

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

C202012

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202012

WBS 33268.3.1, 37581 BRSTP-1742(1), STATE FUNDED

T.I.P NO. B-3813

COUNTY OF BUNCOMBE

THIS IS THE ROADWAY & STRUCTURE CONTRACT

ROUTE NUMBER NC 251 LENGTH 0.350 MILES

LOCATION BRIDGES #249 & #250 OVER FLAT CREEK & APPROACHES ON SR-1742
AND # 193 OVER FLAT CREEK & APPROACHES ON NC-251.

CONTRACTOR R.E. BURNS & SONS CO., INC.

ADDRESS P.O. BOX 7168
STATESVILLE, NC 286877168

BIDS OPENED APRIL 15, 2008

CONTRACT EXECUTION MAY 15 2008

R. E. Burns & Sons Co., Inc. (3481).**Vendor 1 of 3 Vendors for Call Order 018 (Proposal ID C202012).**

County: BUNCOMBE
Address: P. O. B ox 7168
Statesville, NC 28687
Phone Number: 704-924-8646
Signature Check: This bid has been properly signed by Kevin_C._Burns_3481.
Time Bid Received: Tue Apr 15 13:51:16 2008
Bid Checksum: 48E12FF2
Amendment Count: 1
Bidding Errors: No bidding errors.
Bid Total: \$2,445,319.84 ✓
Bond ID: SNC08802998
Bond was Verified: Yes.
Bond Required Percent: 5.00%
Minimum Check Amount: \$122,265.99
Bid Security Maximum: \$
Bond Agency Name:
Agency Execution Date: 4/4/2008
Surety Name: LIBERTY MUTUAL
Surety State of Incorporation:
Bond Company:
Bond Type:
Bond Appr Flag:
Bond Affirm:
Bond was Paid by Check: No.

DBE GOAL SET - 5.0%
DBE GOAL MET - 5.1%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
3765	STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub 5,427.30 ✓
2117	VALDESE CONCRETE WORKS, INC POST OFFICE BOX 698 , VALDESE, NC 286900698		Sub 6,802.50 ✓
2759	SUPERIOR SEEDING, INC. POST OFFICE BOX 12642 , GASTONIA, NC 280520010		Sub 12,000.00 ✓
3376	REYNOLDS FENCE & GUARDRAIL INC 9320 MACHADO DRIVE , INDIAN TRAIL, NC 28079		Sub 43,260.38 ✓
3080	CURTIN TRUCKING & DRAINAGE, INC POST OFFICE BOX 38220 , CHARLOTTE, NC 282781003		Sub 19,560.00 ✓
2855	BOSS CONSTRUCTION CO., INC. 229 BOXWOOD CHURCH ROAD , MOCKSVILLE, NC 27028		Sub 20,335.35 ✓
10149	PILING PRODUCTS, INC. 945 CENTER ST , GREEN COVE SPRINGS, FL 32043		Sup 28,573.36 ✓
TOTAL:			\$124,529.55 5.09%

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:

NCDOT/berc

Vendor 3481's Load Output for Call 018, Letting L080415, 2008-04-15

=====

BondID: SNC08802998
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: LIBERTY MUTUAL
Bond Execution Date: 4/4/2008
Bond Amount: \$122,265.99 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 03-18-08
Revised: 04-08-08

Contract ID: C202012 Project(s): BRSTP-1742(1)
Letting Date: 04-15-08 Call Order: 018
Bidder: 3481 - R. E. Burns & Sons Co., Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP			122,000.00
0002	0029000000-N REINFORCED BRIDGE APPROACH FILL, STATION ***** (15+37.40)	LUMP	LUMP			16,000.00
0003	0029000000-N REINFORCED BRIDGE APPROACH FILL, STATION ***** (2+06.37)	LUMP	LUMP			25,000.00
0004	0199000000-E TEMPORARY SHORING	SF 980.000		0.01000		9.80
0005	0248000000-N GENERIC GRADING ITEM EXCAVATION & EMBANKMENT	LUMP	LUMP			333,000.00
0006	0318000000-E FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	TON 20.000		29.00000		580.00
0007	0366000000-E 15" RC PIPE CULVERTS, CLASS III	LF 10.000		68.00000		680.00
0008	0372000000-E 18" RC PIPE CULVERTS, CLASS III	LF 45.000		70.00000		3,150.00
0009	0582000000-E 15" CS PIPE CULVERTS, 0.064" THICK	LF 44.000		45.00000		1,980.00
0010	0588000000-E 18" CS PIPE CULVERTS, 0.064" THICK	LF 40.000		55.00000		2,200.00
0011	0636000000-E *** CS PIPE ELBOWS, ***** THICK (18", 0.064")	EA 2.000		250.00000		500.00

State of NC
Dept of Transportation

Date: 03-18-08
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Bidder: 3481 - R. E. Burns & Sons Co., Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1220000000-E INCIDENTAL STONE BASE	10.000 TON	50.00000		500.00	
0013	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	1,100.000 TON	72.00000		79,200.00	
0014	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	957.000 TON	70.00000		66,990.00	
0015	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	79.000 TON	569.00000		44,951.00	
0016	2154000000-N METAL FUNNELS	1.000 EA	1,200.00000		1,200.00	
0017	2165000000-E 12" FUNNEL DRAIN PIPE	30.000 LF	24.00000		720.00	
0018	2176000000-E 12" FUNNEL DRAIN PIPE ELBOWS	2.000 EA	220.00000		440.00	
0019	2286000000-N MASONRY DRAINAGE STRUCTURES	4.000 EA	2,000.00000		8,000.00	
0020	2355000000-N FRAME WITH GRATE, STD 840.29	3.000 EA	700.00000		2,100.00	
0021	2367000000-N FRAME WITH TWO GRATES, STD 840.29	1.000 EA	700.00000		700.00	
0022	2556000000-E SHOULDER BERM GUTTER	250.000 LF	30.00000		7,500.00	
0023	3030000000-E STEEL BM GUARDRAIL	543.750 LF	14.90000		8,101.88	

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Bidder: 3481 - R. E. Burns & Sons Co., Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	3045000000-E STEEL BM GUARDRAIL, SHOP CURVED	265.000 LF	17.90000		4,743.50	
0025	3150000000-N ADDITIONAL GUARDRAIL POSTS	5.000 EA	41.00000		205.00	
0026	3180000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** (B-83, SHOP CURVED)	1.000 EA	1,290.00000		1,290.00	
0027	3195000000-N GUARDRAIL ANCHOR UNITS, TYPE AT-1	3.000 EA	475.00000		1,425.00	
0028	3215000000-N GUARDRAIL ANCHOR UNITS, TYPE III	4.000 EA	1,100.00000		4,400.00	
0029	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	9.000 EA	1,690.00000		15,210.00	
0030	3317000000-N GUARDRAIL ANCHOR UNITS, TYPE B-77	4.000 EA	1,150.00000		4,600.00	
0031	3319000000-N GUARDRAIL ANCHOR UNITS, TYPE B-83	3.000 EA	1,095.00000		3,285.00	
0032	3628000000-E RIP RAP, CLASS I	180.000 TON	50.00000		9,000.00	
0033	4400000000-E WORK ZONE SIGNS (STATIONARY)	338.000 SF	6.15000		2,078.70	
0034	4405000000-E WORK ZONE SIGNS (PORTABLE)	32.000 SF	35.00000		1,120.00	
0035	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	156.000 SF	6.15000		959.40	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0036	4430000000-N DRUMS	EA 120.000	65.00000		7,800.00	
0037	4445000000-E BARRICADES (TYPE III)	LF 88.000	30.00000		2,640.00	
0038	4450000000-N FLAGGER	HR 650.000	25.00000		16,250.00	
0039	4465000000-N TEMPORARY CRASH CUSHIONS	EA 2.000	10,000.00000		20,000.00	
0040	4470000000-N RESET TEMPORARY CRASH CUSHIONS	EA 2.000	4,000.00000		8,000.00	
0041	4485000000-E PORTABLE CONCRETE BARRIER	LF 170.000	30.00000		5,100.00	
0042	4500000000-E RESET PORTABLE CONCRETE BARRIER	LF 80.000	15.00000		1,200.00	
0043	4650000000-N TEMPORARY RAISED PAVEMENT MARKERS	EA 174.000	5.00000		870.00	
0044	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	LF 2,220.000	1.00000		2,220.00	
0045	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	LF 2,239.000	1.10000		2,462.90	
0046	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	LF 48.000	10.00000		480.00	
0047	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 10,500.000	0.45000		4,725.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0048	4835000000-E PAINT PAVEMENT MARKING LINES (24")	75.000 LF	3.00000		225.00	
0049	4850000000-E REMOVAL OF PAVEMENT MARKING LINES (4")	4,000.000 LF	0.90000		3,600.00	
0050	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	14.000 EA	100.00000		1,400.00	
0051	4957000000-N OBJECT MARKERS (TYPE **) (III)	2.000 EA	100.00000		200.00	
0052	6000000000-E TEMPORARY SILT FENCE	2,350.000 LF	2.50000		5,875.00	
0053	6133000000-N GENERIC EROSION CONTROL ITEM EROSION CONTROL	LUMP	LUMP		30,000.00	
0054	7060000000-E SIGNAL CABLE	875.000 LF	2.15000		1,881.25	
0055	7120000000-E VEHICLE SIGNAL HEAD (12", 3 SECTION)	6.000 EA	700.00000		4,200.00	
0056	7252000000-E MESSENGER CABLE (1/4")	640.000 LF	2.05000		1,312.00	
0057	7264000000-E MESSENGER CABLE (3/8")	225.000 LF	2.15000		483.75	
0058	7360000000-N WOOD POLE	6.000 EA	725.00000		4,350.00	
0059	7372000000-N GUY ASSEMBLY	9.000 EA	275.00000		2,475.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0060	7408000000-E 1" RISER WITH WEATHERHEAD	EA 1.000	875.00000		875.00	
0061	7420000000-E 2" RISER WITH WEATHERHEAD	EA 3.000	425.00000		1,275.00	
0062	7444000000-E INDUCTIVE LOOP SAWCUT	LF 530.000	7.00000		3,710.00	
0063	7456000000-E LEAD-IN CABLE (***** (14-2)	LF 860.000	1.95000		1,677.00	
0064	7636000000-N SIGN FOR SIGNALS	EA 5.000	200.00000		1,000.00	
0065	7768000000-N CONTROLLER WITH CABINET (TYPE 2070L, POLE MOUNTED)	EA 1.000	10,275.00000		10,275.00	
0066	7780000000-N DETECTOR CARD (TYPE 2070L)	EA 3.000	105.00000		315.00	
0067	8035000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (15+37.40)	LUMP	LUMP		70,000.00	
0068	8035000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (2+06.37)	LUMP	LUMP		10,000.00	
0069	8035000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (6+68.10)	LUMP	LUMP		10,000.00	
0070	8096000000-E PILE EXCAVATION IN SOIL	LF 53.000	200.00000		10,600.00	

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Date: 03-18-08
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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0071	8097000000-E PILE EXCAVATION NOT IN SOIL	53.000 LF	1,000.00000		53,000.00	
0072	8147000000-E REINFORCED CONCRETE DECK SLAB	3,567.000 SF	28.00000		99,876.00	
0073	8156000000-E CONCRETE WEARING SURFACE	3,869.000 SF	15.00000		58,035.00	
0074	8161000000-E GROOVING BRIDGE FLOORS	6,260.000 SF	1.20000		7,512.00	
0075	8210000000-N BRIDGE APPROACH SLABS, STATION***** (15+37.40)	LUMP	LUMP		25,000.00	
0076	8210000000-N BRIDGE APPROACH SLABS, STATION***** (2+06.37)	LUMP	LUMP		25,000.00	
0077	8280000000-E APPROX LBS STRUCTURALSTEEL	LUMP	LUMP		205,000.00	
0078	8365000000-E HP12X53 GALVANIZED STEEL PILES	586.000 LF	75.00000		43,950.00	
0079	8391000000-N STEEL PILE POINTS	16.000 EA	150.00000		2,400.00	
0080	8475000000-E TWO BAR METAL RAIL	144.000 LF	140.00000		20,160.00	
0081	8503000000-E CONCRETE BARRIER RAIL	235.830 LF	79.17000		18,670.66	

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 Bidder: 3481 - R. E. Burns & Sons Co., Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0082	8517000000-E 1'-***X ***** CONCRETE PARA- PET (1'-2" X 2'-6")	160.000 LF	85.00000		13,600.00	
0083	8594000000-E RIP RAP, CLASS B	4.000 TON	100.00000		400.00	
0084	8608000000-E RIP RAP CLASS II (2'-0" THICK)	500.000 TON	45.00000		22,500.00	
0085	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP		10,000.00	
0086	8692000000-N EVAZOTE JOINT SEALS	LUMP	LUMP		15,000.00	
0087	8753100000-E 3'-0" X 2'-9" PRESTRESSED CONCBOX BEAMS	1,040.000 LF	273.00000		283,920.00	
0088	8765000000-N CONSTRUCTION OF SUBSTRUCTURE	LUMP	LUMP		400,000.00	
0089	8766000000-N CONSTRUCTION OF SUPERSTRUCTURE	LUMP	LUMP		120,000.00	
	Section 0001 Total				2,445,319.84	
	Bid Total				2,445,319.84	

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.

X 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: 03-18-08
PAGE: 12

PROPOSAL: C202012
LETTING: L080415 CALL: 018
VENDOR: 3481 R. E. Burns & Sons Co., Inc.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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DBE SUBCONTRACTOR: 3765 STAY ALERT SAFETY SERVICES INC
Will Use Quote: Yes

0033	4400000000-E	WORK ZONE SI SF		338.000	6.15000	2078.70
0035	4410000000-E	WORK ZONE SI SF		156.000	6.15000	959.40
0037	4445000000-E	BARRICADES (LF		88.000	27.15000	2389.20

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 5,427.30
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 5,427.30 ✓

DBE SUBCONTRACTOR: 2117 VALDESE CONCRETE WORKS, INC
Will Use Quote: Yes

0022	2556000000-E	SHOULDER BER LF		250.000	27.21000	6802.50
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 6,802.50
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 6,802.50 ✓

DBE SUBCONTRACTOR: 2759 SUPERIOR SEEDING, INC.
Will Use Quote: Yes

0053	6133000000-N	GENERIC EROS LS SEEDING, MATTING, MULCHING		1.000	12000.00000	12000.00
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 12,000.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 12,000.00 ✓

DBE SUBCONTRACTOR: 3376 REYNOLDS FENCE & GUARDRAIL INC
Will Use Quote: Yes

0023	3030000000-E	STL BM GUARD LF		543.750	14.90000	8101.88
0024	3045000000-E	SBGR SHOP CU LF		265.000	17.90000	4743.50
0025	3150000000-N	ADDIT GUARDR EA		5.000	41.00000	205.00
0026	3180000000-N	GR ANCHOR TY EA		1.000	1290.00000	1290.00
0027	3195000000-N	GR ANCHOR TY EA		3.000	475.00000	1425.00
0028	3215000000-N	GR ANCHOR TY EA		4.000	1100.00000	4400.00
0029	3270000000-N	GR ANCHOR TY EA		9.000	1690.00000	15210.00
0030	3317000000-N	GR ANCHOR TY EA		4.000	1150.00000	4600.00
0031	3319000000-N	GR ANCHOR TY EA		3.000	1095.00000	3285.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 43,260.38
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 43,260.38 ✓

DBE SUBCONTRACTOR: 3080 CURTIN TRUCKING & DRAINAGE, INC.
Will Use Quote: Yes

0039	4465000000-N	TEMPORARY CR EA		2.000	5000.00000	10000.00
0040	4470000000-N	RESET CRASH EA		2.000	2000.00000	4000.00

Check: 48E12FF2 Page 12

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT ITEMS

DATE: 03-18-08
PAGE: 13

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
0041	4485000000-E	PORT CONC BA	LF	170.000	28.00000	4760.00
0042	4500000000-E	RESET PORT C	LF	80.000	10.00000	800.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 19,560.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 19,560.00 ✓

DBE SUBCONTRACTOR: 2855 BOSS CONSTRUCTION CO., INC.
Will Use Quote: Yes

0081	8503000000-E	CONCRETE BAR	LF	235.830	46.20000	10895.35
		SLIPFORM				
0082	8517000000-E	1'-**"X*****	LF	160.000	59.00000	9440.00
		SLIPFORM				

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 20,335.35
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 20,335.35 ✓

DBE SUBCONTRACTOR: 10149 PILING PRODUCTS, INC.
Will Use Quote: Yes

0078	8365000000-E	HP12X53 GALV	LF	586.000	48.76000	28573.36 ✓
		SUPPLY PILES				

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 28,573.36
DBE COMMITMENT TOTAL FOR VENDOR (Supplier) \$17,144.02

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 5.09% or 124529.55
Required: 5.00% or 122265.99
<GOAL MET>

Contract Item Sheets For C202012

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	122,000.00	122,000.00
0002	0029000000-N	SP	REINFORCED BRIDGE APPROACH FILL, STATION ***** (15+37.40)	Lump Sum LS	16,000.00	16,000.00
0003	0029000000-N	SP	REINFORCED BRIDGE APPROACH FILL, STATION ***** (2+06.37)	Lump Sum LS	25,000.00	25,000.00
0004	0199000000-E	SP	TEMPORARY SHORING	980 SF	0.01	9.80
0005	0248000000-N	SP	GENERIC GRADING ITEM EXCAVATION & EMBANKMENT	Lump Sum LS	333,000.00	333,000.00
0006	0318000000-E	300	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	20 TON	29.00	580.00
0007	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	10 LF	68.00	680.00
0008	0372000000-E	310	18" RC PIPE CULVERTS, CLASS III	45 LF	70.00	3,150.00
0009	0582000000-E	310	15" CS PIPE CULVERTS, 0.064" THICK	44 LF	45.00	1,980.00
0010	0588000000-E	310	18" CS PIPE CULVERTS, 0.064" THICK	40 LF	55.00	2,200.00
0011	0636000000-E	310	*** CS PIPE ELBOWS, ***** THICK (18", 0.064")	2 EA	250.00	500.00
0012	1220000000-E	545	INCIDENTAL STONE BASE	10 TON	50.00	500.00
0013	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	1,100 TON	72.00	79,200.00
0014	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	957 TON	70.00	66,990.00
0015	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	79 TON	569.00	44,951.00
0016	2154000000-N	820	METAL FUNNELS	1 EA	1,200.00	1,200.00

Contract Item Sheets For C202012

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	2165000000-E	820	12" FUNNEL DRAIN PIPE	30 LF	24.00	720.00
0018	2176000000-E	820	12" FUNNEL DRAIN PIPE ELBOWS	2 EA	220.00	440.00
0019	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	4 EA	2,000.00	8,000.00
0020	2355000000-N	840	FRAME WITH GRATE, STD 840.29	3 EA	700.00	2,100.00
0021	2367000000-N	840	FRAME WITH TWO GRATES, STD 840.29	1 EA	700.00	700.00
0022	2556000000-E	846	SHOULDER BERM GUTTER	250 LF	30.00	7,500.00
0023	3030000000-E	862	STEEL BM GUARDRAIL	543.75 LF	14.90	8,101.88
0024	3045000000-E	862	STEEL BM GUARDRAIL, SHOP CURVED	265 LF	17.90	4,743.50
0025	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	41.00	205.00
0026	3180000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE ***** (B-83, SHOP CURVED)	1 EA	1,290.00	1,290.00
0027	3195000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE AT-1	3 EA	475.00	1,425.00
0028	3215000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE III	4 EA	1,100.00	4,400.00
0029	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	9 EA	1,690.00	15,210.00
0030	3317000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE B-77	4 EA	1,150.00	4,600.00
0031	3319000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE B-83	3 EA	1,095.00	3,285.00
0032	3628000000-E	876	RIP RAP, CLASS I	180 TON	50.00	9,000.00
0033	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	338 SF	6.15	2,078.70
0034	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	32 SF	35.00	1,120.00

Contract Item Sheets For C202012

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0035	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	156 SF	6.15	959.40
0036	4430000000-N	1130	DRUMS	120 EA	65.00	7,800.00
0037	4445000000-E	1145	BARRICADES (TYPE III)	88 LF	30.00	2,640.00
0038	4450000000-N	1150	FLAGGER	650 HR	25.00	16,250.00
0039	4465000000-N	1160	TEMPORARY CRASH CUSHIONS	2 EA	10,000.00	20,000.00
0040	4470000000-N	1160	RESET TEMPORARY CRASH CUSHIONS	2 EA	4,000.00	8,000.00
0041	4485000000-E	1170	PORTABLE CONCRETE BARRIER	170 LF	30.00	5,100.00
0042	4500000000-E	1170	RESET PORTABLE CONCRETE BARRIER	80 LF	15.00	1,200.00
0043	4650000000-N	1251	TEMPORARY RAISED PAVEMENT MARKERS	174 EA	5.00	870.00
0044	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	2,220 LF	1.00	2,220.00
0045	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	2,239 LF	1.10	2,462.90
0046	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	48 LF	10.00	480.00
0047	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	10,500 LF	0.45	4,725.00
0048	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	75 LF	3.00	225.00
0049	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	4,000 LF	0.90	3,600.00
0050	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	14 EA	100.00	1,400.00
0051	4957000000-N	1264	OBJECT MARKERS (TYPE **) (III)	2 EA	100.00	200.00
0052	6000000000-E	1605	TEMPORARY SILT FENCE	2,350 LF	2.50	5,875.00

Contract Item Sheets For C202012

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0053	6133000000-N	SP	GENERIC EROSION CONTROL ITEM EROSION CONTROL	Lump Sum LS	30,000.00	30,000.00
0054	7060000000-E	1705	SIGNAL CABLE	875 LF	2.15	1,881.25
0055	7120000000-E	1705	VEHICLE SIGNAL HEAD (12", 3 SECTION)	6 EA	700.00	4,200.00
0056	7252000000-E	1710	MESSENGER CABLE (1/4")	640 LF	2.05	1,312.00
0057	7264000000-E	1710	MESSENGER CABLE (3/8")	225 LF	2.15	483.75
0058	7360000000-N	1720	WOOD POLE	6 EA	725.00	4,350.00
0059	7372000000-N	1721	GUY ASSEMBLY	9 EA	275.00	2,475.00
0060	7408000000-E	1722	1" RISER WITH WEATHERHEAD	1 EA	875.00	875.00
0061	7420000000-E	1722	2" RISER WITH WEATHERHEAD	3 EA	425.00	1,275.00
0062	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	530 LF	7.00	3,710.00
0063	7456000000-E	1726	LEAD-IN CABLE (***** (14-2)	860 LF	1.95	1,677.00
0064	7636000000-N	1745	SIGN FOR SIGNALS	5 EA	200.00	1,000.00
0065	7768000000-N	1751	CONTROLLER WITH CABINET (TYPE 2070L, POLE MOUNTED)	1 EA	10,275.00	10,275.00
0066	7780000000-N	1751	DETECTOR CARD (TYPE 2070L)	3 EA	105.00	315.00
0067	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (15+37.40)	Lump Sum LS	70,000.00	70,000.00
0068	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (2+06.37)	Lump Sum LS	10,000.00	10,000.00
0069	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (6+68.10)	Lump Sum LS	10,000.00	10,000.00
0070	8096000000-E	SP	PILE EXCAVATION IN SOIL	53 LF	200.00	10,600.00

Contract Item Sheets For C202012

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0071	8097000000-E	SP	PILE EXCAVATION NOT IN SOIL	53 LF	1,000.00	53,000.00
0072	8147000000-E	420	REINFORCED CONCRETE DECK SLAB	3,567 SF	28.00	99,876.00
0073	8156000000-E	SP	CONCRETE WEARING SURFACE	3,869 SF	15.00	58,035.00
0074	8161000000-E	420	GROOVING BRIDGE FLOORS	6,260 SF	1.20	7,512.00
0075	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (15+37.40)	Lump Sum LS	25,000.00	25,000.00
0076	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (2+06.37)	Lump Sum LS	25,000.00	25,000.00
0077	8280000000-E	440	APPROX LBS STRUCTURAL STEEL	106,100 LS	205,000.00	205,000.00
0078	8365000000-E	450	HP12X53 GALVANIZED STEEL PILES	586 LF	75.00	43,950.00
0079	8391000000-N	450	STEEL PILE POINTS	16 EA	150.00	2,400.00
0080	8475000000-E	460	TWO BAR METAL RAIL	144 LF	140.00	20,160.00
0081	8503000000-E	460	CONCRETE BARRIER RAIL	235.83 LF	79.17	18,670.66
0082	8517000000-E	460	1'-***X ***** CONCRETE PARA- PET (1'-2" X 2'-6")	160 LF	85.00	13,600.00
0083	8594000000-E	876	RIP RAP, CLASS B	4 TON	100.00	400.00
0084	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	500 TON	45.00	22,500.00
0085	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	10,000.00	10,000.00
0086	8692000000-N	SP	EVAZOTE JOINT SEALS	Lump Sum LS	15,000.00	15,000.00
0087	8753100000-E	430	3'-0" X 2'-9" PRESTRESSED CONC BOX BEAMS	1,040 LF	273.00	283,920.00
0088	8765000000-N	SP	CONSTRUCTION OF SUBSTRUCTURE	Lump Sum LS	400,000.00	400,000.00

Contract Item Sheets For C202012

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0089	8766000000-N	SP	CONSTRUCTION OF SUPERSTRUCTURE	Lump Sum LS	120,000.00	120,000.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,445,319.84

1455/May02/Q153621.58/D446138200000/E89

Contract Number C202012
County Buncombe

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

R. E. Burns & Sons Co., Inc.

Print or type full name of Corporation

P. O. Box 7168, Statesville, N. C. 28687

Address as Prequalified

Attest

Nancy L Burns

~~Secretary~~/Assistant Secretary

Delete inappropriate title

By

K Burns

President/~~Vice President~~/Assistant Vice President

Delete inappropriate title

Nancy L. Burns

Print or type signer's name

KEVIN C. BURNS

Print or type signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

30 day of April 2008

Doris S. Renegaw
Signature of Notary Public

of Iredell County

State of North Carolina

My Commission Expires: Sept. 13, 2009

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.

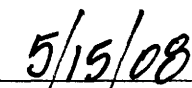
Contract No C202012

County (ies): Buncombe

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

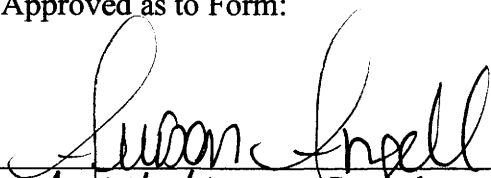


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Assistant Attorney General

Contract No. C202012
County Buncombe

Rev 02-13-04

CONTRACT PAYMENT BOND
BOND NO. 837042294

Date of Payment:

Bond Execution: May 8, 2008

Name of Principal:
Contractor

R.E. Burns & Sons Co., Inc.

PO Box 7168, Statesville NC 28687

Name of Surety:

Liberty Mutual Insurance Company

301 Plainfield Rd., Suite 250, Syracuse NY 13212

Name of Contracting Body:

North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond:

Two Million Four Hundred Forty Five Thousand Three Hundred
Nineteen Dollars and 84/100ths (\$2,445,319.84)

Contract ID No.:

C202012

County Name(s):

Buncombe

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. G202012
County Buncombe

Rev 02-13-04

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Liberty Mutual Insurance Company
Print or type Surety Company Name

By Katherine D. Jennison
Print, stamp or type name of Attorney-in-Fact

Katherine D. Jennison
Signature of Attorney-in-Fact

Debra Hulchanski
Signature of witness

Debra Hulchanski
Print or type witness' name

6315 Fly Road, E. Syracuse NY 13057
Address of Attorney-in-Fact

Contract No. C202012
County Buncombe

Rev 02-13-04

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

R.E. Burns & Sons Co., Inc.

Print or type full name of Corporation

P.O. Box 7168 Statesville, N.C. 28687

Address as prequalified

By

Kevin C. Burns

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

Delete inappropriate title

Kevin C. Burns

Print or type signer's name

Attest

Nancy L. Burns

Signature of ~~Secretary~~, Assistant Secretary

Delete inappropriate title

Nancy L. Burns

Print or type signer's name

Affix Corporate Seal

CONTRACT PERFORMANCE BOND

BOND NO. 837042294

Date of Contract Performance

Bond Execution:

May 8, 2008

Name of Principal:

R.E. Burns & Sons Co., Inc.

Contractor

PO Box 7168, Statesville NC 28687

Name of Surety:

Liberty Mutual Insurance Company

301 Plainfield Rd., Suite 250, Syracuse NY 13212

Name of Contracting Body:

North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond:

Two Million Four Hundred Forty Five Thousand Three Hundred Nineteen Dollars and 84/100ths (\$2,445,319.84)

Contract ID No.:

C202012

County Name(s):

Buncombe

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 PERFORMANCE BOND

Affix Seal of Surety Company

Liberty Mutual Insurance Company

Print or type Surety Company Name

By Katherine D. Jennison

Attorney-in-Fact

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

Katherine D. Jennison

Signature of Attorney-in-Fact

Debra Hulchanski

Signature of witness

Debra Hulchanski

Print or type witness' name

6315 Fly Rd., E. Syracuse NY 13057

Address of Attorney-in-Fact

CONTRACT PERFORMANCE BOND
CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

R.E. Burns & Sons Co., Inc.

Print full name of Corporation

P.O. Box 7168 Statesville, N.C. 28687

Address as prequalified

By

KE Burns

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

Delete inappropriate title

Kevin E. Burns

Print or type signer's name

Attest

Nancy L. Burns

Signature of ~~Secretary~~, Assistant Secretary

Delete inappropriate title

Nancy L. Burns

Print or type signer's name

Affix Corporate Seal

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint CHARLES T. RELLER, KEITH P. BUTLER, SUZANNE H. AMO, DEBRA A. HULCHANSKI, KATHERINE D. JENNISON, ALL OF THE CITY OF EAST SYRACUSE, STATE OF NEW YORK

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding TWENTY MILLION AND 00/100 DOLLARS (\$ 20,000,000.00) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 21st day of March 2008

LIBERTY MUTUAL INSURANCE COMPANY

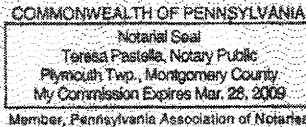
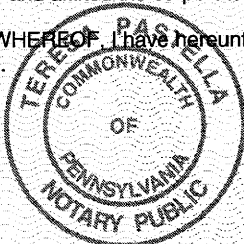
By Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 21st day of March, 2008, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, 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 8th day of May, 2008



By David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

