

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

C202020

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202020

WBS 33498.3.1 BRZ-1587(2)

T.I.P NO. B-4149

COUNTY OF HENDERSON

THIS IS THE ROADWAY & STRUCTURE CONTRACT

ROUTE NUMBER SR 1587 LENGTH 0.136 MILES

LOCATION BRIDGE OVER CLEAR CREEK AND APPROACHES ON SR-1587.

CONTRACTOR KIRKMAN CONSTRUCTION, INC.

ADDRESS P.O. BOX 3026
HUNTERSVILLE, NC 28070

BIDS OPENED JANUARY 20, 2009

CONTRACT EXECUTION MAR 02 2009

Kirkman Construction, Inc. (6464).

Vendor 11 of 12 Vendors for Call Order 010 (Proposal ID C202020).

County: HENDERSON
Address: P.O. Box 3026
Huntersville, NC 28070

Phone Number: (704) 987-2050

Signature Check: This bid has been properly signed by Richard_Dean_Kirkman_6464.

Time Bid Received: Tue Jan 20 13:51:45 2009

Bid Checksum: 9A20F8B6

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$1,009,314.82

Bond ID: SNC09826042

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$50,465.74

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 1/12/2009 3:51:02 PM

Surety Name: Travelers Casualty and Surety Company of Ame

urety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 7.0%
DBE GOAL MET 8.1%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
3765	DB STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub	6,345.50
2759	DB SUPERIOR SEEDING, INC. POST OFFICE BOX 12642 , GASTONIA, NC 280520010		Sub	51,950.00
5279	DB GUARDRAIL OF GREENSBORO LLC P.O. BOX 19232 , GREENSBORO, NC 27419		Sub	23,550.00
			TOTAL:	\$81,845.50 8.11%

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. Yes

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of 3,050,000.00 for those projects indicated herein, for which bids will be opened on 01/20/09 (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
C202048	ALAMANCE
C202047	ORANGE
C202046	RANDOLPH
C202022	SURRY
C202049	LINCOLN
C202021, C202020	HENDERSON, HENDERSON

Bid Bond Data Info - Contractor Responses:
=====

BondID: SNC09826042
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Travelers Casualty and Surety Company of America
Bond Execution Date: 1/12/2009 3:51:02 PM
Bond Amount: \$50,465.74 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 12-18-08
Revised:

Contract ID: C202020
Letting Date: 01-20-09 Call Order: 010
Bidder: 6464 - Kirkman Construction, Inc.

Project(s): BRZ-1587(2)

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP			50,465.80
0002	0030000000-N BRIDGE APPROACH FILL - SUB REGIONAL TIER, STATION ***** (17+35.50)	LUMP	LUMP			9,500.00
0003	0043000000-N GRADING	LUMP	LUMP			75,000.00
0004	0050000000-E SUPPLEMENTA RY CLEARING & GRUB-BING	ACR	1.000	100.00000		100.00
0005	0057000000-E UNDERCUT EXCAVATION	CY	109.000	7.50000		817.50
0006	0080000000-E CLASS IV SUBGRADE STABILIZA- TION	TON	100.000	25.00000		2,500.00
0007	0134000000-E DRAINAGE DITCH EXCAVATION	CY	295.000	10.00000		2,950.00
0008	0195000000-E SELECT GRANULAR MATERIAL	CY	100.000	30.00000		3,000.00
0009	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	100.000	2.00000		200.00
0010	0318000000-E FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	TON	50.000	40.00000		2,000.00

State of NC
Dept of Transportation

Date: 12-18-08
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Bidder: 6464 - Kirkman Construction, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	0343000000-E 15" SIDE DRAIN PIPE	32.000 LF	40.00000		1,280.00	
0012	0344000000-E 18" SIDE DRAIN PIPE	36.000 LF	42.00000		1,512.00	
0013	0345000000-E 24" SIDE DRAIN PIPE	32.000 LF	43.00000		1,376.00	
0014	0366000000-E 15" RC PIPE CULVERTS, CLASS III	196.000 LF	50.00000		9,800.00	
0015	0708000000-E 15" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	80.000 LF	50.00000		4,000.00	
0016	0720000000-E 24" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	76.000 LF	60.00000		4,560.00	
0017	0995000000-E PIPE REMOVAL	104.000 LF	10.00000		1,040.00	
0018	1121000000-E AGGREGATE BASE COURSE	270.000 TON	35.00000		9,450.00	
0019	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	560.000 TON	56.00000		31,360.00	
0020	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	380.000 TON	70.00000		26,600.00	
0021	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	50.000 TON	585.00000		29,250.00	
0022	2022000000-E SUBDRAIN EXCAVATION	112.000 CY	5.00000		560.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
0023	2033000000-E SUBDRAIN FINE AGGREGATE	84.000 CY	30.00000		2,520.00	
0024	2044000000-E 6" PERFORATED SUBDRAIN PIPE	500.000 LF	5.00000		2,500.00	
0025	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	15.000 EA	5.00000		75.00	
0026	2066000000-N CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1.000 EA	200.00000		200.00	
0027	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	6.000 LF	5.00000		30.00	
0028	2286000000-N MASONRY DRAINAGE STRUCTURES	5.000 EA	2,000.00000		10,000.00	
0029	2355000000-N FRAME WITH GRATE, STD 840.29	5.000 EA	500.00000		2,500.00	
0030	2556000000-E SHOULDER BERM GUTTER	30.000 LF	20.00000		600.00	
0031	2577000000-E CONCRETE EXPRESSWAY GUTTER	320.000 LF	20.00000		6,400.00	
0032	3030000000-E STEEL BM GUARDRAIL	500.000 LF	15.00000		7,500.00	
0033	3150000000-N ADDITIONAL GUARDRAIL POSTS	5.000 EA	10.00000		50.00	
0034	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	6.000 EA	1,800.00000		10,800.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0035	3317000000-N GUARDRAIL ANCHOR UNITS, TYPE B-77	EA 4.000	1,300.00000		5,200.00	
0036	3635000000-E RIP RAP, CLASS II	TON 35.000	60.00000		2,100.00	
0037	3649000000-E RIP RAP, CLASS B	TON 250.000	50.00000		12,500.00	
0038	3656000000-E FILTER FABRIC FOR DRAINAGE	SY 1,705.000	3.00000		5,115.00	
0039	4400000000-E WORK ZONE SIGNS (STATIONARY)	SF 430.000	5.85000		2,515.50	
0040	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	SF 180.000	5.65000		1,017.00	
0041	4430000000-N DRUMS	EA 30.000	35.50000		1,065.00	
0042	4445000000-E BARRICADES (TYPE III)	LF 80.000	21.85000		1,748.00	
0043	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 9,200.000	0.26000		2,392.00	
0044	4835000000-E PAINT PAVEMENT MARKING LINES (24")	LF 20.000	5.00000		100.00	
0045	6000000000-E TEMPORARY SILT FENCE	LF 1,600.000	2.70000		4,320.00	
0046	6006000000-E STONE FOR EROSION CONTROL, CLASS A	TON 350.000	50.00000		17,500.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0047	6009000000-E STONE FOR EROSION CONTROL, CLASS B	180.000 TON	50.00000		9,000.00	
0048	6012000000-E SEDIMENT CONTROL STONE	270.000 TON	40.00000		10,800.00	
0049	6015000000-E TEMPORARY MULCHING	3.000 ACR	1,300.00000		3,900.00	
0050	6018000000-E SEED FOR TEMPORARY SEEDING	100.000 LB	8.00000		800.00	
0051	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	1.500 TON	3,000.00000		4,500.00	
0052	6024000000-E TEMPORARY SLOPE DRAINS	160.000 LF	20.00000		3,200.00	
0053	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	3.000 EA	300.00000		900.00	
0054	6029000000-E SAFETY FENCE	1,000.000 LF	2.10000		2,100.00	
0055	6030000000-E SILT EXCAVATION	850.000 CY	10.00000		8,500.00	
0056	6036000000-E MATTING FOR EROSION CONTROL	2,000.000 SY	1.95000		3,900.00	
0057	6037000000-E COIR FIBER MAT	50.000 SY	5.00000		250.00	
0058	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	50.000 SY	10.00000		500.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0059	6042000000-E 1/4" HARDWARE CLOTH	100.000 LF	6.00000		600.00	
0060	6070000000-N SPECIAL STILLING BASINS	8.000 EA	200.00000		1,600.00	
0061	6071030000-E COIR FIBER BAFFLES	480.000 LF	9.00000		4,320.00	
0062	6071050000-E *** SKIMMER (1-1/2")	6.000 EA	800.00000		4,800.00	
0063	6084000000-E SEEDING & MULCHING	15.000 ACR	1,895.00000		28,425.00	
0064	6087000000-E MOWING	1.500 ACR	350.00000		525.00	
0065	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	15.00000		750.00	
0066	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	4,000.00000		1,000.00	
0067	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	50.000 LB	8.00000		400.00	
0068	6108000000-E FERTILIZER TOPDRESSING	1.500 TON	1,600.00000		2,400.00	
0069	6114000000-N SPECIALIZED HAND MOWING	5.000 HR	75.00000		375.00	
0070	6117000000-N RESPONSE FOR EROSION CONTROL	12.000 EA	300.00000		3,600.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0071	6123000000-E REFORESTATION	0.250 ACR	2,500.00000		625.00	
Section 0001 Total						463,838.80

Section 0004 STRUCTURE ITEMS

Alt Group

0072	8017000000-N CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP ACCESS AT STA ***** (17+35.50-L-)	LUMP	LUMP		15,000.00	
0073	8035000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (17+35.50-L-)	LUMP	LUMP		20,000.00	
0074	8105540000-E 3'-6" DIA DRILLED PIERS IN SOIL	33.200 LF	605.00000		20,086.00	
0075	8105640000-E 3'-6" DIA DRILLED PIERS NOT IN SOIL	29.000 LF	600.00000		17,400.00	
0076	8111400000-E PERMANENT STEEL CASING FOR 3'-6" DIA DRILLED PIER	26.400 LF	425.00000		11,220.00	
0077	8113000000-N SID INSPECTION	2.000 EA	250.00000		500.00	
0078	8115000000-N CROSSHOLE SONIC LOGGING	2.000 EA	2,500.00000		5,000.00	
0079	8119000000-E UNCLASSIFIED STRUCTURE EXCAVATION	795.000 CY	8.50000		6,757.50	

State of NC
Dept of Transportation

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Bidder: 6464 - Kirkman Construction, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0080	8147000000-E REINFORCED CONCRETE DECK SLAB	SF 5,054.000	28.00000		141,512.00	
0081	8161000000-E GROOVING BRIDGE FLOORS	SF 4,636.000	0.60000		2,781.60	
0082	8182000000-E CLASS A CONCRETE (BRIDGE)	CY 130.800	557.25000		72,888.30	
0083	8210000000-N BRIDGE APPROACH SLABS, STATION***** (17+35.50-L-)	LUMP	LUMP		15,000.00	
0084	8217000000-E REINFORCING STEEL (BRIDGE)	LB 25,497.000	1.10000		28,046.70	
0085	8238000000-E SPIRAL COLUMN REINFORCING STEEL (BRIDGE)	LB 1,695.000	1.75000		2,966.25	
0086	8262000000-E 45" PRESTRESSED CONCRETE GIRDERS	LF 627.290	200.00000		125,458.00	
0087	8364000000-E HP12X53 STEEL PILES	LF 265.000	69.00000		18,285.00	
0088	8503000000-E CONCRETE BARRIER RAIL	LF 324.330	49.00000		15,892.17	
0089	8608000000-E RIP RAP CLASS II (2'-0" THICK)	TON 333.000	49.00000		16,317.00	
0090	8622000000-E FILTER FABRIC FOR DRAINAGE	SY 370.000	3.15000		1,165.50	

State of NC
 Dept of Transportation

Date: 12-18-08
 Revised:

Contract ID: C202020 Project(s): BRZ-1587(2)
 Letting Date: 01-20-09 Call Order: 010
 Bidder: 6464 - Kirkman Construction, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0091	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP			2,400.00
0092	8692000000-N EVAZOTE JOINT SEALS	LUMP	LUMP			6,800.00
Section 0004 Total						545,476.02
Bid Total						1,009,314.82 ✓

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. Yes

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 3,050,000.00 for those projects indicated herein, for which bids will be opened on 01/20/09 (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
C202048	ALAMANCE
C202047	ORANGE
C202046	RANDOLPH
C202022	SURRY
C202049	LINCOLN
C202021, C202020	HENDERSON, HENDERSON

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.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT ITEMS

DATE: 12-18-08
PAGE: 12

PROPOSAL: C202020
LETTING: L090120 CALL: 010
VENDOR: 6464 Kirkman Construction, 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	430.000	5.85000	2515.50
0040	4410000000-E	WORK ZONE SI	SF	180.000	5.65000	1017.00
0041	4430000000-N	DRUMS	EA	30.000	35.50000	1065.00
0042	4445000000-E	BARRICADES (LF	80.000	21.85000	1748.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 6,345.50 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 6,345.5

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

0049	6015000000-E	TEMPORARY MU	ACR	3.000	1300.00000	3900.00
0050	6018000000-E	SEED FOR TEM	LB	100.000	8.00000	800.00
0051	6021000000-E	FERT FOR TEM	TON	1.500	3000.00000	4500.00
0056	6036000000-E	MATTING FOR	SY	2000.000	1.95000	3900.00
0057	6037000000-E	COIR FIBER M	SY	50.000	5.00000	250.00
0058	6038000000-E	PERM SOIL RE	SY	50.000	10.00000	500.00
0063	6084000000-E	SEEDING AND	ACR	15.000	1895.00000	28425.00
0064	6087000000-E	MOWING	ACR	1.500	350.00000	525.00
0065	6090000000-E	SEED FOR REP	LB	50.000	15.00000	750.00
0066	6093000000-E	FERT FOR REP	TON	0.250	4000.00000	1000.00
0067	6096000000-E	SEED FOR SUP	LB	50.000	8.00000	400.00
0068	6108000000-E	FERTILIZER T	TON	1.500	1600.00000	2400.00
0069	6114000000-N	SPECIALIZED	HR	5.000	75.00000	375.00
0070	6117000000-N	RESPONSE FOR	EA	12.000	300.00000	3600.00
0071	6123000000-E	REFORESTATIO	ACR	0.250	2500.00000	625.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 51,950.00 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 51,950.

DBE SUBCONTRACTOR: 5279 GUARDRAIL OF GREENSBORO LLC
Will Use Quote: Yes

0032	3030000000-E	STL BM GUARD	LF	500.000	15.00000	7500.00
0033	3150000000-N	ADDIT GUARDR	EA	5.000	10.00000	50.00
0034	3270000000-N	GR ANCHOR TY	EA	6.000	1800.00000	10800.00
0035	3317000000-N	GR ANCHOR TY	EA	4.000	1300.00000	5200.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 23,550.00 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 23,550.

TOTAL DBE COMMITMENT FOR VENDOR:

Entered: 8.11% or 81845.50
Required: 7.00% or 70652.04
<GOAL MET>

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	50,465.80	50,465.80
0002	0030000000-N	SP	BRIDGE APPROACH FILL - SUB REGIONAL TIER, STATION ***** (17+35.50)	Lump Sum LS	9,500.00	9,500.00
0003	0043000000-N	226	GRADING	Lump Sum LS	75,000.00	75,000.00
0004	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	100.00	100.00
0005	0057000000-E	226	UNDERCUT EXCAVATION	109 CY	7.50	817.50
0006	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	100 TON	25.00	2,500.00
0007	0134000000-E	240	DRAINAGE DITCH EXCAVATION	295 CY	10.00	2,950.00
0008	0195000000-E	265	SELECT GRANULAR MATERIAL	100 CY	30.00	3,000.00
0009	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	100 SY	2.00	200.00
0010	0318000000-E	300	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	50 TON	40.00	2,000.00
0011	0343000000-E	310	15" SIDE DRAIN PIPE	32 LF	40.00	1,280.00
0012	0344000000-E	310	18" SIDE DRAIN PIPE	36 LF	42.00	1,512.00
0013	0345000000-E	310	24" SIDE DRAIN PIPE	32 LF	43.00	1,376.00
0014	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	196 LF	50.00	9,800.00
0015	0708000000-E	310	15" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	80 LF	50.00	4,000.00
0016	0720000000-E	310	24" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	76 LF	60.00	4,560.00
0017	0995000000-E	340	PIPE REMOVAL	104 LF	10.00	1,040.00
0018	1121000000-E	520	AGGREGATE BASE COURSE	270 TON	35.00	9,450.00
0019	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	560 TON	56.00	31,360.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0020	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	380 TON	70.00	26,600.00
0021	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	50 TON	585.00	29,250.00
0022	2022000000-E	815	SUBDRAIN EXCAVATION	112 CY	5.00	560.00
0023	2033000000-E	815	SUBDRAIN FINE AGGREGATE	84 CY	30.00	2,520.00
0024	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	500 LF	5.00	2,500.00
0025	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	15 EA	5.00	75.00
0026	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA	200.00	200.00
0027	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF	5.00	30.00
0028	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	5 EA	2,000.00	10,000.00
0029	2355000000-N	840	FRAME WITH GRATE, STD 840.29	5 EA	500.00	2,500.00
0030	2556000000-E	846	SHOULDER BERM GUTTER	30 LF	20.00	600.00
0031	2577000000-E	846	CONCRETE EXPRESSWAY GUTTER	320 LF	20.00	6,400.00
0032	3030000000-E	862	STEEL BM GUARDRAIL	500 LF	15.00	7,500.00
0033	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	10.00	50.00
0034	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	6 EA	1,800.00	10,800.00
0035	3317000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE B-77	4 EA	1,300.00	5,200.00
0036	3635000000-E	876	RIP RAP, CLASS II	35 TON	60.00	2,100.00
0037	3649000000-E	876	RIP RAP, CLASS B	250 TON	50.00	12,500.00
0038	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	1,705 SY	3.00	5,115.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0039	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	430 SF	5.85	2,515.50
0040	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	180 SF	5.65	1,017.00
0041	4430000000-N	1130	DRUMS	30 EA	35.50	1,065.00
0042	4445000000-E	1145	BARRICADES (TYPE III)	80 LF	21.85	1,748.00
0043	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	9,200 LF	0.26	2,392.00
0044	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	20 LF	5.00	100.00
0045	6000000000-E	1605	TEMPORARY SILT FENCE	1,600 LF	2.70	4,320.00
0046	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	350 TON	50.00	17,500.00
0047	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	180 TON	50.00	9,000.00
0048	6012000000-E	1610	SEDIMENT CONTROL STONE	270 TON	40.00	10,800.00
0049	6015000000-E	1615	TEMPORARY MULCHING	3 ACR	1,300.00	3,900.00
0050	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	100 LB	8.00	800.00
0051	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	1.5 TON	3,000.00	4,500.00
0052	6024000000-E	1622	TEMPORARY SLOPE DRAINS	160 LF	20.00	3,200.00
0053	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	3 EA	300.00	900.00
0054	6029000000-E	SP	SAFETY FENCE	1,000 LF	2.10	2,100.00
0055	6030000000-E	1630	SILT EXCAVATION	850 CY	10.00	8,500.00
0056	6036000000-E	1631	MATTING FOR EROSION CONTROL	2,000 SY	1.95	3,900.00
0057	6037000000-E	SP	COIR FIBER MAT	50 SY	5.00	250.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0058	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	50 SY	10.00	500.00
0059	6042000000-E	1632	1/4" HARDWARE CLOTH	100 LF	6.00	600.00
0060	6070000000-N	SP	SPECIAL STILLING BASINS	8 EA	200.00	1,600.00
0061	6071030000-E	SP	COIR FIBER BAFFLES	480 LF	9.00	4,320.00
0062	6071050000-E	SP	***H SKIMMER (1-1/2")	6 EA	800.00	4,800.00
0063	6084000000-E	1660	SEEDING & MULCHING	15 ACR	1,895.00	28,425.00
0064	6087000000-E	1660	MOWING	1.5 ACR	350.00	525.00
0065	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	15.00	750.00
0066	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	4,000.00	1,000.00
0067	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	8.00	400.00
0068	6108000000-E	1665	FERTILIZER TOPDRESSING	1.5 TON	1,600.00	2,400.00
0069	6114000000-N	SP	SPECIALIZED HAND MOWING	5 HR	75.00	375.00
0070	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12 EA	300.00	3,600.00
0071	6123000000-E	1670	REFORESTATION	0.25 ACR	2,500.00	625.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0072	8017000000-N	SP	CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP ACCESS AT STA ***** (17+35.50-L-)	Lump Sum LS	15,000.00	15,000.00
0073	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (17+35.50-L-)	Lump Sum LS	20,000.00	20,000.00
0074	8105540000-E	SP	3'-6" DIA DRILLED PIERS IN SOIL	33.2 LF	605.00	20,086.00
0075	8105640000-E	SP	3'-6" DIA DRILLED PIERS NOT IN SOIL	29 LF	600.00	17,400.00
0076	8111400000-E	SP	PERMANENT STEEL CASING FOR 3'-6" DIA DRILLED PIER	26.4 LF	425.00	11,220.00
0077	8113000000-N	SP	SID INSPECTION	2 EA	250.00	500.00
0078	8115000000-N	SP	CROSSHOLE SONIC LOGGING	2 EA	2,500.00	5,000.00
0079	8119000000-E	412	UNCLASSIFIED STRUCTURE EXCAVA- TION	795 CY	8.50	6,757.50
0080	8147000000-E	420	REINFORCED CONCRETE DECK SLAB	5,054 SF	28.00	141,512.00
0081	8161000000-E	420	GROOVING BRIDGE FLOORS	4,636 SF	0.60	2,781.60
0082	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	130.8 CY	557.25	72,888.30
0083	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (17+35.50-L-)	Lump Sum LS	15,000.00	15,000.00
0084	8217000000-E	425	REINFORCING STEEL (BRIDGE)	25,497 LB	1.10	28,046.70
0085	8238000000-E	425	SPIRAL COLUMN REINFORCING STEEL (BRIDGE)	1,695 LB	1.75	2,966.25
0086	8262000000-E	430	45" PRESTRESSED CONCRETE GIR- DERS	627.29 LF	200.00	125,458.00
0087	8364000000-E	450	HP12X53 STEEL PILES	265 LF	69.00	18,285.00
0088	8503000000-E	460	CONCRETE BARRIER RAIL	324.33 LF	49.00	15,892.17
0089	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	333 TON	49.00	16,317.00

Contract Item Sheets For C202020

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0090	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	370 SY	3.15	1,165.50
0091	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	2,400.00	2,400.00
0092	8692000000-N	SP	EVAZOTE JOINT SEALS	Lump Sum LS	6,800.00	6,800.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,009,314.82 ✓

1132/Feb10/Q63269.02/D420779760000/E92

Contract Number C202020
County Henderson

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

Kirkman Construction, Inc.

Full name of Corporation

P.O. Box 3026, Huntersville, NC 28070

Address as Prequalified

Attest

[Signature]
~~Secretary/Assistant Secretary~~

Select appropriate title

Richard D. Kirkman

Print or type Signer's name

By

[Signature]
~~President/Vice President/Assistant Vice President~~

Select appropriate title

Jessica L. Kirkman

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

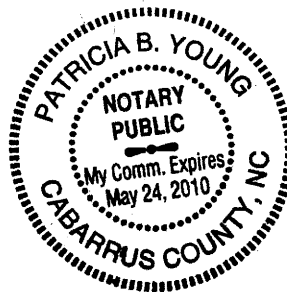
20 day of February 2009

[Signature]
Signature of Notary Public

of Cabarrus County

State of North Carolina

My Commission Expires: May 24 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 C202020

County (ies): Henderson

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer

3/2/09

Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202020
County Henderson
Bond # 105073201

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Date of Payment Bond Execution February 13, 2009

Name of Principal Contractor Kirkman Construction Inc.

Name of Surety: Travelers Casualty and Surety Company of America

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

Amount of Bond: \$1,009,314.82

Contract ID No.: C202020

County Name: Henderson

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. C202020
County Henderson
Bond # 105073201

(Rev 7-10-08)

CONTRACT PAYMENT BOND

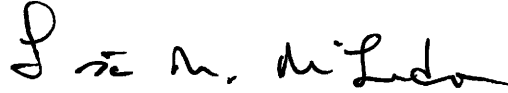
Affix Seal of Surety Company

Travelers Casualty and Surety Company of America

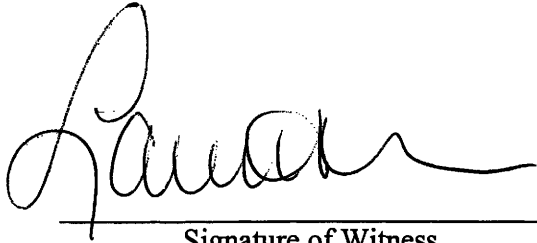
Print or type Surety Company Name

By Lisa M. McLendon

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



Signature of Attorney-in-Fact



Signature of Witness

Laurie Hunter

Print or type Witness's name

PO Box 12457 Charlotte, NC 28220

Address of Attorney-in-Fact

Contract No. C202020
County Henderson
Bond # 105073201

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

KIRKMAN CONSTRUCTION, INC.

Full name of Corporation

P.O. BOX 3026, HUNTERVILLE NC 28070

Address as prequalified

By

Jessica L Kirkman

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

Jessica L Kirkman

Print or type Signer's name

Affix Corporate Seal

Attest

[Signature]

Signature of Secretary, ~~Assistant Secretary~~
Select appropriate title

RICHARD D. KIRKMAN

Print or type Signer's name



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 220671

Certificate No. 002730404

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

T. Arnold Edwards, James A. Muse, Jr., Lisa M. McLendon, Samuel A. Thompson, III, Jeffery H. Haney, John H. Ketner, III, Melanie Somers, and Julie Bell

of the City of Charlotte, State of North Carolina, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 5th day of December, 2008

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: George W. Thompson, Senior Vice President

On this the 5th day of December, 2008, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal. My Commission expires the 30th day of June, 2011.



Marie C. Tetreault
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 13th day of February, 2009

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

Kori M. Johanson
Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

Contract No. C202020
County Henderson
Bond # 105073201

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: February 13, 2009
Name of Principal Contractor: Kirkman Construction Inc
Name of Surety: Travelers Casualty and Surety Company of America
Name of Contracting Body: **North Carolina Department of Transportation**
Raleigh, North Carolina
Amount of Bond: \$1,009,314.82
Contract ID No.: C202020
County Name: Henderson

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. C202020
County Henderson

(Rev 7-10-08)

Bond # 105073201

CONTRACT PERFORMANCE BOND

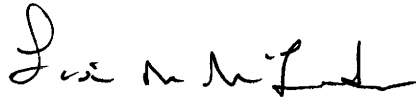
Affix Seal of Surety Company

Travelers Casualty and Surety Company of America

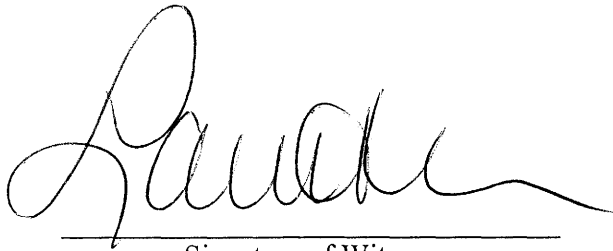
Print or type Surety Company Name

By Lisa M. McLendon

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



Signature of Attorney-in-Fact



Signature of Witness

Laurie Hunter

Print or type Witness's name

PO Box 12457 Charlotte, NC 28220

Address of Attorney-in-Fact

Contract No. C202020
County Henderson
Bond # 105073201

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

KIRKMAN CONSTRUCTION, INC.

Full name of Corporation

P.O. Box 3026, HUNTERSVILLE NC 28070

Address as prequalified

By Jessica L Kirkman
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

Jessica L. Kirkman
Print or type Signer's name

Affix Corporate Seal

Attest

[Signature]
Signature of Secretary, ~~Assistant Secretary~~
Select appropriate title

RICHARD D. KIRKMAN
Print or type Signer's name



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 220671

Certificate No. 002730405

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

T. Arnold Edwards, James A. Muse, Jr., Lisa M. McLendon, Samuel A. Thompson, III, Jeffery H. Haney, John H. Ketner, III, Melanie Somers, and Julie Bell

of the City of Charlotte, State of North Carolina, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 5th day of December, 2008

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 5th day of December, 2008, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal. My Commission expires the 30th day of June, 2011.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 13th day of February, 20 09

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

Kori M. Johanson
Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

