

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RALEIGH, N.C.

C201764

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C201764

WBS 33667.3.1 BRZ-1158(3)

T.I.P NO. B-4330

COUNTY OF YANCEY

THIS IS THE ROADWAY & STRUCTURE CONTRACT

ROUTE NUMBER SR 1158 LENGTH 0.056 MILES

LOCATION BRIDGE OVER COLBERT CREEK AND APPROACHES ON SR-1158.

CONTRACTOR SUMMERS-TAYLOR, INC.

ADDRESS P.O. BOX 1628
ELIZABETHTON, TN 376441628

BIDS OPENED JANUARY 15, 2008

CONTRACT EXECUTION FEB 21 2008

Semmer-Taylor, Inc. (3746).

Vendor 3 of 3 Vendors for Call Order 028 (Proposal ID C201764).

County: YANCEY
Address: P.O. BOX 1628
300 WEST ELK AVE.
ELIZABETHTON, TN 37643

Phone Number: 423-543-3181

Signature Check: This bid has been properly signed by Robert_T._Summers_3746.

Time Bid Received: Tue Jan 15 13:55:58 2008

Bid Checksum: 444B02A8

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$852,294.20 ✓

Bond ID: SNC08903550

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$42,614.71

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 1/9/2008

Surety Name: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET - 3.0%
DBE GOAL MET - 3.3% ↓

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
3376	REYNOLDS FENCE & GUARDRAIL INC 9320 MACHADO DRIVE , INDIAN TRAIL, NC 28079		Sub 16,755.00
3372	ALH CONSTRUCTION CO. 415 WEST E. STREET , ELIZABETHTON, TN 37643		Sub 11,668.00
TOTAL:			\$28,423.00 3.33%

Miscellaneous Data Info - Contractor Responses:

NON-COLLUSION AND DEBARMENT CERTIFICATION

Explanation of the prospective bidder that is unable to certify to any of the statements in this certification:

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. No

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of NOT ANSWERED for those projects indicated herein, for which bids will be opened on (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

Bid Bond Data Info - Contractor Responses:

BondID: SNC08903550
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Bond Execution Date: 1/9/2008
Bond Amount: \$42,614.71 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 12-18-07
Revised:

Contract ID: C201764
Letting Date: 01-15-08 Call Order: 028
Bidder: 3746 - Semmer-Taylor, Inc.

Project(s): BRZ-1158(3)

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
0001	0000100000-N MOBILIZATION	LUMP	LUMP			33,500.00
0002	0029000000-N REINFORCED BRIDGE APPROACH FILL, STATION ***** (14+42.50)	LUMP	LUMP			16,400.00
0003	0043000000-N GRADING	LUMP	LUMP			35,000.00
0004	0050000000-E SUPPLEMENTARY CLEARING & GRUB-BING	ACR	1.000	1.00000		1.00
0005	0057000000-E UNDERCUT EXCAVATION	CY	50.000	10.00000		500.00
0006	0080000000-E CLASS IV SUBGRADE STABILIZATION	TON	50.000	37.00000		1,850.00
0007	0195000000-E SELECT GRANULAR MATERIAL	CY	50.000	30.00000		1,500.00
0008	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	50.000	5.00000		250.00
0009	0199000000-E TEMPORARY SHORING	SF	285.000	120.00000		34,200.00
0010	0318000000-E FOUNDATION CONDITIONING MATERIAL, MINOR STRS	TON	8.000	45.00000		360.00
0011	0344000000-E 18" SIDE DRAIN PIPE	LF	28.000	50.00000		1,400.00

State of NC
Dept of Transportation

Date: 12-18-07
Revised:

Contract ID: C201764 Project(s): BRZ-1158(3)
Letting Date: 01-15-08 Call Order: 028
Bidder: 3746 - Semmer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	0708000000-E 15" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	40.000 LF	45.00000		1,800.00	
0013	1121000000-E AGGREGATE BASE COURSE	123.000 TON	37.00000		4,551.00	
0014	1220000000-E INCIDENTAL STONE BASE	25.000 TON	37.00000		925.00	
0015	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	135.000 TON	120.00000		16,200.00	
0016	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	80.000 TON	250.00000		20,000.00	
0017	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	11.000 TON	470.00000		5,170.00	
0018	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	25.000 TON	190.00000		4,750.00	
0019	2000000000-N RIGHT OF WAY MARKERS	7.000 EA	250.00000		1,750.00	
0020	2022000000-E SUBDRAIN EXCAVATION	9.000 CY	17.50000		157.50	
0021	2033000000-E SUBDRAIN FINE AGGREGATE	9.000 CY	32.20000		289.80	
0022	2044000000-E 6" PERFORATED SUBDRAIN PIPE	50.000 LF	8.00000		400.00	
0023	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	2.000 EA	29.70000		59.40	

State of NC
Dept of Transportation

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Contract ID: C201764 Project(s): BRZ-1158(3)
Letting Date: 01-15-08 Call Order: 028
Bidder: 3746 - Semmer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	2066000000-N CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	EA 1.000	1,100.00000		1,100.00	
0025	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	LF 6.000	39.40000		236.40	
0026	2286000000-N MASONRY DRAINAGE STRUCTURES	EA 1.000	2,500.00000		2,500.00	
0027	2367000000-N FRAME WITH TWO GRATES, STD 840.29	EA 1.000	1,100.00000		1,100.00	
0028	3030000000-E STEEL BM GUARDRAIL	LF 25.000	18.00000		450.00	
0029	3045000000-E STEEL BM GUARDRAIL, SHOP CURVED	LF 100.000	20.00000		2,000.00	
0030	3150000000-N ADDITIONAL GUARDRAIL POSTS	EA 5.000	45.00000		225.00	
0031	3195000000-N GUARDRAIL ANCHOR UNITS, TYPE AT-1	EA 1.000	480.00000		480.00	
0032	3215000000-N GUARDRAIL ANCHOR UNITS, TYPE III	EA 4.000	1,200.00000		4,800.00	
0033	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	EA 3.000	1,700.00000		5,100.00	
0034	3387000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** TEMPORARY (RETROFIT)	EA 1.000	900.00000		900.00	
0035	3389100000-N GUARDRAIL ANCHOR UNITS, TYPE 350 TEMPORARY	EA 2.000	1,400.00000		2,800.00	

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Project(s): BRZ-1158(3)

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0036	3649000000-E RIP RAP, CLASS B	20.000 TON	45.00000		900.00	
0037	3656000000-E FILTER FABRIC FOR DRAINAGE	265.000 SY	4.00000		1,060.00	
0038	4400000000-E WORK ZONE SIGNS (STATIONARY)	162.000 SF	6.10000		988.20	
0039	4405000000-E WORK ZONE SIGNS (PORTABLE)	128.000 SF	6.30000		806.40	
0040	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	40.000 SF	6.50000		260.00	
0041	4430000000-N DRUMS	10.000 EA	34.50000		345.00	
0042	4435000000-N CONES	10.000 EA	18.00000		180.00	
0043	4445000000-E BARRICADES (TYPE III)	32.000 LF	31.50000		1,008.00	
0044	4455000000-N FLAGGER	60.000 MD	280.00000		16,800.00	
0045	4465000000-N TEMPORARY CRASH CUSHIONS	2.000 EA	3,800.00000		7,600.00	
0046	4480000000-N TMIA	1.000 EA	850.00000		850.00	
0047	4485000000-E PORTABLE CONCRETE BARRIER	60.000 LF	81.80000		4,908.00	

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Project(s): BRZ-1158(3)

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0048	4490000000-E PORTABLE CONCRETE BARRIER (ANCHORED)	80.000 LF	84.50000		6,760.00	
0049	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (III)	300.000 LF	4.00000		1,200.00	
0050	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (IV)	250.000 LF	5.00000		1,250.00	
0051	4810000000-E PAINT PAVEMENT MARKING LINES (4")	4,427.000 LF	0.40000		1,770.80	
0052	4850000000-E REMOVAL OF PAVEMENT MARKING LINES (4")	600.000 LF	1.00000		600.00	
0053	6000000000-E TEMPORARY SILT FENCE	765.000 LF	5.00000		3,825.00	
0054	6006000000-E STONE FOR EROSION CONTROL, CLASS A	130.000 TON	37.00000		4,810.00	
0055	6009000000-E STONE FOR EROSION CONTROL, CLASS B	135.000 TON	37.00000		4,995.00	
0056	6012000000-E SEDIMENT CONTROL STONE	50.000 TON	40.00000		2,000.00	
0057	6015000000-E TEMPORARY MULCHING	0.500 ACR	2,500.00000		1,250.00	
0058	6018000000-E SEED FOR TEMPORARY SEEDING	50.000 LB	3.00000		150.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0059	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	0.250 TON	4,000.00000		1,000.00	
0060	6029000000-E SAFETY FENCE	200.000 LF	3.00000		600.00	
0061	6030000000-E SILT EXCAVATION	380.000 CY	10.00000		3,800.00	
0062	6036000000-E MATTING FOR EROSION CONTROL	170.000 SY	3.00000		510.00	
0063	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	135.000 SY	10.00000		1,350.00	
0064	6042000000-E 1/4" HARDWARE CLOTH	20.000 LF	18.00000		360.00	
0065	6071030000-E COIR FIBER BAFFLES	120.000 LF	9.00000		1,080.00	
0066	6084000000-E SEEDING & MULCHING	0.500 ACR	3,000.00000		1,500.00	
0067	6087000000-E MOWING	0.500 ACR	347.60000		173.80	
0068	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	5.00000		250.00	
0069	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	4,000.00000		1,000.00	
0070	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	50.000 LB	5.00000		250.00	

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Project(s): BRZ-1158(3)

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0071	6108000000-E FERTILIZER TOPDRESSING	0.250 TON	4,000.00000		1,000.00	
0072	6114000000-N SPECIALIZED HAND MOWING	2.000 HR	34.70000		69.40	
0073	6117000000-N RESPONSE FOR EROSION CONTROL	12.000 EA	300.00000		3,600.00	
0074	6123000000-E REFORESTATI ON	0.100 ACR	10,000.00000		1,000.00	
Section 0001 Total						284,564.70
Section 0004 STRUCTURE ITEMS						
0075	8021000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (14+42.50-L-)	LUMP	LUMP		23,900.00	
0076	8096000000-E PILE EXCAVATION IN SOIL	90.000 LF	180.00000		16,200.00	
0077	8097000000-E PILE EXCAVATION NOT IN SOIL	90.000 LF	220.00000		19,800.00	
0078	8112730000-N PDA TESTING	1.000 EA	2,500.00000		2,500.00	
0079	8112740000-N PDA ASSISTANCE	1.000 EA	1,000.00000		1,000.00	
0080	8121000000-N UNCLASSIFIE D STRUCTURE EXCAVA-TION AT STATION ***** (14+42.50-L-)	LUMP	LUMP		10,800.00	

State of NC
Dept of Transportation

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0081	8147000000-E REINFORCED CONCRETE DECK SLAB	SF 2,478.000	48.20000		119,439.60	
0082	8161000000-E GROOVING BRIDGE FLOORS	SF 2,768.000	1.10000		3,044.80	
0083	8182000000-E CLASS A CONCRETE (BRIDGE)	CY 45.800	1,500.00000		68,700.00	
0084	8210000000-N BRIDGE APPROACH SLABS, STATION***** (14+42.50-L-)	LUMP	LUMP		25,000.00	
0085	8217000000-E REINFORCING STEEL (BRIDGE)	LB 6,845.000	1.90000		13,005.50	
0086	8280000000-E APPROX LBS STRUCTURALSTEEL	LUMP	LUMP		170,000.00	
0087	8364000000-E HP12X53 STEEL PILES	LF 700.000	85.00000		59,500.00	
0088	8505000000-E VERTICAL CONCRETE BARRIER RAIL	LF 165.000	95.00000		15,675.00	
0089	8608000000-E RIP RAP CLASS II (2'-0" THICK)	TON 69.000	68.20000		4,705.80	
0090	8622000000-E FILTER FABRIC FOR DRAINAGE	SY 92.000	3.90000		358.80	
0091	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP		3,600.00	
0092	8692000000-N EVAZOTE JOINT SEALS	LUMP	LUMP		10,500.00	

State of NC
 Dept of Transportation

Date: 12-18-07
 Revised:

Contract ID: C201764 Project(s): BRZ-1158(3)
 Letting Date: 01-15-08 Call Order: 028
 Bidder: 3746 - Semmer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
	Section 0004 Total				567,729.50	
	Bid Total				852,294.20	

NON-COLLUSION AND DEBARMENT CERTIFICATION

The bidder certifies that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this bid, and that the bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. In addition, submitting this electronic bid constitutes the bidder's certification of Status under penalty of perjury under the laws of the United States and in accordance with the Debarment Certification on file with the Department.

By submitting this bid, the bidder certifies to the best of his knowledge and belief that he and his principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph b. of this certification; and
- d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the prospective bidder is unable to certify to any of the statements in this certification, the bidder shall submit an explanation in the blanks provided herein. The explanation will not necessarily result in denial of participation in a contract.

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

If the prequalified bidder's status changes, he shall immediately submit a new fully executed non-collusion affidavit and debarment certification with an explanation of the change to the Contract Office prior to submitting the bid.

Failure to furnish a certification or an explanation will be grounds for rejection of a bid

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. No

A bidder who desires to bid on more than one project on which bids are to be opened on the same date, and who also desires to avoid receiving an award of more projects than he is equipped to handle, may bid on any number of projects but may limit the total amount of work awarded to him on selected projects by completing the AWARD LIMITS ON MULTIPLE PROJECTS.

The Award Limits on Multiple Projects must be filled in on each project bid for which the Bidder desires protection.

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of NOT ANSWERED for those

projects indicated herein, for which bids will be opened on (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

It is agreed that if I am (we are) the low Bidder(s) on indicated projects, the total value of which is more than the above stipulated award limits, the Board of Transportation will award me (us) projects from among those indicated that have a total value not to exceed the award limit and will result in the lowest total bids to the Department of Transportation.

Fuel Price Adjustment Opt-Out Clause

Bidders have the option to accept or reject Fuel Price Adjustments in accordance with the requirements of Article 109-8 Fuel Price Adjustments and the provisions in the contract. To indicate the choice, the bidder shall enter an X in one of the blocks below.

The bidder will not be permitted to change the option after the bid is accepted.

Enter X in one box only:

Yes, the bidder accepts fuel price adjustments for this project in accordance with Article 109-8.

No, the bidder declines fuel price adjustments for this project.

In the event the bidder does not enter an X in either box, the bidder will receive fuel adjustments for the items shown in the contract.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 DBE COMMITMENT ITEMS

DATE: 12-18-07
 PAGE: 13

PROPOSAL: C201764
 LETTING: L080115 CALL: 028
 VENDOR: 3746 Semmer-Taylor, Inc.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT

DBE SUBCONTRACTOR: 3376 REYNOLDS FENCE & GUARDRAIL INC						
Will Use Quote: Yes						
0028	3030000000-E	STL BM GUARD LF		25.000	18.00000	450.00
0029	3045000000-E	SEGR SHOP CU LF		100.000	20.00000	2000.00
0030	3150000000-N	ADDIT GUARDR EA		5.000	45.00000	225.00
0031	3195000000-N	GR ANCHOR TY EA		1.000	480.00000	480.00
0032	3215000000-N	GR ANCHOR TY EA		4.000	1200.00000	4800.00
0033	3270000000-N	GR ANCHOR TY EA		3.000	1700.00000	5100.00
0034	3387000000-N	GDRL ANCH UN EA		1.000	900.00000	900.00
0035	3389100000-N	GDRL ANCH UN EA		2.000	1400.00000	2800.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 16,755.00
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 16,755.00✓

DBE SUBCONTRACTOR: 3372 ALH CONSTRUCTION CO.
 Will Use Quote: Yes

0047	4485000000-E	PORT CONC BA LF		60.000	81.80000	4908.00
0048	4490000000-E	PORT CONC BA LF		80.000	84.50000	6760.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 11,668.00
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 11,668.00✓

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 3.33% or 28423.00
 Required: 3.00% or 25568.83
 <GOAL MET>

Contract Item Sheets For C201764

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	33,500.00	33,500.00
0002	0029000000-N	SP	REINFORCED BRIDGE APPROACH FILL, STATION ***** (14+42.50)	Lump Sum LS	16,400.00	16,400.00
0003	0043000000-N	226	GRADING	Lump Sum LS	35,000.00	35,000.00
0004	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	1.00	1.00
0005	0057000000-E	226	UNDERCUT EXCAVATION	50 CY	10.00	500.00
0006	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	50 TON	37.00	1,850.00
0007	0195000000-E	265	SELECT GRANULAR MATERIAL	50 CY	30.00	1,500.00
0008	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	50 SY	5.00	250.00
0009	0199000000-E	SP	TEMPORARY SHORING	285 SF	120.00	34,200.00
0010	0318000000-E	300	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	8 TON	45.00	360.00
0011	0344000000-E	310	18" SIDE DRAIN PIPE	28 LF	50.00	1,400.00
0012	0708000000-E	310	15" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	40 LF	45.00	1,800.00
0013	1121000000-E	520	AGGREGATE BASE COURSE	123 TON	37.00	4,551.00
0014	1220000000-E	545	INCIDENTAL STONE BASE	25 TON	37.00	925.00
0015	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	135 TON	120.00	16,200.00
0016	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	80 TON	250.00	20,000.00
0017	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	11 TON	470.00	5,170.00
0018	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	25 TON	190.00	4,750.00

Contract Item Sheets For C201764

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	2000000000-N	806	RIGHT OF WAY MARKERS	7 EA	250.00	1,750.00
0020	2022000000-E	815	SUBDRAIN EXCAVATION	9 CY	17.50	157.50
0021	2033000000-E	815	SUBDRAIN FINE AGGREGATE	9 CY	32.20	289.80
0022	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	50 LF	8.00	400.00
0023	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	2 EA	29.70	59.40
0024	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA	1,100.00	1,100.00
0025	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF	39.40	236.40
0026	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	1 EA	2,500.00	2,500.00
0027	2367000000-N	840	FRAME WITH TWO GRATES, STD 840.29	1 EA	1,100.00	1,100.00
0028	3030000000-E	862	STEEL BM GUARDRAIL	25 LF	18.00	450.00
0029	3045000000-E	862	STEEL BM GUARDRAIL, SHOP CURVED	100 LF	20.00	2,000.00
0030	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	45.00	225.00
0031	3195000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE AT-1	1 EA	480.00	480.00
0032	3215000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE III	4 EA	1,200.00	4,800.00
0033	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	3 EA	1,700.00	5,100.00
0034	3387000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE ***** TEMPORARY (RETROFIT)	1 EA	900.00	900.00
0035	3389100000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350 TEMPORARY	2 EA	1,400.00	2,800.00
0036	3649000000-E	876	RIP RAP, CLASS B	20 TON	45.00	900.00

Contract Item Sheets For C201764

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0037	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	265 SY	4.00	1,060.00
0038	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	162 SF	6.10	988.20
0039	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	128 SF	6.30	806.40
0040	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	40 SF	6.50	260.00
0041	4430000000-N	1130	DRUMS	10 EA	34.50	345.00
0042	4435000000-N	1135	CONES	10 EA	18.00	180.00
0043	4445000000-E	1145	BARRICADES (TYPE III)	32 LF	31.50	1,008.00
0044	4455000000-N	1150	FLAGGER	60 MD	280.00	16,800.00
0045	4465000000-N	1160	TEMPORARY CRASH CUSHIONS	2 EA	3,800.00	7,600.00
0046	4480000000-N	1165	TMIA	1 EA	850.00	850.00
0047	4485000000-E	1170	PORTABLE CONCRETE BARRIER	60 LF	81.80	4,908.00
0048	4490000000-E	1170	PORTABLE CONCRETE BARRIER (ANCHORED)	80 LF	84.50	6,760.00
0049	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (III)	300 LF	4.00	1,200.00
0050	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (IV)	250 LF	5.00	1,250.00
0051	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	4,427 LF	0.40	1,770.80
0052	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	600 LF	1.00	600.00
0053	6000000000-E	1605	TEMPORARY SILT FENCE	765 LF	5.00	3,825.00
0054	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	130 TON	37.00	4,810.00

Contract Item Sheets For C201764

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0055	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	135 TON	37.00	4,995.00
0056	6012000000-E	1610	SEDIMENT CONTROL STONE	50 TON	40.00	2,000.00
0057	6015000000-E	1615	TEMPORARY MULCHING	0.5 ACR	2,500.00	1,250.00
0058	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	50 LB	3.00	150.00
0059	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEED- ING	0.25 TON	4,000.00	1,000.00
0060	6029000000-E	SP	SAFETY FENCE	200 LF	3.00	600.00
0061	6030000000-E	1630	SILT EXCAVATION	380 CY	10.00	3,800.00
0062	6036000000-E	1631	MATTING FOR EROSION CONTROL	170 SY	3.00	510.00
0063	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	135 SY	10.00	1,350.00
0064	6042000000-E	1632	1/4" HARDWARE CLOTH	20 LF	18.00	360.00
0065	6071030000-E	SP	COIR FIBER BAFFLES	120 LF	9.00	1,080.00
0066	6084000000-E	1660	SEEDING & MULCHING	0.5 ACR	3,000.00	1,500.00
0067	6087000000-E	1660	MOWING	0.5 ACR	347.60	173.80
0068	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	5.00	250.00
0069	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	4,000.00	1,000.00
0070	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	5.00	250.00
0071	6108000000-E	1665	FERTILIZER TOPDRESSING	0.25 TON	4,000.00	1,000.00
0072	6114000000-N	SP	SPECIALIZED HAND MOWING	2 HR	34.70	69.40
0073	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12 EA	300.00	3,600.00
0074	6123000000-E	1670	REFORESTATION	0.1 ACR	10,000.00	1,000.00

Contract Item Sheets For C201764

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0075	8021000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (14+42.50-L-)	Lump Sum LS	23,900.00	23,900.00
0076	8096000000-E	SP	PILE EXCAVATION IN SOIL	90 LF	180.00	16,200.00
0077	8097000000-E	SP	PILE EXCAVATION NOT IN SOIL	90 LF	220.00	19,800.00
0078	8112730000-N	SP	PDA TESTING	1 EA	2,500.00	2,500.00
0079	8112740000-N	SP	PDA ASSISTANCE	1 EA	1,000.00	1,000.00
0080	8121000000-N	412	UNCLASSIFIED STRUCTURE EXCAVA- TION AT STATION ***** (14+42.50-L-)	Lump Sum LS	10,800.00	10,800.00
0081	8147000000-E	420	REINFORCED CONCRETE DECK SLAB	2,478 SF	48.20	119,439.60
0082	8161000000-E	420	GROOVING BRIDGE FLOORS	2,768 SF	1.10	3,044.80
0083	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	45.8 CY	1,500.00	68,700.00
0084	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (14+42.50-L-)	Lump Sum LS	25,000.00	25,000.00
0085	8217000000-E	425	REINFORCING STEEL (BRIDGE)	6,845 LB	1.90	13,005.50
0086	8280000000-E	440	APPROX LBS STRUCTURAL STEEL	88,100 LS	170,000.00	170,000.00
0087	8364000000-E	450	HP12X53 STEEL PILES	700 LF	85.00	59,500.00
0088	8505000000-E	SP	VERTICAL CONCRETE BARRIER RAIL	165 LF	95.00	15,675.00
0089	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	69 TON	68.20	4,705.80
0090	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	92 SY	3.90	358.80
0091	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	3,600.00	3,600.00
0092	8692000000-N	SP	EVAZOTE JOINT SEALS	Lump Sum LS	10,500.00	10,500.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$852,294.20

Contract Number C201764
County YANCEY

Rev 02-17-04

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION
CORPORATION**

The Contractor being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this Contract, and that the Contractor intends to do the work with his own bonafide employees or subcontractors and did not bid for the benefit of another contractor.

By submitting this Execution of Contract, Non-Collusion affidavit and Debarment Certification, the Contractor is certifying his status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR

SUMMERS-TAYLOR, INC.

Print or type full name of Corporation

P. O. BOX 1628, ELIZABETHTON, TN 37644-1628

Address as Prequalified

Attest

Fred Smith
~~Secretary/Assistant Secretary~~
Delete inappropriate title

Fred Smith

Print or type signer's name

By

Danny Matthews
~~President/Vice President/Assistant Vice President~~
Delete inappropriate title

Danny Matthews

Print or type signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

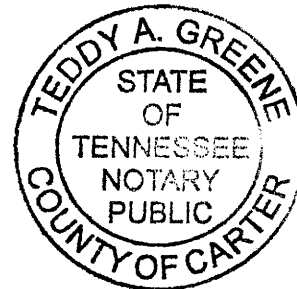
15TH day of FEBRUARY 2008.

Teddy A. Greene
Signature of Notary Public

of CARTER County

State of TENNESSEE

My Commission Expires: 03/29/2011



EXECUTION OF CONTRACT

NON-COLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION

DEBARMENT CERTIFICATION OF CONTRACTOR

Conditions for certification:

1. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that his certification was erroneous when he submitted his debarment certification or explanation that is on file with the Department, or has become erroneous because of changed circumstances.
2. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this provision, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. A copy of the Federal Rules requiring this certification and detailing the definitions and coverages may be obtained from the Contract Officer of the Department.
3. The Contractor agrees by submitting this form, that he will not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in NCDOT contracts, unless authorized by the Department.
4. For Federal Aid projects, the Contractor further agrees that by submitting this form he will include the Federal-Aid Provision titled *Required Contract Provisions Federal-Aid Construction Contract (Form FHWA PR 1273)* provided by the Department, without subsequent modification, in all lower tier covered transactions.
5. The Contractor may rely upon a certification of a participant in a lower tier covered transaction that he is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless he knows that the certification is erroneous. The Contractor may decide the method and frequency by which he will determine the eligibility of his subcontractors.
6. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this provision. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
7. Except as authorized in paragraph 3 herein, the Department may terminate any contract if the Contractor knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available by the Federal Government.

DEBARMENT CERTIFICATION

The Contractor certifies to the best of his knowledge and belief, that he and his principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph b. of this certification; and
- d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- e. If status changes, will submit a revised Debarment Certification immediately.

If the Contractor cannot certify that he is not debarred, he shall provide an explanation with this submittal. An explanation will not necessarily result in denial of participation in a contract.

Failure to submit a non-collusion affidavit and debarment certification will result in the Contractor's bid being considered non-responsive.

Check here if an explanation is attached to this certification.

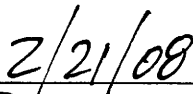
Contract No: C201764

County: Yancey

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



~~Assistant~~ Attorney General

Contract No. C201764
County YANCEY

Rev 02-13-04

CONTRACT PAYMENT BOND

Date of Payment:
Bond Execution: FEBRUARY 7, 2008

Name of Principal:
Contractor SUMMERS-TAYLOR, INC.
P. O. BOX 1628, ELIZABETHTON, TN 37644-1628

Name of Surety: FIDELITY AND DEPOSIT COMPANY OF MARYLAND
26 CENTURY BLVD. STE. 710 NORTH, NASHVILLE, TN 37214

Name of Contracting Body: North Carolina Department of Transportation
Raleigh, North Carolina

Amount of Bond: \$852,294.20

Contract ID No.: C201764

County Name(s): YANCEY

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall promptly make payment to all persons supplying labor and material in the prosecution of the work provided for in said contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Contract No. C201764
County YANCEY

Rev 02-13-04

CONTRACT PAYMENT BOND

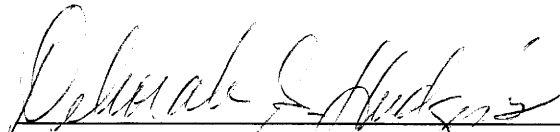
Affix Seal of Surety Company

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

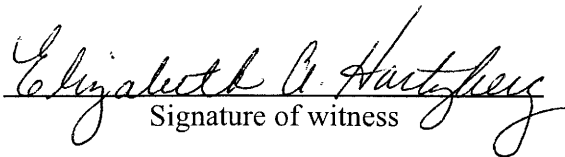
Print or type Surety Company Name

By DEBORAH S. HUDGINS

Print, stamp or type name of Attorney-in-Fact



Signature of Attorney-in-Fact


Signature of witness

ELIZABETH A. HARTZBERG

Print or type witness' name

MARSH USA, Inc.
1801 West End Ave. Ste. 1500
Nashville, TN 37203
(615) 340-2400 (P)
(615) 340-2437 (F)

Address of Attorney-in-Fact

CONTRACT PAYMENT BOND
CORPORATION

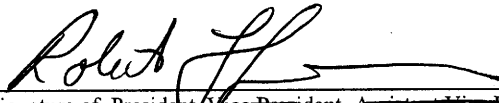
SIGNATURE OF CONTRACTOR (Principal)

SUMMERS-TAYLOR, INC.

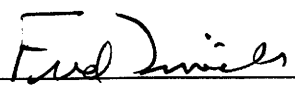
Print or type full name of Corporation

P.O. B. 1628
ELIZABETHTON, TN 37644-1628

Address as prequalified

By 
Signature of President, ~~Vice President, Assistant Vice President~~
Delete inappropriate title

Robert T. Summers
Print or type signer's name

Attest 
Signature of Secretary, ~~Assistant Secretary~~
Delete inappropriate title

FRED SMITH
Print or type signer's name

Affix Corporate Seal

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY and Elizabeth A. HARTZBERG, all of Nashville, Tennessee, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed, **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md. in their own proper persons. This power of attorney revokes that issued on behalf of E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY, dated September 14, 2005.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 4th day of May, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

Theodore G. Martinez

Gregory E. Murray Assistant Secretary

By:

Theodore G. Martinez

State of Maryland }
City of Baltimore } ss:

On this 4th day of May, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposed and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn

Notary Public

My Commission Expires: July 14, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

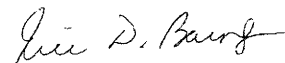
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 7th day of FEBRUARY, 2008.



Assistant Secretary

CONTRACT PERFORMANCE BOND

Date of Contract Performance

Bond Execution: FEBRUARY 7, 2008

Name of Principal: SUMMERS-TAYLOR, INC.

Contractor P. O. BOX 1628, ELIZABETHTON, TN 37644-1628

Name of Surety: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

26 CENTURY BLVD. STE. 710 NORTH, NASHVILLE, TN 37214

Name of Contracting Body: North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond: \$852,294.20

Contract ID No.: C201764

County Name(s): YANCEY

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Contract Number C201764
County YANCEY

Rev 02-13-04

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

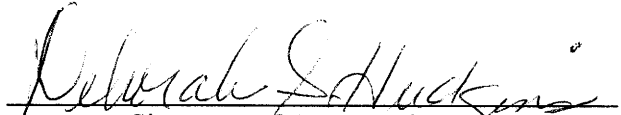
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Print or type Surety Company Name

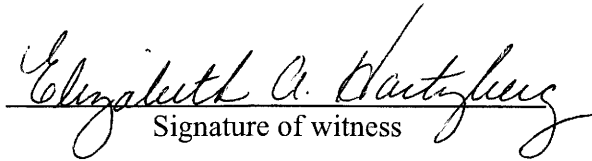
By DEBORAH S. HUDGINS

Attorney-in-Fact

Print, stamp, or type name of Attorney-in Fact



Signature of Attorney-in-Fact



Signature of witness

ELIZABETH A. HARTZBERG

Print or type witness' name

MARSH USA, Inc.
1801 West End Ave. Ste. 1500
Nashville, TN 37203
(615) 340-2400 (P)
(615) 340-2437 (F)

Address of Attorney-in-Fact

CONTRACT PERFORMANCE BOND
CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

SUMMERS-TAYLOR, INC.

Print full name of Corporation

P.O. B. 1628
ELIZABETHTON TN 37644-1628

Address as prequalified

By



Signature of President, ~~Vice President, Assistant Vice President~~

Delete inappropriate title

Robert T. Summers

Print or type signer's name

Attest

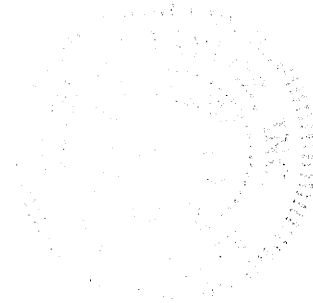


Signature of Secretary, ~~Assistant Secretary~~

Delete inappropriate title

FRED SMITH

Print or type signer's name



Affix Corporate Seal

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY and Elizabeth A. HARTZBERG, all of Nashville, Tennessee, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed, **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md. in their own proper persons. This power of attorney revokes that issued on behalf of E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY, dated September 14, 2005.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 4th day of May, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

Theodore G. Martinez

Gregory E. Murray Assistant Secretary

By: *Theodore G. Martinez*

State of Maryland }
City of Baltimore } ss:

On this 4th day of May, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn

Notary Public

My Commission Expires: July 14, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

CERTIFICATE

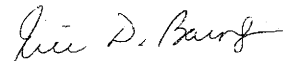
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 7th day of FEBRUARY, 2008.



Assistant Secretary

