

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

C202117

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202117

WBS 33540.3.1, 33541.3.1 BRZ-1123(10), BRZ-1129(9)

T.I.P NO. B-4193, B-4194

COUNTY OF MCDOWELL

THIS IS THE ROADWAY & STRUCTURE CONTRACT

ROUTE NUMBER SR 1123 LENGTH 0.332 MILES

LOCATION BRIDGE #51 OVER CAMP CREEK AND APPROACHES ON SR-1123 AND
BRIDGE OVER CROOKED CREEK AND APPROACHES ON SR-1129.

CONTRACTOR MILLER ENGINEERING COMPANY, INC

ADDRESS P.O. BOX 1048
MARION, NC 287521048

BIDS OPENED JULY 15, 2008

CONTRACT EXECUTION AUG 14 2008

NCDOT/berc

Vendor 3755's Bid Information for Call 032, Letting L080715, 2008-07-15

MILLER ENGINEERING CO INC (3755).

Vendor 4 of 5 Vendors for Call Order 032 (Proposal ID C202117).

County: MCDOWELL
Address: P.O. BOX 1048
MARION, NC 28752

Phone Number: 8287388441

Signature Check: This bid has been properly signed by Clifford_H_Miller_3755.

Time Bid Received: Tue Jul 15 12:59:01 2008

Bid Checksum: D0422EAF

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$1,757,839.74 ✓

Bond ID: SNC08347629

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$87,891.99

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 071508

Surety Name: FIDELITY & DEPOSIT OF MARYLAND

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET - 6.0%
DBE GOAL MET - 6.4%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
3765 WB	STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub	5,562.20
2759 WB	SUPERIOR SEEDING, INC. POST OFFICE BOX 12642 , GASTONIA, NC 280520010		Sub	70,419.50
4898 WB	BULLINGTON CONSTRUCTION INC 417 FOXGLOVE LANE , INDIAN TRAIL, NC 28079		Sub	36,787.50
			TOTAL:	\$112,769.20 6.42%

Miscellaneous Data Info - Contractor Responses:
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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: SNC08347629
 Surety Registry Agency: surety2000
 Verified?: Yes
 Surety Agency: FIDELITY & DEPOSIT OF MARYLAND
 Bond Execution Date: 071508
 Bond Amount: \$87,891.99 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 06-17-08
Revised:

Contract ID: C202117 Project(s): BRZ-1123(10)
Letting Date: 07-15-08 Call Order: 032
Bidder: 3755 - MILLER ENGINEERING 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			65,000.00
0002	0029000000-N REINFORCED BRIDGE APPROACH FILL, STATION ***** (16+00.00)	LUMP	LUMP			36,000.00
0003	0043000000-N GRADING	LUMP	LUMP			160,000.00
0004	0050000000-E SUPPLEMENTA RY CLEARING & GRUB-BING	ACR	2.000	1.00000		2.00
0005	0057000000-E UNDERCUT EXCAVATION	CY	650.000	20.00000		13,000.00
0006	0080000000-E CLASS IV SUBGRADE STABILIZA- TION	TON	850.000	28.00000		23,800.00
0007	0134000000-E DRAINAGE DITCH EXCAVATION	CY	259.000	10.00000		2,590.00
0008	0195000000-E SELECT GRANULAR MATERIAL	CY	1,500.000	35.00000		52,500.00
0009	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	1,500.000	3.00000		4,500.00
0010	0318000000-E FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	TON	63.000	30.00000		1,890.00
0011	0343000000-E 15" SIDE DRAIN PIPE	LF	96.000	35.00000		3,360.00

State of NC
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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	0344000000-E 18" SIDE DRAIN PIPE	24.000 LF	40.00000		960.00	
0013	0378000000-E 24" RC PIPE CULVERTS, CLASS III	88.000 LF	45.00000		3,960.00	
0014	1220000000-E INCIDENTAL STONE BASE	50.000 TON	30.00000		1,500.00	
0015	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	930.000 TON	81.30000		75,609.00	
0016	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	600.000 TON	81.30000		48,780.00	
0017	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	80.000 TON	815.00000		65,200.00	
0018	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	50.000 TON	150.00000		7,500.00	
0019	2000000000-N RIGHT OF WAY MARKERS	38.000 EA	200.00000		7,600.00	
0020	2022000000-E SUBDRAIN EXCAVATION	230.000 CY	7.00000		1,610.00	
0021	2033000000-E SUBDRAIN FINE AGGREGATE	170.000 CY	39.00000		6,630.00	
0022	2044000000-E 6" PERFORATED SUBDRAIN PIPE	1,000.000 LF	12.00000		12,000.00	
0023	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	30.000 EA	40.00000		1,200.00	

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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	2.000 EA	250.00000		500.00	
0025	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	12.000 LF	20.00000		240.00	
0026	2253000000-E PIPE COLLARS	1.000 CY	600.00000		600.00	
0027	2286000000-N MASONRY DRAINAGE STRUCTURES	6.000 EA	1,400.00000		8,400.00	
0028	2366000000-N FRAME WITH TWO GRATES, STD 840.24	2.000 EA	650.00000		1,300.00	
0029	2367000000-N FRAME WITH TWO GRATES, STD 840.29	2.000 EA	650.00000		1,300.00	
0030	2374000000-N FRAME WITH GRATE & HOOD, STD 840.03, TYPE ** (F)	2.000 EA	650.00000		1,300.00	
0031	2549000000-E 2'-6" CONCRETE CURB & GUTTER	130.000 LF	58.00000		7,540.00	
0032	2556000000-E SHOULDER BERM GUTTER	142.000 LF	40.00000		5,680.00	
0033	3030000000-E STEEL BM GUARDRAIL	575.000 LF	16.50000		9,487.50	
0034	3150000000-N ADDITIONAL GUARDRAIL POSTS	10.000 EA	10.00000		100.00	
0035	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	8.000 EA	1,900.00000		15,200.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0036	3317000000-N GUARDRAIL ANCHOR UNITS, TYPE B-77	8.000 EA	1,500.00000		12,000.00	
0037	3649000000-E RIP RAP, CLASS B	286.000 TON	30.00000		8,580.00	
0038	3656000000-E FILTER FABRIC FOR DRAINAGE	1,405.000 SY	3.00000		4,215.00	
0039	4400000000-E WORK ZONE SIGNS (STATIONARY)	473.000 SF	8.00000		3,784.00	
0040	4405000000-E WORK ZONE SIGNS (PORTABLE)	192.000 SF	12.00000		2,304.00	
0041	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	183.000 SF	10.00000		1,830.00	
0042	4430000000-N DRUMS	71.000 EA	50.00000		3,550.00	
0043	4435000000-N CONES	25.000 EA	25.00000		625.00	
0044	4445000000-E BARRICADES (TYPE III)	208.000 LF	25.00000		5,200.00	
0045	4450000000-N FLAGGER	352.000 HR	15.00000		5,280.00	
0046	4810000000-E PAINT PAVEMENT MARKING LINES (4")	19,660.000 LF	0.43000		8,453.80	
0047	6000000000-E TEMPORARY SILT FENCE	2,150.000 LF	4.50000		9,675.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0048	6006000000-E STONE FOR EROSION CONTROL, CLASS A	TON 365.000	30.00000		10,950.00	
0049	6009000000-E STONE FOR EROSION CONTROL, CLASS B	TON 230.000	30.00000		6,900.00	
0050	6012000000-E SEDIMENT CONTROL STONE	TON 240.000	30.00000		7,200.00	
0051	6015000000-E TEMPORARY MULCHING	ACR 9.000	1,400.00000		12,600.00	
0052	6018000000-E SEED FOR TEMPORARY SEEDING	LB 350.000	8.00000		2,800.00	
0053	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	TON 2.250	2,500.00000		5,625.00	
0054	6024000000-E TEMPORARY SLOPE DRAINS	LF 100.000	13.50000		1,350.00	
0055	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	EA 3.000	150.00000		450.00	
0056	6029000000-E SAFETY FENCE	LF 475.000	3.00000		1,425.00	
0057	6030000000-E SILT EXCAVATION	CY 810.000	5.00000		4,050.00	
0058	6036000000-E MATTING FOR EROSION CONTROL	SY 1,560.000	1.95000		3,042.00	
0059	6037000000-E COIR FIBER MAT	SY 25.000	14.00000		350.00	

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Project(s): BRZ-1123(10)

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0060	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	925.000 SY	5.00000		4,625.00	
0061	6042000000-E 1/4" HARDWARE CLOTH	550.000 LF	4.50000		2,475.00	
0062	6071030000-E COIR FIBER BAFFLES	240.000 LF	9.50000		2,280.00	
0063	6071050000-E *** SKIMMER (1-1/2")	1.000 EA	900.00000		900.00	
0064	6071050000-E *** SKIMMER (2")	2.000 EA	1,200.00000		2,400.00	
0065	6084000000-E SEEDING & MULCHING	9.500 ACR	1,995.00000		18,952.50	
0066	6087000000-E MOWING	5.500 ACR	150.00000		825.00	
0067	6090000000-E SEED FOR REPAIR SEEDING	150.000 LB	15.00000		2,250.00	
0068	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.500 TON	4,000.00000		2,000.00	
0069	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	250.000 LB	6.00000		1,500.00	
0070	6108000000-E FERTILIZER TOPDRESSING	6.750 TON	1,200.00000		8,100.00	
0071	6114000000-N SPECIALIZED HAND MOWING	4.000 HR	75.00000		300.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0072	6117000000-N RESPONSE FOR EROSION CONTROL	24.000 EA	300.00000		7,200.00	
0073	6123000000-E REFORESTATION	0.500 ACR	1,200.00000		600.00	
0074 AA1	0366000000-E 15" RC PIPE CULVERTS, CLASS III	380.000 LF	33.00000		12,540.00	
0075 AA2	0366000000-E 15" RC PIPE CULVERTS, CLASS III	144.000 LF				
0076 AA2	0536000000-E ***" HDPE PIPE CULVERTS (15")	236.000 LF				
0077 AA3	0366000000-E 15" RC PIPE CULVERTS, CLASS III	144.000 LF				
0078 AA3	0540000000-E ***" ALUMINIZED CORRUGATED STEEL PIPE CULVERTS, ****" THICK (15", 0.064")	236.000 LF				
Section 0001 Total						836,024.80
Section 0004 STRUCTURE ITEMS						
0079	8021000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (12+25.50-L-)	LUMP	LUMP		12,000.00	
0080	8021000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (16+20.00-L-)	LUMP	LUMP		15,000.00	
0081	8121000000-N UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (12+25.50-L-)	LUMP	LUMP		6,000.00	

State of NC
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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0082	8147000000-E REINFORCED CONCRETE DECK SLAB	SF 5,198.000	35.00000		181,930.00	
0083	8161000000-E GROOVING BRIDGE FLOORS	SF 5,108.000	0.65000		3,320.20	
0084	8182000000-E CLASS A CONCRETE (BRIDGE)	CY 121.400	1,200.00000		145,680.00	
0085	8210000000-N BRIDGE APPROACH SLABS, STATION***** (12+25.50-L-)	LUMP	LUMP		20,000.00	
0086	8210000000-N BRIDGE APPROACH SLABS, STATION***** (16+20.00-L-)	LUMP	LUMP		20,000.00	
0087	8217000000-E REINFORCING STEEL (BRIDGE)	LB 18,220.000	1.00000		18,220.00	
0088	8259000000-E 36" PRESTRESSED CONCRETE GIRDERS	LF 580.900	167.00000		97,010.30	
0089	8364000000-E HP12X53 STEEL PILES	LF 420.000	54.46000		22,873.20	
0090	8365000000-E HP12X53 GALVANIZED STEEL PILES	LF 360.000	67.50000		24,300.00	
0091	8384200000-E HP14X73 GALVANIZED STEEL PILES	LF 120.000	90.75000		10,890.00	
0092	8387000000-E PP 18 X 0.50 GALVANIZED STEEL PILES	LF 373.000	124.00000		46,252.00	

State of NC
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Bidder: 3755 - MILLER ENGINEERING CO INC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0093	8391000000-N STEEL PILE POINTS	EA 24.000	150.00000		3,600.00	
0094	8503000000-E CONCRETE BARRIER RAIL	LF 419.720	60.00000		25,183.20	
0095	8608000000-E RIP RAP CLASS II (2'-0" THICK)	TON 186.000	50.00000		9,300.00	
0096	8622000000-E FILTER FABRIC FOR DRAINAGE	SY 207.000	9.00000		1,863.00	
0097	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP		6,155.00	
0098	8692000000-N EVAZOTE JOINT SEALS	LUMP	LUMP		6,500.00	
0099	8753000000-E 3'-0" X 2'-3" PRESTRESSED CONCBOX BEAMS	LF 624.010	204.00000		127,298.04	
0100	8892000000-E GENERIC STRUCTURE ITEM 18" GALVANIZED STEEL SHEET PILES	SF 2,820.000	42.00000		118,440.00	
	Section 0004 Total				921,814.94	
	Bid Total				1,757,839.74	

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:06-17-08
PAGE: 13

PROPOSAL: C202117
LETTING: L080715 CALL: 032
VENDOR: 3755 MILLER ENGINEERING 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

0039	4400000000-E	WORK ZONE SI SF		473.000	5.95000	2814.35
0040	4405000000-E	WORK ZONE SI SF		192.000	8.45000	1622.40
0041	4410000000-E	WORK ZONE SI SF		183.000	6.15000	1125.45

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 5,562.20
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 5,562.20 ✓

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

0051	6015000000-E	TEMPORARY MU ACR		9.000	1400.00000	12600.00
0052	6018000000-E	SEED FOR TEM LB		350.000	8.00000	2800.00
0053	6021000000-E	FERT FOR TEM TON		2.250	2500.00000	5625.00
0058	6036000000-E	MATTING FOR SY		1560.000	1.95000	3042.00
0060	6038000000-E	PERM SOIL RE SY		925.000	5.00000	4625.00
0065	6084000000-E	SEEDING AND ACR		9.500	1995.00000	18952.50
0066	6087000000-E	MOWING ACR		5.500	150.00000	825.00
0067	6090000000-E	SEED FOR REP LB		150.000	15.00000	2250.00
0068	6093000000-E	FERT FOR REP TON		0.500	4000.00000	2000.00
0069	6096000000-E	SEED FOR SUP LB		250.000	6.00000	1500.00
0070	6108000000-E	FERTILIZER T TON		6.750	1200.00000	8100.00
0071	6114000000-N	SPECIALIZED HR		4.000	75.00000	300.00
0072	6117000000-N	RESPONSE FOR EA		24.000	300.00000	7200.00
0073	6123000000-E	REFORESTATIO ACR		0.500	1200.00000	600.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 70,419.50
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 70,419.50 ✓

DBE SUBCONTRACTOR: 4898 BULLINGTON CONSTRUCTION INC
Will Use Quote: Yes

0033	3030000000-E	STL BM GUARD LF		575.000	16.50000	9487.50
0034	3150000000-N	ADDIT GUARDR EA		10.000	10.00000	100.00
0035	3270000000-N	GR ANCHOR TY EA		8.000	1900.00000	15200.00
0036	3317000000-N	GR ANCHOR TY EA		8.000	1500.00000	12000.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 36,787.50
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 36,787.50 ✓

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 6.42% or 112769.20
Required: 6.00% or 105470.38
<GOAL MET>

Contract Item Sheets For C202117

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	65,000.00	65,000.00
0002	0029000000-N	SP	REINFORCED BRIDGE APPROACH FILL, STATION ***** (16+00.00)	Lump Sum LS	36,000.00	36,000.00
0003	0043000000-N	226	GRADING	Lump Sum LS	160,000.00	160,000.00
0004	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	2 ACR	1.00	2.00
0005	0057000000-E	226	UNDERCUT EXCAVATION	650 CY	20.00	13,000.00
0006	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	850 TON	28.00	23,800.00
0007	0134000000-E	240	DRAINAGE DITCH EXCAVATION	259 CY	10.00	2,590.00
0008	0195000000-E	265	SELECT GRANULAR MATERIAL	1,500 CY	35.00	52,500.00
0009	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	1,500 SY	3.00	4,500.00
0010	0318000000-E	300	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	63 TON	30.00	1,890.00
0011	0343000000-E	310	15" SIDE DRAIN PIPE	96 LF	35.00	3,360.00
0012	0344000000-E	310	18" SIDE DRAIN PIPE	24 LF	40.00	960.00
0013	0378000000-E	310	24" RC PIPE CULVERTS, CLASS III	88 LF	45.00	3,960.00
0014	1220000000-E	545	INCIDENTAL STONE BASE	50 TON	30.00	1,500.00
0015	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	930 TON	81.30	75,609.00
0016	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	600 TON	81.30	48,780.00
0017	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	80 TON	815.00	65,200.00
0018	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	50 TON	150.00	7,500.00

Contract Item Sheets For C202117

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	2000000000-N	806	RIGHT OF WAY MARKERS	38 EA	200.00	7,600.00
0020	2022000000-E	815	SUBDRAIN EXCAVATION	230 CY	7.00	1,610.00
0021	2033000000-E	815	SUBDRAIN FINE AGGREGATE	170 CY	39.00	6,630.00
0022	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	1,000 LF	12.00	12,000.00
0023	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	30 EA	40.00	1,200.00
0024	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	2 EA	250.00	500.00
0025	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	12 LF	20.00	240.00
0026	2253000000-E	840	PIPE COLLARS	1 CY	600.00	600.00
0027	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	6 EA	1,400.00	8,400.00
0028	2366000000-N	840	FRAME WITH TWO GRATES, STD 840.24	2 EA	650.00	1,300.00
0029	2367000000-N	840	FRAME WITH TWO GRATES, STD 840.29	2 EA	650.00	1,300.00
0030	2374000000-N	840	FRAME WITH GRATE & HOOD, STD 840.03, TYPE ** (F)	2 EA	650.00	1,300.00
0031	2549000000-E	846	2'-6" CONCRETE CURB & GUTTER	130 LF	58.00	7,540.00
0032	2556000000-E	846	SHOULDER BERM GUTTER	142 LF	40.00	5,680.00
0033	3030000000-E	862	STEEL BM GUARDRAIL	575 LF	16.50	9,487.50
0034	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	10 EA	10.00	100.00
0035	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	8 EA	1,900.00	15,200.00
0036	3317000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE B-77	8 EA	1,500.00	12,000.00
0037	3649000000-E	876	RIP RAP, CLASS B	286 TON	30.00	8,580.00

Contract Item Sheets For C202117

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0038	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	1,405 SY	3.00	4,215.00
0039	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	473 SF	8.00	3,784.00
0040	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	192 SF	12.00	2,304.00
0041	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	183 SF	10.00	1,830.00
0042	4430000000-N	1130	DRUMS	71 EA	50.00	3,550.00
0043	4435000000-N	1135	CONES	25 EA	25.00	625.00
0044	4445000000-E	1145	BARRICADES (TYPE III)	208 LF	25.00	5,200.00
0045	4450000000-N	1150	FLAGGER	352 HR	15.00	5,280.00
0046	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	19,660 LF	0.43	8,453.80
0047	6000000000-E	1605	TEMPORARY SILT FENCE	2,150 LF	4.50	9,675.00
0048	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	365 TON	30.00	10,950.00
0049	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	230 TON	30.00	6,900.00
0050	6012000000-E	1610	SEDIMENT CONTROL STONE	240 TON	30.00	7,200.00
0051	6015000000-E	1615	TEMPORARY MULCHING	9 ACR	1,400.00	12,600.00
0052	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	350 LB	8.00	2,800.00
0053	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	2.25 TON	2,500.00	5,625.00
0054	6024000000-E	1622	TEMPORARY SLOPE DRAINS	100 LF	13.50	1,350.00
0055	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	3 EA	150.00	450.00
0056	6029000000-E	SP	SAFETY FENCE	475 LF	3.00	1,425.00

Contract Item Sheets For C202117

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0057	6030000000-E	1630	SILT EXCAVATION	810 CY	5.00	4,050.00
0058	6036000000-E	1631	MATTING FOR EROSION CONTROL	1,560 SY	1.95	3,042.00
0059	6037000000-E	SP	COIR FIBER MAT	25 SY	14.00	350.00
0060	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	925 SY	5.00	4,625.00
0061	6042000000-E	1632	1/4" HARDWARE CLOTH	550 LF	4.50	2,475.00
0062	6071030000-E	SP	COIR FIBER BAFFLES	240 LF	9.50	2,280.00
0063	6071050000-E	SP	*** SKIMMER (1-1/2")	1 EA	900.00	900.00
0064	6071050000-E	SP	*** SKIMMER (2")	2 EA	1,200.00	2,400.00
0065	6084000000-E	1660	SEEDING & MULCHING	9.5 ACR	1,995.00	18,952.50
0066	6087000000-E	1660	MOWING	5.5 ACR	150.00	825.00
0067	6090000000-E	1661	SEED FOR REPAIR SEEDING	150 LB	15.00	2,250.00
0068	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.5 TON	4,000.00	2,000.00
0069	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	250 LB	6.00	1,500.00
0070	6108000000-E	1665	FERTILIZER TOPDRESSING	6.75 TON	1,200.00	8,100.00
0071	6114000000-N	SP	SPECIALIZED HAND MOWING	4 HR	75.00	300.00
0072	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	24 EA	300.00	7,200.00
0073	6123000000-E	1670	REFORESTATION	0.5 ACR	1,200.00	600.00

***** BEGIN SCHEDULE AA *****
 ***** (3 ALTERNATES) *****

0074 AA1	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	380 LF	33.00	12,540.00
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*** OR ***

Contract Item Sheets For C202117

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0075 AA2	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	144 LF		
0076 AA2	0536000000-E	SP	**** HDPE PIPE CULVERTS (15")	236 LF		
*** OR ***						
0077 AA3	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	144 LF		
0078 AA3	0540000000-E	SP	**** ALUMINIZED CORRUGATED STEEL PIPE CULVERTS, ***** THICK (15", 0.064")	236 LF		
***** END SCHEDULE AA *****						

Contract Item Sheets For C202117

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0079	8021000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (12+25.50-L-)	Lump Sum LS	12,000.00	12,000.00
0080	8021000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (16+20.00-L-)	Lump Sum LS	15,000.00	15,000.00
0081	8121000000-N	412	UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (12+25.50-L-)	Lump Sum LS	6,000.00	6,000.00
0082	8147000000-E	420	REINFORCED CONCRETE DECK SLAB	5,198 SF	35.00	181,930.00
0083	8161000000-E	420	GROOVING BRIDGE FLOORS	5,108 SF	0.65	3,320.20
0084	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	121.4 CY	1,200.00	145,680.00
0085	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (12+25.50-L-)	Lump Sum LS	20,000.00	20,000.00
0086	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (16+20.00-L-)	Lump Sum LS	20,000.00	20,000.00
0087	8217000000-E	425	REINFORCING STEEL (BRIDGE)	18,220 LB	1.00	18,220.00
0088	8259000000-E	430	36" PRESTRESSED CONCRETE GIRDERS	580.9 LF	167.00	97,010.30
0089	8364000000-E	450	HP12X53 STEEL PILES	420 LF	54.46	22,873.20
0090	8365000000-E	450	HP12X53 GALVANIZED STEEL PILES	360 LF	67.50	24,300.00
0091	8384200000-E	450	HP14X73 GALVANIZED STEEL PILES	120 LF	90.75	10,890.00
0092	8387000000-E	450	PP 18 X 0.50 GALVANIZED STEEL PILES	373 LF	124.00	46,252.00
0093	8391000000-N	450	STEEL PILE POINTS	24 EA	150.00	3,600.00
0094	8503000000-E	460	CONCRETE BARRIER RAIL	419.72 LF	60.00	25,183.20
0095	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	186 TON	50.00	9,300.00
0096	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	207 SY	9.00	1,863.00

Contract Item Sheets For C202117

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0097	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	6,155.00	6,155.00
0098	8692000000-N	SP	EVAZOTE JOINT SEALS	Lump Sum LS	6,500.00	6,500.00
0099	8753000000-E	430	3'-0" X 2'-3" PRESTRESSED CONC BOX BEAMS	624.01 LF	204.00	127,298.04
0100	8892000000-E	SP	GENERIC STRUCTURE ITEM 18" GALVANIZED STEEL SHEET PILES	2,820 SF	42.00	118,440.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,757,839.74 ✓

0745/Aug08/Q76385.02999999998/D446369430000/E100

**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

MILLER ENGINEERING COMPANY, INC

Full name of Corporation

P.O. BOX 1048 MARION, NC28752

Address as Prequalified

Attest Perchieleen Miller
Secretary/~~Assistant Secretary~~
Select appropriate title

By Clifford F Miller
President/~~Vice President/Assistant Vice President~~
Select appropriate title

Perchieleen Miller
Print or type Signer's name

Clifford F Miller
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

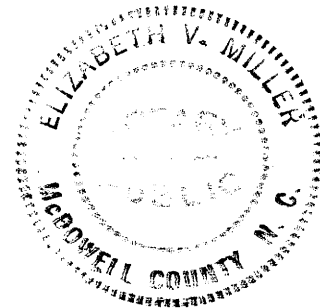
11 day of August 2008

Elizabeth V Miller
Signature of Notary Public

of MCDowell County

State of NC

My Commission Expires: 8-21-2010



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.

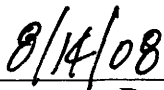
Contract No C202117

County (ies): McDowell

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

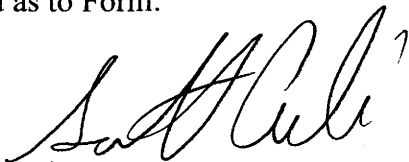


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Assistant Attorney General

Contract No. C202117
County McDowell

Rev. 5-13-08

Bond No. 08608419

CONTRACT PAYMENT BOND

Date of Payment Bond Execution: August 7, 2008

Name of Principal Contractor: Miller Engineering Company, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: One Million Seven Hundred Fifty Seven
Thousand Eight Hundred Thirty Nine Dollars and 74/100 (\$1,757,839.74)

Contract ID No.: C202117

County Name(s): McDowell

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.

Contract No. C202117

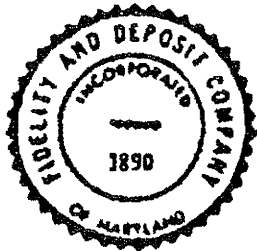
Rev 02-13-04

County McDowell

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Fidelity and Deposit Company of Maryland
Print or type Surety Company Name



By Tammy M. Laub
Print, stamp or type name of Attorney-in-Fact

Tammy M. Laub
Signature of Attorney-in-Fact
704-375-8000

Denise M. Burgess
Signature of witness

Denise M. Burgess
Print or type witness' name

1001 Morehead Square Drive, Suite 400
Charlotte, NC 28203
Address of Attorney-in-Fact

Contract No. C202117

Rev 02-13-04

County McDowell

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Miller Engineering Company, Inc.

Print or type full name of Corporation

P.O. Box 1048, 3523 Sugar Hill Road, Marion, NC 28752

Address as prequalified

By *Clifford F. Miller*
Signature of President, Vice President, Assistant Vice President

Delete inappropriate title

Clifford F. Miller
Print or type signer's name

Attest *Perchilleen Miller*
Signature of Secretary, ~~Assistant Secretary~~
Delete inappropriate title

Perchilleen Miller
Print or type signer's name

Affix Corporate Seal

Bond Number: 08608419

Obligee: North Carolina Department of Transportation

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
HOME OFFICE: 3910 KESWICK ROAD, BALTIMORE, MD 21211**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by Frank E. Martin, Jr., Vice President and Gerald F. Haley, 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 next page hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint:

Tammy M. Laub

of Charlotte, NC, 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: Bond or undertaking number 08608419, issued on behalf of Miller Engineering Company, Inc., as Principal in a penalty not to exceed the sum of See Bond Form (\$See Bond Form) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it 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.

The said Assistant Secretary does hereby certify that the extract set forth on the next page 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 September, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley Assistant Secretary

Frank E. Martin Jr.

Frank E. Martin, Jr. Vice President

State of Maryland }
County of Baltimore } ss:

On this 4th day of September, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came Frank E. Martin, Jr., Vice President, and Gerald F. Haley, 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.



Connie A. Dunn

Connie 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 Vice President that is specially authorized by the Board of Directors or the Chairman in concurrence with the Corporate Secretary, shall have the power, by and with the concurrence of the Secretary, to appoint Attorney-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 judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, 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 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 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 5th day of May, 1994.

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 August, 2008.



L.L. Goucher

Assistant Secretary



Contract No. C202117
County McDowell

Rev. 5-13-08

Bond No. 08608419

CONTRACT PERFORMANCE BOND

Date of Contract Bond Execution August 7, 2008

Name of Principal Contractor: Miller Engineering Company, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: One Million Seven Hundred Fifty Seven (
Thousand Eight Hundred Thirty Nine Dollars and 74/100 \$1,757,839.74

Contract ID No.: C202117

County Name(s): McDowell

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 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-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.

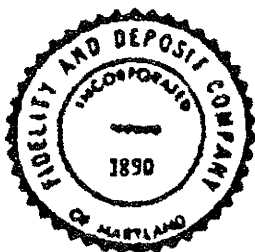
Contract Number C202117
County McDowell

Rev 02-13-04

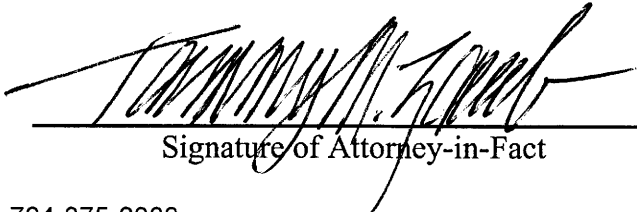
CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

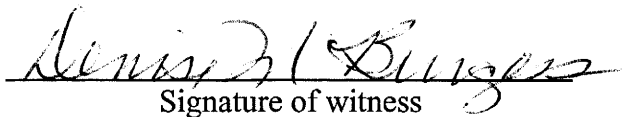
Fidelity and Deposit Company of Maryland
Print or type Surety Company Name



By Tammy M. Laub
Attorney-in-Fact
Print, stamp, or type name of Attorney-in Fact


Signature of Attorney-in-Fact

704-375-8000


Signature of witness

Denise M. Burgess
Print or type witness' name

1001 Morehead Square Drive, Suite 400
Charlotte, NC 28203
Address of Attorney-in-Fact

CONTRACT PERFORMANCE BOND
CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Miller Engineering Company, Inc.
Print full name of Corporation

P.O. Box 1048, 3523 Sugar Hill Road, Marion, NC 28752
Address as prequalified

By Clifford F. Miller
Signature of President, Vice President, Assistant Vice President
Delete inappropriate title

Clifford F. Miller
Print or type signer's name

Attest Perchieleen Miller
Signature of Secretary, Assistant Secretary
Delete inappropriate title

Perchieleen Miller
Print or type signer's name

Affix Corporate Seal

Bond Number: 08608419

Obligee: North Carolina Department of Transportation

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
HOME OFFICE: 3910 KESWICK ROAD, BALTIMORE, MD 21211

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by Frank E. Martin, Jr., Vice President and Gerald F. Haley, 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 next page hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint:

Tammy M. Laub

of Charlotte, NC, 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: Bond or undertaking number 08608419, issued on behalf of Miller Engineering Company, Inc., as Principal in a penalty not to exceed the sum of See Bond Form (\$See Bond Form) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it 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.

The said Assistant Secretary does hereby certify that the extract set forth on the next page 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 September, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley *Assistant Secretary*

Frank E. Martin Jr.

Frank E. Martin, Jr. *Vice President*

State of Maryland }
County of Baltimore } ss:

On this 4th day of September, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came Frank E. Martin, Jr., Vice President, and Gerald F. Haley, 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.



Connie A. Dunn

Connie 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 Vice President that is specially authorized by the Board of Directors or the Chairman in concurrence with the Corporate Secretary, shall have the power, by and with the concurrence of the Secretary, to appoint Attorney-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 judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto.”

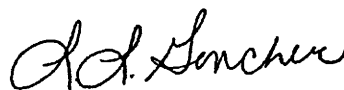
CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the 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 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 5th day of May, 1994.

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 August, 2008.



L.L. Goucher

Assistant Secretary



