
ACKNOWLEDGED BY A NOTARY PUBLIC

PERFORMANCE BOND (SURETY)

December 15, 1994