

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

C202059

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202059

WBS 42046 STATE FUNDED

COUNTY OF DURHAM, WAKE  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER US 70 LENGTH 4.390 MILES  
LOCATION US-70 FROM 400FT WEST OF SR-1926 TO 800FT WEST OF ANGUS DR.

CONTRACTOR REA CONTRACTING LLC  
ADDRESS P.O. BOX 32487  
CHARLOTTE, NC 28232

BIDS OPENED MAY 20, 2008  
CONTRACT EXECUTION JUN 18 2008

**Rea Contracting, LLC (4421).**

**Vendor 2 of 3 Vendors for Call Order 008 (Proposal ID C202059).**

County: DURHAM, WAKE  
Address: PO Box 32487  
Charlotte, NC 28232

Phone Number: 704-553-6500

Signature Check: This bid has been properly signed by Carey\_K.\_Tate\_4421.

Time Bid Received: Tue May 20 12:26:09 2008

Bid Checksum: 835AE7D7

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$1,889,926.35 ✓

Bond ID: SNC08193902

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$94,496.32

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 5/9/2008

Surety Name: Lockton Companies, Inc.

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

*MBE GOAL SET - 4.0%*  
*WBE GOAL SET - 5.0%*  
*MBE GOAL MET - 4.2%*  
*WBE GOAL MET - 5.5%*

LIST OF MBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
✓ 5915 MB	LFC TRUCKING		Sub	46,500.00
	5176 FOREST VIEW HEIGHT RD , OXFORD, NC 27565			
✓ 3766 MB	KELVIN WHITEHURST TRUCKING		Sub	32,000.00
	4912 CUPINE CT , RALEIGH, NC 27604			
			TOTAL:	\$78,500.00 4.15%

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
✓ 1968 WB	MURRAY ENTERPRISES, INC.		Sub	41,710.00
	1231 SHAMROCK DRIVE , BURLINGTON, NC 27215			
✓ 2095 WB	PARRISH CO., INC.		Sub	17,268.24
	501 BETHLEHEM PIKE , PARIS, KY 40361			
✓ 1239 WB	ROYALS CONTRACTING, INC.		Sub	44,017.50
	8601 BAREFOOT INDUSTRIAL RD , RALEIGH, NC 27617			
			TOTAL:	\$102,995.74 5.45%

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	

NCDOT/berc

Vendor 4421's Load Output for Call 008, Letting L080520, 2008-05-20

NOT ANSWERED

Bid Bond Data Info - Contractor Responses:

=====

BondID: SNC08193902  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Lockton Companies, Inc.  
Bond Execution Date: 5/9/2008  
Bond Amount: \$94,496.32 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 04-21-08  
Revised:

Contract ID: C202059 Project(s): STATE FUNDED  
Letting Date: 05-20-08 Call Order: 008  
Bidder: 4421 - Rea Contracting, LLC

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		40,000.00
0002	0156000000-E REMOVAL OF EXISTING ASPHALT PAVEMENT	SY	15.000	150.00000		2,250.00
0003	0372000000-E 18" RC PIPE CULVERTS, CLASS III	LF	15.000	75.00000		1,125.00
0004	1245000000-E SHOULDER RECONSTRUCTION	SMI	13.780	4,820.00000		66,419.60
0005	1330000000-E INCIDENTAL MILLING	SY	2,400.000	2.70000		6,480.00
0006	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	TON	1,790.000	35.50000		63,545.00
0007	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	24,299.000	27.50000		668,222.50
0008	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	1,535.000	465.00000		713,775.00
0009	1704000000-E PATCHING EXISTING PAVEMENT	TON	650.000	95.00000		61,750.00
0010	2286000000-N MASONRY DRAINAGE STRUCTURES	EA	1.000	2,010.00000		2,010.00
0011	2365000000-N FRAME WITH TWO GRATES, STD 840.22	EA	1.000	970.00000		970.00

State of NC  
Dept of Transportation

Date: 04-21-08  
Revised:

Contract ID: C202059 Project(s): STATE FUNDED  
Letting Date: 05-20-08 Call Order: 008  
Bidder: 4421 - Rea Contracting, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	2619000000-E 4" CONCRETE PAVED DITCH	10.000 SY	37.80000		378.00	
0013	2647000000-E 5" MONOLITHIC CONCRETE ISLANDS (SURFACE MOUNTED)	320.000 SY	46.80000		14,976.00	
0014	2655000000-E 5" MONOLITHIC CONCRETE ISLANDS (KEYED IN)	450.000 SY	42.25000		19,012.50	
0015	2815000000-N ADJUSTMENT OF DROP INLETS	2.000 EA	750.00000		1,500.00	
0016	2938000000-N CONVERT EXISTING DROP INLET TO JUNCTION BOX WITH MANHOLE COVER	1.000 EA	2,050.00000		2,050.00	
0017	4415000000-N FLASHING ARROW PANELS, TYPE C	2.000 EA	1,500.00000		3,000.00	
0018	4420000000-N CHANGEABLE MESSAGE SIGN	2.000 EA	5,250.00000		10,500.00	
0019	4430000000-N DRUMS	100.000 EA	35.00000		3,500.00	
0020	4480000000-N TMIA	2.000 EA	5,000.00000		10,000.00	
0021	4685000000-E THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	112,781.000 LF	0.46000		51,879.26	
0022	4686000000-E THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	20,515.000 LF	0.55000		11,283.25	
0023	4697000000-E THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	4,600.000 LF	1.00000		4,600.00	

State of NC  
 Dept of Transportation

Date: 04-21-08  
 Revised:

Contract ID: C202059 Project(s): STATE FUNDED  
 Letting Date: 05-20-08 Call Order: 008  
 Bidder: 4421 - Rea Contracting, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	458.000 LF	4.00000		1,832.00	
0025	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	24.000 EA	80.00000		1,920.00	
0026	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	139.000 EA	80.00000		11,120.00	
0027	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	3,100.000 EA	3.50000		10,850.00	
0028	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		46,000.00	
0029	6084000000-E SEEDING & MULCHING	10.230 ACR	1,688.00000		17,268.24	
0030	7444000000-E INDUCTIVE LOOP SAWCUT	8,600.000 LF	3.85000		33,110.00	
0031	7456000000-E LEAD-IN CABLE (***** (18-4)	8,600.000 LF	1.00000		8,600.00	
Section 0001 Total					1,889,926.35	
Bid Total					1,889,926.35	

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  
 MBE COMMITMENT ITEMS

DATE: 04-21-08  
 PAGE: 7

PROPOSAL: C202059  
 LETTING: L080520 CALL: 008  
 VENDOR: 4421 Rea Contracting, LLC

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

MBE SUBCONTRACTOR: 5915 LFC TRUCKING  
 Will Use Quote: Yes

0004	1245000000-E	SHOULDER REC SMI	6.000	500.00000	3000.00
0006	1489000000-E	ASP CONC BAS TON	700.000	5.00000	3500.00
0007	1519000000-E	ASP CONC SUR TON	8000.000	5.00000	40000.00

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR:	46,500.00
MBE COMMITMENT TOTAL FOR VENDOR (SubContractor )	46,500.00 ✓

MBE SUBCONTRACTOR: 3766 KELVIN WHITEHURST TRUCKING  
 Will Use Quote: Yes

0004	1245000000-E	SHOULDER REC SMI	6.000	500.00000	3000.00
0006	1489000000-E	ASP CONC BAS TON	800.000	5.00000	4000.00
0007	1519000000-E	ASP CONC SUR TON	5000.000	5.00000	25000.00

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR:	32,000.00
MBE COMMITMENT TOTAL FOR VENDOR (SubContractor )	32,000.00 ✓

TOTAL MBE COMMITMENT FOR VENDOR:	Entered:	4.15% or	78500.00
	Required:	4.00% or	75597.05
			<GOAL MET>

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
 WBE COMMITMENT ITEMS

DATE: 04-21-08  
 PAGE: 8

PROPOSAL: C202059  
 LETTING: L080520 CALL: 008  
 VENDOR: 4421 Rea Contracting, LLC

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
-----						
WBE SUBCONTRACTOR: 1968 MURRAY ENTERPRISES, INC.						
Will Use Quote: Yes						
0030	7444000000-E	INDUCTIVE LO LF		8600.000	3.85000	33110.00
0031	7456000000-E	LEAD-IN CABL LF		8600.000	1.00000	8600.00
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						41,710.00
WBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						41,710.00 ✓
WBE SUBCONTRACTOR: 2095 PARRISH CO., INC.						
Will Use Quote: Yes						
0029	6084000000-E	SEEDING AND ACR		10.230	1688.00000	17268.24
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						17,268.24
WBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						17,268.24 ✓
WBE SUBCONTRACTOR: 12393 ROYALS CONTRACTING, INC.						
Will Use Quote: Yes						
0005	1330000000-E	INCIDENTAL M SY		2400.000	2.70000	6480.00
0009	1704000000-E	PATCHING EXI TON		650.000	57.75000	37537.50
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						44,017.50
WBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						44,017.50 ✓
TOTAL WBE COMMITMENT FOR VENDOR:				Entered:	5.45% or	102995.74
				Required:	5.00% or	94496.32
						<GOAL MET>

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	40,000.00	40,000.00
0002	0156000000-E	250	REMOVAL OF EXISTING ASPHALT PAVEMENT	15 SY	150.00	2,250.00
0003	0372000000-E	310	18" RC PIPE CULVERTS, CLASS III	15 LF	75.00	1,125.00
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	13.78 SMI	4,820.00	66,419.60
0005	1330000000-E	607	INCIDENTAL MILLING	2,400 SY	2.70	6,480.00
0006	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	1,790 TON	35.50	63,545.00
0007	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	24,299 TON	27.50	668,222.50
0008	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,535 TON	465.00	713,775.00
0009	1704000000-E	SP	PATCHING EXISTING PAVEMENT	650 TON	95.00	61,750.00
0010	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	1 EA	2,010.00	2,010.00
0011	2365000000-N	840	FRAME WITH TWO GRATES, STD 840.22	1 EA	970.00	970.00
0012	2619000000-E	850	4" CONCRETE PAVED DITCH	10 SY	37.80	378.00
0013	2647000000-E	852	5" MONOLITHIC CONCRETE ISLANDS (SURFACE MOUNTED)	320 SY	46.80	14,976.00
0014	2655000000-E	852	5" MONOLITHIC CONCRETE ISLANDS (KEYED IN)	450 SY	42.25	19,012.50
0015	2815000000-N	858	ADJUSTMENT OF DROP INLETS	2 EA	750.00	1,500.00
0016	2938000000-N	SP	CONVERT EXISTING DROP INLET TO JUNCTION BOX WITH MANHOLE COVER	1 EA	2,050.00	2,050.00
0017	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	2 EA	1,500.00	3,000.00
0018	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	2 EA	5,250.00	10,500.00

## Contract Item Sheets For C202059

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	4430000000-N	1130	DRUMS	100 EA	35.00	3,500.00
0020	4480000000-N	1165	TMIA	2 EA	5,000.00	10,000.00
0021	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	112,781 LF	0.46	51,879.26
0022	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	20,515 LF	0.55	11,283.25
0023	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	4,600 LF	1.00	4,600.00
0024	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	458 LF	4.00	1,832.00
0025	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	24 EA	80.00	1,920.00
0026	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	139 EA	80.00	11,120.00
0027	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	3,100 EA	3.50	10,850.00
0028	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	46,000.00	46,000.00
0029	6084000000-E	1660	SEEDING & MULCHING	10.23 ACR	1,688.00	17,268.24
0030	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	8,600 LF	3.85	33,110.00
0031	7456000000-E	1726	LEAD-IN CABLE (*****) (18-4)	8,600 LF	1.00	8,600.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,889,926.35

Contract Number C202059  
County Durham, Wake

Rev 02-17-04

**EXECUTION OF CONTRACT  
NON-COLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION  
LIMITED LIABILITY COMPANY**

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**

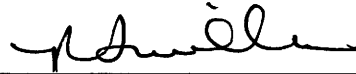
Rea Contracting LLC

Name of Contractor - Print or type Firm Name

P.O. Box 32487, Charlotte, NC 28232

Address as Prequalified

Signature of Manager \_\_\_\_\_



Individually

Richard F. Miller, Vice President

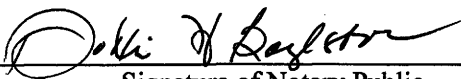
Print or type Signer's Name

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

10th day of June 2008.

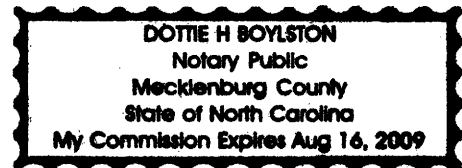


Signature of Notary Public

of Mecklenburg County

State of North Carolina

My Commission Expires: 8-16-09



## 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.

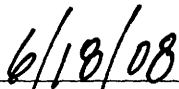
Contract No C202059

County (ies): Durham, Wake

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION

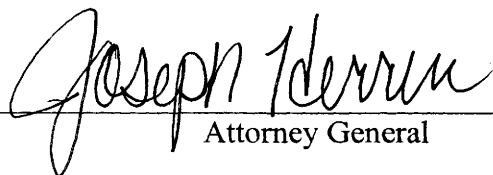


Contract Officer



Date

Execution of Contract and Bonds  
Approved as to Form:



Attorney General

Contract No. C202059  
County Durham-Wake Counties

Rev. 5-13-08

**CONTRACT PAYMENT BOND**

Date of Payment Bond Execution: June 6, 2008

Name of Principal Contractor: Rea Contracting LLC

Name of Surety: Fidelity and Deposit Company of Maryland / Federal Insurance Company

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

Amount of Bond: One Million Eight Hundred Eighty Nine  
Thousand Nine Hundred Twenty Six Dollars and 35/100 (\$1,889,926.35)

Contract ID No.: C202059

County Name(s): Durham-Wake Counties

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, 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-bound 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.

*[Faint, illegible text and markings at the bottom of the page, likely bleed-through or scanning artifacts.]*

Contract No. C202059  
County Durham-Wake Counties

Rev 02-13-04

### CONTRACT PAYMENT BOND

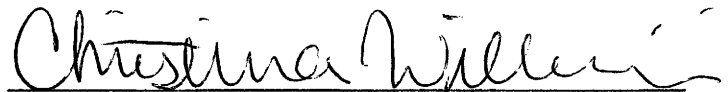
*Affix Seal of Surety Company*

Fidelity and Deposit Company of  
Maryland / Federal Insurance Company

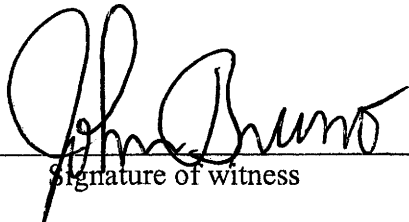
Print or type Surety Company Name

By Christina Williams

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



Signature of Attorney-in-Fact



Signature of witness

John Bruno

Print or type witness' name

195 Scott Swamp Rd. Ste. 201, Farmington, CT 06032

Address of Attorney-in-Fact

Contract No. C202059  
County Durham-Wake Counties

Rev 02-13-04

**CONTRACT PAYMENT BOND**

**LIMITED LIABILITY COMPANY**

SIGNATURE OF CONTRACTOR (Principal)

Name of contractor Rea Contracting LLC  
Print or type full name of Firm

P.O. Box 32487, Charlotte, NC 28232  
Address as prequalified

Signature of Manager   
Individually

Richard F. Miller, Vice President  
Print or type signer's name and title

Contract Number C202059  
County Durham-Wake Counties

Rev 02-13-04

**CONTRACT PERFORMANCE BOND**

Date of Contract Performance

Bond Execution: June 6, 2008

Name of Principal: Rea Contracting LLC

Contractor P.O. Box 32487 Charlotte, NC 28232

Name of Surety: Fidelity and Deposit Company of Maryland / Federal Insurance Company

60 State Street, Suite 600 Boston, MA 02109, / 15 Mountain View Rd. Warren, NJ 07059

Name of Contracting Body: North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond: One Million Eight Hundred Eighty Nine Thousand Nine Hundred Twenty Six Dollars and 35/100 ( \$1,889,926.35 )

Contract ID No.: C202059

County Name(s): Durham-Wake Counties

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.

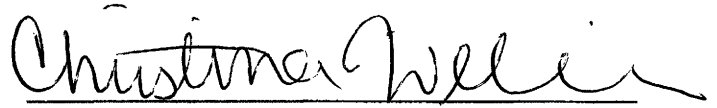
IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing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


### CONTRACT PERFORMANCE BOND

*Affix Seal of Surety Company*

Fidelity and Deposit Company of  
Maryland / Federal Insurance Company  
\_\_\_\_\_  
Print or type Surety Company Name

By Christina Williams  
\_\_\_\_\_  
Attorney-in-Fact  
Print, stamp, or type name of Attorney-in Fact

  
\_\_\_\_\_  
Signature of Attorney-in-Fact

  
\_\_\_\_\_  
Signature of witness

John Bruno  
\_\_\_\_\_  
Print or type witness' name

195 Scott Swamp Rd. Ste. 201, Farmington, CT 06032  
\_\_\_\_\_  
Address of Attorney-in-Fact

**CONTRACT PERFORMANCE BOND**  
**LIMITED LIABILITY COMPANY**

SIGNATURE OF CONTRACTOR (Principal)

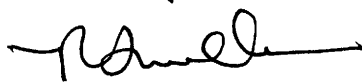
Rea Contracting LLC

Print or type full name of Firm

P.O. Box 32487, Charlotte, NC 28232

Address as prequalified

Signature of Manager



Individually

Richard F. Miller, Vice President

Print or type signer's name and title



**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations 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 Companies, 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 **Gary J. GIULIETTI, Elizabeth A. RUSSELL, John P. BRUNO, Holly L. LYNCH, Christina WILLIAMS and Tammy QUILES, all of Farmington, Connecticut, EACH** his 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 Companies, 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 Gary J. GIULIETTI, Elizabeth A. RUSSELL, dated October 18, 2007.

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 Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 10th day of March, A.D. 2008.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**



*Gregory E. Murray*

*Theodore G. Martinez*

By:

*Gregory E. Murray Assistant Secretary*

*Theodore G. Martinez*

State of Maryland }  
City of Baltimore } ss:

On this 10th day of March, A.D. 2008, 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, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, 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 deposes and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

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



*Maria D. Adamski*

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2011



Chubb  
Surety

POWER  
OF  
ATTORNEY

Federal Insurance Company  
Vigilant Insurance Company  
Pacific Indemnity Company

Attn: Surety Department  
15 Mountain View Road  
Warren, NJ 07059

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint John P. Bruno, Gary J. Giulietti, Holly L Lynch, Tammy Quiles, Elizabeth A. Russell and Christina Williams of Farmington, Connecticut

each as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 6<sup>th</sup> day of March, 2008

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY

County of Somerset

ss.

On this 6<sup>th</sup> day of March, 2008

before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By- Laws and in deponent's presence.

Notarial Seal



STEPHEN B. BRADT  
Notary Public, State of New Jersey  
No. 2321097  
Commission Expires Oct. 25, 2009

Notary Public

CERTIFICATION

Extract from the By- Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- in- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By- Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this

June 6, 2008



Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com

