

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

C201972

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C201972

WBS 33655.3.1 BRZ-1598(1)

T.I.P NO. B-4318

COUNTY OF WATAUGA

THIS IS THE ROADWAY & STRUCTURE CONTRACT

ROUTE NUMBER SR 1598 LENGTH 0.100 MILES

LOCATION BRIDGE OVER WATAUGA RIVER AND APPROACHES ON SR-1598.

CONTRACTOR MOUNTAIN CREEK CONTRACTORS, INC.

ADDRESS P.O. BOX D  
CATAWBA, NC 28609

BIDS OPENED NOVEMBER 18, 2008

CONTRACT EXECUTION DEC 29 2008

**Mountain Creek Contractors, Inc. (1983).**

**Vendor 1 of 11 Vendors for Call Order 030 (Proposal ID C201972).**

County: WATAUGA  
Address: P. O. Box D  
205 E. Central Avenue  
Catawba, NC 28609

Phone Number: (828) 241-2047

Signature Check: This bid has been properly signed by Donovan\_R.\_Phillips\_1983.

Time Bid Received: Tue Nov 18 13:02:07 2008

Bid Checksum: 80082E3D

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$796,373.91 ✓

Bond ID: GAMJ-R43U-VU7T-YK7W

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$39,818.70

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 11/18/2008

Surety Name: International Fidelity Insurance Company

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 - 7.0% ✓

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
4898	DB BULLINGTON CONSTRUCTION INC 417 FOXGLOVE LANE , INDIAN TRAIL, NC 28079		Sub 37,385.24 ✓
3080	DB CURTIN TRUCKING & DRAINAGE, INC POST OFFICE BOX 38220 , CHARLOTTE, NC 282781003		Sub 18,050.00 ✓
TOTAL:			\$55,435.24 6.96%

Miscellaneous Data Info - Contractor Responses:

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

Explanation:  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

The Award Limits shall apply to the following projects:

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

Bid Bond Data Info - Contractor Responses:

BondID: GAMJ-R43U-VU7T-YK7W  
Surety Registry Agency: SurePathNetwork  
Verified?: Yes  
Surety Agency: International Fidelity Insurance Company  
Bond Execution Date: 11/18/2008  
Bond Amount: \$39,818.70 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 10-21-08  
Revised:

Contract ID: C201972 Project(s): BRZ-1598(1)  
Letting Date: 11-18-08 Call Order: 030  
Bidder: 1983 - Mountain Creek Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATION	LUMP	LUMP			38,500.00
0002	0000400000-N CONSTRUCTION SURVEYING	LUMP	LUMP			6,000.00
0003	0043000000-N GRADING	LUMP	LUMP			90,000.00
0004	0050000000-E SUPPLEMENTARY CLEARING & GRUB-BING	1.000 ACR		100.00000		100.00
0005	0057000000-E UNDERCUT EXCAVATION	500.000 CY		5.00000		2,500.00
0006	0080000000-E CLASS IV SUBGRADE STABILIZATION	600.000 TON		20.00000		12,000.00
0007	0134000000-E DRAINAGE DITCH EXCAVATION	55.000 CY		50.00000		2,750.00
0008	0195000000-E SELECT GRANULAR MATERIAL	500.000 CY		30.00000		15,000.00
0009	0196000000-E FABRIC FOR SOIL STABILIZATION	500.000 SY		2.00000		1,000.00
0010	0318000000-E FOUNDATION CONDITIONING MATERIAL, MINOR STRS	8.000 TON		75.00000		600.00
0011	0344000000-E 18" SIDE DRAIN PIPE	72.000 LF		40.00000		2,880.00

State of NC  
Dept of Transportation

Date: 10-21-08  
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Contract ID: C201972 Project(s): BRZ-1598(1)  
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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	0995000000-E PIPE REMOVAL	80.000 LF	10.00000		800.00	
0013	1121000000-E AGGREGATE BASE COURSE	170.000 TON	35.00000		5,950.00	
0014	1220000000-E INCIDENTAL STONE BASE	50.000 TON	50.00000		2,500.00	
0015	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	150.000 TON	163.00000		24,450.00	
0016	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	115.000 TON	163.00000		18,745.00	
0017	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	14.000 TON	700.00000		9,800.00	
0018	2000000000-N RIGHT OF WAY MARKERS	15.000 EA	325.00000		4,875.00	
0019	2022000000-E SUBDRAIN EXCAVATION	67.200 CY	20.00000		1,344.00	
0020	2033000000-E SUBDRAIN FINE AGGREGATE	50.400 CY	75.00000		3,780.00	
0021	2044000000-E 6" PERFORATED SUBDRAIN PIPE	300.000 LF	5.00000		1,500.00	
0022	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	9.000 EA	1.00000		9.00	
0023	2066000000-N CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1.000 EA	250.00000		250.00	

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Bidder: 1983 - Mountain Creek Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	6.000 LF	40.00000		240.00	
0025	3150000000-N ADDITIONAL GUARDRAIL POSTS	5.000 EA	33.00000		165.00	
0026	3165000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** (350, TL-2)	4.000 EA	2,200.00000		8,800.00	
0027	3180000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** (W-BEAM BRIDGE RAIL TRANSITION)	4.000 EA	2,100.00000		8,400.00	
0028	3420000000-E GENERIC GUARDRAIL ITEM W-BEAM BRIDGE RAIL	200.000 LF	32.00000		6,400.00	
0029	3628000000-E RIP RAP, CLASS I	40.000 TON	75.00000		3,000.00	
0030	3656000000-E FILTER FABRIC FOR DRAINAGE	300.000 SY	2.50000		750.00	
0031	4400000000-E WORK ZONE SIGNS (STATIONARY)	186.000 SF	5.95000		1,106.70	
0032	4405000000-E WORK ZONE SIGNS (PORTABLE)	128.000 SF	9.35000		1,196.80	
0033	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	36.000 SF	5.45000		196.20	
0034	4435000000-N CONES	30.000 EA	25.00000		750.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0035	4445000000-E BARRICADES (TYPE III)	30.000 LF	27.50000		825.00	
0036	4450000000-N FLAGGER	640.000 HR	15.00000		9,600.00	
0037	4465000000-N TEMPORARY CRASH CUSHIONS	1.000 EA	7,250.00000		7,250.00	
0038	4480000000-N TMIA	1.000 EA	5,000.00000		5,000.00	
0039	4490000000-E PORTABLE CONCRETE BARRIER (ANCHORED)	225.000 LF	48.00000		10,800.00	
0040	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (III)	1,908.000 LF	2.50000		4,770.00	
0041	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (IV)	570.000 LF	2.50000		1,425.00	
0042	4810000000-E PAINT PAVEMENT MARKING LINES (4")	2,930.000 LF	0.25000		732.50	
0043	4850000000-E REMOVAL OF PAVEMENT MARKING LINES (4")	240.000 LF	1.00000		240.00	
0044	6000000000-E TEMPORARY SILT FENCE	1,000.000 LF	2.09000		2,090.00	
0045	6006000000-E STONE FOR EROSION CONTROL, CLASS A	115.000 TON	35.00000		4,025.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0046	6009000000-E STONE FOR EROSION CONTROL, CLASS B	120.000 TON	35.00000		4,200.00	
0047	6012000000-E SEDIMENT CONTROL STONE	30.000 TON	35.00000		1,050.00	
0048	6015000000-E TEMPORARY MULCHING	2.000 ACR	1,000.00000		2,000.00	
0049	6018000000-E SEED FOR TEMPORARY SEEDING	100.000 LB	5.00000		500.00	
0050	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	1.250 TON	1,000.00000		1,250.00	
0051	6029000000-E SAFETY FENCE	470.000 LF	2.00000		940.00	
0052	6030000000-E SILT EXCAVATION	380.000 CY	5.00000		1,900.00	
0053	6036000000-E MATTING FOR EROSION CONTROL	1,200.000 SY	2.00000		2,400.00	
0054	6037000000-E COIR FIBER MAT	30.000 SY	10.00000		300.00	
0055	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	190.000 SY	6.00000		1,140.00	
0056	6071030000-E COIR FIBER BAFFLES	200.000 LF	6.50000		1,300.00	
0057	6071050000-E *** SKIMMER (1-1/2")	5.000 EA	1,200.00000		6,000.00	



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			Dollars	Cts	Dollars	Ct
0058	6084000000-E SEEDING & MULCHING	2.500 ACR	2,000.00000		5,000.00	
0059	6087000000-E MOWING	1.000 ACR	50.00000		50.00	
0060	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	1.00000		50.00	
0061	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	1,000.00000		250.00	
0062	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	50.000 LB	1.00000		50.00	
0063	6108000000-E FERTILIZER TOPDRESSING	1.000 TON	650.00000		650.00	
0064	6114000000-N SPECIALIZED HAND MOWING	5.000 HR	20.00000		100.00	
0065	6117000000-N RESPONSE FOR EROSION CONTROL	12.000 EA	183.33000		2,199.96	
0066	6123000000-E REFORESTATION	0.250 ACR	1,000.00000		250.00	
Section 0001 Total						354,675.16
Section 0004 STRUCTURE ITEMS						
Alt Group						
0067	8035000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (16+48.00-L-)	LUMP	LUMP		10,000.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0068	8096000000-E PILE EXCAVATION IN SOIL	75.000 LF	150.00000		11,250.00	
0069	8097000000-E PILE EXCAVATION NOT IN SOIL	275.000 LF	500.00000		137,500.00	
0070	8121000000-N UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (16+48.00-L-)	LUMP	LUMP		5,000.00	
0071	8182000000-E CLASS A CONCRETE (BRIDGE)	31.300 CY	950.00000		29,735.00	
0072	8217000000-E REINFORCING STEEL (BRIDGE)	4,538.000 LB	1.00000		4,538.00	
0073	8364000000-E HP12X53 STEEL PILES	350.000 LF	70.00000		24,500.00	
0074	8608000000-E RIP RAP CLASS II (2'-0" THICK)	550.000 TON	35.00000		19,250.00	
0075	8622000000-E FILTER FABRIC FOR DRAINAGE	610.000 SY	2.50000		1,525.00	
0076	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP		5,000.00	
0077	8753200000-E 3'-0" X 3'-3" PRESTRESSED CONCBOX BEAMS	684.250 LF	255.00000		174,483.75	
0078	8867000000-E GENERIC STRUCTURE ITEM TYPE T101 RAIL	189.170 LF	100.00000		18,917.00	
Section 0004 Total						441,698.75

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Bidder: 1983 - Mountain Creek Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
	Bid Total				796,373.91	

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: 10-21-08  
 PAGE: 12

PROPOSAL: C201972  
 LETTING: L081118 CALL: 030  
 VENDOR: 1983 Mountain Creek Contractors, Inc.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 4898 BULLINGTON CONSTRUCTION INC						
Will Use Quote: Yes						
0025	3150000000-N	ADDIT GUARDR	EA	5.000	33.00000	165.00
0026	3165000000-N	GR ANCHOR TY	EA	4.000	2200.00000	8800.00
0027	3180000000-N	GR ANCHOR TY	EA	4.000	2100.00000	8400.00
0028	3420000000-E	GENERIC GUAR	LF	200.000	32.00000	6400.00
0078	8867000000-E	GENERIC STRU	LF	189.170	72.00000	13620.24
Furnish and install T-101 Rail						

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 37,385.24 ✓  
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 37,385.

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

0039	4490000000-E	PORT CONC BA	LF	225.000	48.00000	10800.00
0037	4465000000-N	TEMPORARY CR	EA	1.000	7250.00000	7250.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 18,050.00 ✓  
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 18,050.

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 6.96% or 55435.24  
 Required: 6.00% or 47782.43  
 <GOAL MET>

## Contract Item Sheets For C201972

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	38,500.00	38,500.00
0002	0000400000-N	801	CONSTRUCTION SURVEYING	Lump Sum LS	6,000.00	6,000.00
0003	0043000000-N	226	GRADING	Lump Sum LS	90,000.00	90,000.00
0004	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB-BING	1 ACR	100.00	100.00
0005	0057000000-E	226	UNDERCUT EXCAVATION	500 CY	5.00	2,500.00
0006	0080000000-E	SP	CLASS IV SUBGRADE STABILIZATION	600 TON	20.00	12,000.00
0007	0134000000-E	240	DRAINAGE DITCH EXCAVATION	55 CY	50.00	2,750.00
0008	0195000000-E	265	SELECT GRANULAR MATERIAL	500 CY	30.00	15,000.00
0009	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	500 SY	2.00	1,000.00
0010	0318000000-E	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRS	8 TON	75.00	600.00
0011	0344000000-E	310	18" SIDE DRAIN PIPE	72 LF	40.00	2,880.00
0012	0995000000-E	340	PIPE REMOVAL	80 LF	10.00	800.00
0013	1121000000-E	520	AGGREGATE BASE COURSE	170 TON	35.00	5,950.00
0014	1220000000-E	545	INCIDENTAL STONE BASE	50 TON	50.00	2,500.00
0015	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	150 TON	163.00	24,450.00
0016	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	115 TON	163.00	18,745.00
0017	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	14 TON	700.00	9,800.00
0018	2000000000-N	806	RIGHT OF WAY MARKERS	15 EA	325.00	4,875.00
0019	2022000000-E	815	SUBDRAIN EXCAVATION	67.2 CY	20.00	1,344.00



## Contract Item Sheets For C201972

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0020	2033000000-E	815	SUBDRAIN FINE AGGREGATE	50.4 CY	75.00	3,780.00
0021	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	300 LF	5.00	1,500.00
0022	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	9 EA	1.00	9.00
0023	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA	250.00	250.00
0024	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF	40.00	240.00
0025	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	33.00	165.00
0026	3165000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE ***** (350, TL-2)	4 EA	2,200.00	8,800.00
0027	3180000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE ***** (W-BEAM BRIDGE RAIL TRANSITION )	4 EA	2,100.00	8,400.00
0028	3420000000-E	SP	GENERIC GUARDRAIL ITEM W-BEAM BRIDGE RAIL	200 LF	32.00	6,400.00
0029	3628000000-E	876	RIP RAP, CLASS I	40 TON	75.00	3,000.00
0030	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	300 SY	2.50	750.00
0031	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	186 SF	5.95	1,106.70
0032	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	128 SF	9.35	1,196.80
0033	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	36 SF	5.45	196.20
0034	4435000000-N	1135	CONES	30 EA	25.00	750.00
0035	4445000000-E	1145	BARRICADES (TYPE III)	30 LF	27.50	825.00
0036	4450000000-N	1150	FLAGGER	640 HR	15.00	9,600.00
0037	4465000000-N	1160	TEMPORARY CRASH CUSHIONS	1 EA	7,250.00	7,250.00

## Contract Item Sheets For C201972

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0038	4480000000-N	1165	TMIA	1 EA	5,000.00	5,000.00
0039	4490000000-E	1170	PORTABLE CONCRETE BARRIER (ANCHORED)	225 LF	48.00	10,800.00
0040	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (III)	1,908 LF	2.50	4,770.00
0041	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (IV)	570 LF	2.50	1,425.00
0042	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	2,930 LF	0.25	732.50
0043	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	240 LF	1.00	240.00
0044	6000000000-E	1605	TEMPORARY SILT FENCE	1,000 LF	2.09	2,090.00
0045	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	115 TON	35.00	4,025.00
0046	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	120 TON	35.00	4,200.00
0047	6012000000-E	1610	SEDIMENT CONTROL STONE	30 TON	35.00	1,050.00
0048	6015000000-E	1615	TEMPORARY MULCHING	2 ACR	1,000.00	2,000.00
0049	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	100 LB	5.00	500.00
0050	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEED- ING	1.25 TON	1,000.00	1,250.00
0051	6029000000-E	SP	SAFETY FENCE	470 LF	2.00	940.00
0052	6030000000-E	1630	SILT EXCAVATION	380 CY	5.00	1,900.00
0053	6036000000-E	1631	MATTING FOR EROSION CONTROL	1,200 SY	2.00	2,400.00
0054	6037000000-E	SP	COIR FIBER MAT	30 SY	10.00	300.00

## Contract Item Sheets For C201972

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0055	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	190 SY	6.00	1,140.00
0056	6071030000-E	SP	COIR FIBER BAFFLES	200 LF	6.50	1,300.00
0057	6071050000-E	SP	*** SKIMMER (1-1/2")	5 EA	1,200.00	6,000.00
0058	6084000000-E	1660	SEEDING & MULCHING	2.5 ACR	2,000.00	5,000.00
0059	6087000000-E	1660	MOWING	1 ACR	50.00	50.00
0060	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	1.00	50.00
0061	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	1,000.00	250.00
0062	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	1.00	50.00
0063	6108000000-E	1665	FERTILIZER TOPDRESSING	1 TON	650.00	650.00
0064	6114000000-N	SP	SPECIALIZED HAND MOWING	5 HR	20.00	100.00
0065	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12 EA	183.33	2,199.96
0066	6123000000-E	1670	REFORESTATION	0.25 ACR	1,000.00	250.00

## Contract Item Sheets For C201972

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0067	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (16 + 48.00-L-)	Lump Sum LS	10,000.00	10,000.00
0068	8096000000-E	SP	PILE EXCAVATION IN SOIL	75 LF	150.00	11,250.00
0069	8097000000-E	SP	PILE EXCAVATION NOT IN SOIL	275 LF	500.00	137,500.00
0070	8121000000-N	412	UNCLASSIFIED STRUCTURE EXCAVA- TION AT STATION ***** (16 + 48.00-L-)	Lump Sum LS	5,000.00	5,000.00
0071	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	31.3 CY	950.00	29,735.00
0072	8217000000-E	425	REINFORCING STEEL (BRIDGE)	4,538 LB	1.00	4,538.00
0073	8364000000-E	450	HP12X53 STEEL PILES	350 LF	70.00	24,500.00
0074	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	550 TON	35.00	19,250.00
0075	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	610 SY	2.50	1,525.00
0076	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	5,000.00	5,000.00
0077	8753200000-E	430	3'-0" X 3'-3" PRESTRESSED CONC BOX BEAMS	684.25 LF	255.00	174,483.75
0078	8867000000-E	SP	GENERIC STRUCTURE ITEM TYPE T101 RAIL	189.17 LF	100.00	18,917.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$796,373.91 ✓

Contract Number C201972  
County WATAUGA

Rev 7-20-08

**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**

MOUNTAIN CREEK CONTRACTORS, INC.

Full name of Corporation

PO Box D, Catawba NC 28609

Address as Prequalified

Attest

Michael W. Angus  
Secretary/Assistant Secretary  
Select appropriate title

By

Joseph E. Coleman  
~~President/Vice President/Assistant Vice President~~  
Select appropriate title

MICHAEL W ANGUS

Print or type Signer's name

JOSEPH E COLEMAN

Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

15 day of Dec 2008

Frances M. Powell

Signature of Notary Public

of Catawba County

State of NC

My Commission Expires: 5/29/11

## 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**     C201972

**County (ies):**   Watauga

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION



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Contract Officer

12/29/08

---

Date

Execution of Contract and Bonds  
Approved as to Form:



---

Assistant Attorney General



Contract No. C201972  
County Watauga

(Rev 7-10-08)

Bond No. 0476988

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution December 15, 2008

Name of Principal Contractor Mountain Creek Contractors, Inc.

Name of Surety: International Fidelity Insurance Company

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

Amount of Bond: Seven Hundred Ninety Six Thousand Three Hundred Seventy Three Dollars and 91/100 (\$796,373.91 )

Contract ID No.: C201972

County Name: Watauga

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. C201972  
County Watauga

(Rev 7-10-08)

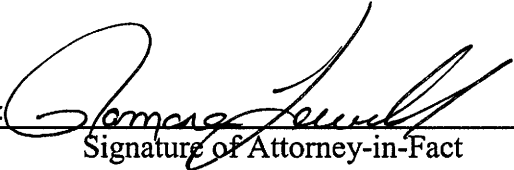
**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

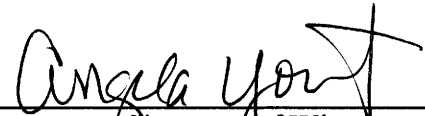
International Fidelity Insurance Company  
Print or type Surety Company Name

By Ramona Fewell  
Print, stamp or type name of Attorney-in-Fact



By:   
Signature of Attorney-in-Fact

Surety Phone No.

  
Signature of Witness

Angela Yount  
Print or type Witness's name

6230 Fairview Road, Suite 230  
Charlotte, NC 28210  
Address of Attorney-in-Fact

Contract No. C201972  
County Watauga

(Rev 7-10-08)

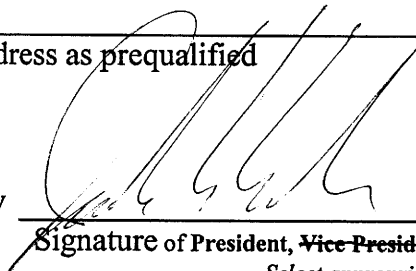
**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

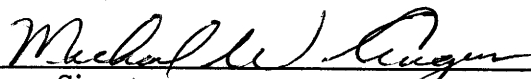
Mountain Creek Contractors, Inc.  
Full name of Corporation

P. O. Box D, Catawba, NC 28609  
Address as prequalified

By   
~~Signature of President, Vice President, Assistant Vice President~~  
Select appropriate title

Joseph E. Collier, III  
Print or type Signer's name

*Affix Corporate Seal*

Attest   
Signature of Secretary, Assistant Secretary  
Select appropriate title

Michael W. Auger  
Print or type Signer's name

Contract No. C201972  
County Watauga

(Rev 7-10-08)

Bond No. 0476988

### CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: December 15, 2008

Name of Principal Contractor: Mountain Creek Contractors, Inc.

Name of Surety: International Fidelity Insurance Company

Name of Contracting Body: **North Carolina Department of Transportation**

**Raleigh, North Carolina**

Amount of Bond: Seven Hundred Ninety Six Thousand Three Hundred Seventy Three Dollars and 91/100 ( \$796,373.91 )

Contract ID No.: C201972

County Name: Watauga

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 No. C201972  
County Watauga

(Rev 7-10-08)

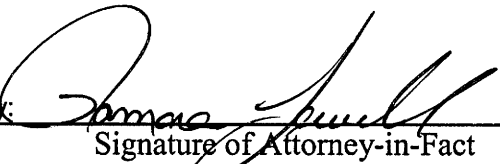
### CONTRACT PERFORMANCE BOND

*Affix Seal of Surety Company*

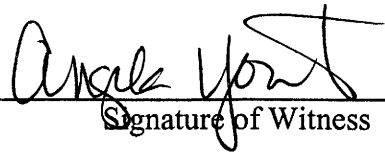
International Fidelity Insurance Company  
Print or type Surety Company Name

By Ramona Fewell  
Print, stamp or type name of Attorney-in-Fact



By:   
Signature of Attorney-in-Fact

Surety Phone No.

  
Signature of Witness

Angela Yount  
Print or type Witness's name

6230 Fairview Road, Suite 230  
Charlotte, NC 28210  
Address of Attorney-in-Fact

Contract No. C201972  
County Watauga

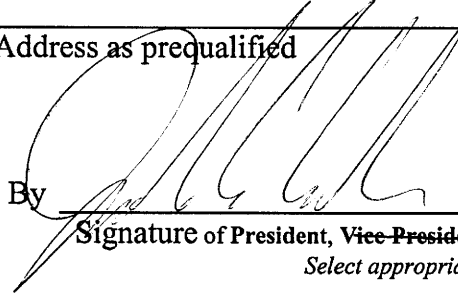
(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**  
**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

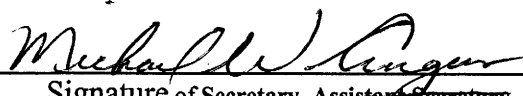
Mountain Creek Contractors, Inc.  
Full name of Corporation

P. O. Box D, Catawba, NC 28609  
Address as prequalified

By   
Signature of President, Vice President, Assistant Vice President  
Select appropriate title

Joseph F. Colman  
Print or type Signer's name

*Affix Corporate Seal*

Attest   
Signature of Secretary, Assistant Secretary  
Select appropriate title

Michael W. Angus  
Print or type Signer's name

# POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR  
NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

Ramona Fewell as attorney-in-fact to execute the following Surety bond:

Surety Bond Number: 0476988  
Principal: Mountain Creek Contractors, Inc.  
Obligee: NCDOT

and the execution of such instrument in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

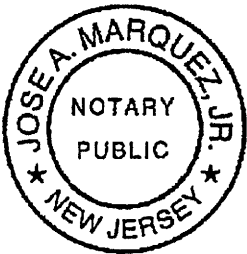


IN TESTIMONY WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 29th day of August, A.D. 2003.

STATE OF NEW JERSEY  
County of Essex

INTERNATIONAL FIDELITY INSURANCE COMPANY  
*[Signature]*  
Secretary

On this 29th day of August 2003, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said the he is the therein described and authorized officer of the INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

*[Signature]*

A NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Nov. 21, 2010

### CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this 15th day of December, 2008

*[Signature]*  
Assistant Secretary

