

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

C202111

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202111

WBS 33262.3.1 BRSTP-1573(2)

T.I.P NO. B-3806

COUNTY OF ASHE

THIS IS THE ROADWAY & CULVERT CONTRACT

ROUTE NUMBER SR 1573 LENGTH 0.152 MILES

LOCATION BRIDGE OVER LITTLE PHOENIX CREEK & APPROACHES ON SR-1573.

CONTRACTOR SUMMERS-TAYLOR, INC.

ADDRESS P.O. BOX 1628
ELIZABETHTON, TN 376441628

BIDS OPENED FEBRUARY 17, 2009

CONTRACT EXECUTION MAR 30 2009

Summer-Taylor, Inc. (3746).

Vendor 8 of 10 Vendors for Call Order 002 (Proposal ID C202111).

County: ASHE
Address: P.O. BOX 1628
300 WEST ELK AVE.
ELIZABETHTON, TN 37643

Phone Number: 423-543-3181

Signature Check: This bid has been properly signed by Robert_T._Summers_3746.

Time Bid Received: Tue Feb 17 13:52:10 2009

Bid Checksum: F9A72C7C

Amendment Count: 1

Bidding Errors: No bidding errors.

Bid Total: \$1,168,361.45 ✓

Bond ID: SNC09599971

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$58,418.07

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 2/16/2009 7:04:27 PM

Surety Name: Fidelity And Deposit Company of Maryland

Surety 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 8.5%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
3376	DB REYNOLDS FENCE & GUARDRAIL INC 9320 MACHADO DRIVE , INDIAN TRAIL, NC 28079		Sub	40,637.50
2759	DB SUPERIOR SEEDING, INC. POST OFFICE BOX 12642 , GASTONIA, NC 280520010		Sub	26,980.00
4761	DB TRAFFIC CONTROL SAFETY SERVICES POST OFFICE BOX 24511 , WINSTON-SALEM, NC 27114		Sub	31,725.55
			TOTAL:	\$99,343.05 8.50%

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: SNC09599971
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Fidelity And Deposit Company of Maryland
Bond Execution Date: 2/16/2009 7:04:27 PM
Bond Amount: \$58,418.07 (Five Percent of Bid)

Contract ID: C202111 Project(s): BRSTP-1573(2)
Letting Date: 02-17-09 Call Order: 002
Bidder: 3746 - Summer-Taylor, 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			44,000.00
0003	0043000000-N GRADING	LUMP	LUMP			120,000.00
0004	0050000000-E SUPPLEMENTARY CLEARING & GRUB-BING	ACR 1.000	1.00000			1.00
0005	0057000000-E UNDERCUT EXCAVATION	CY 100.000	10.00000			1,000.00
0006	0080000000-E CLASS IV SUBGRADE STABILIZATION	TON 100.000	30.00000			3,000.00
0007	0195000000-E SELECT GRANULAR MATERIAL	CY 100.000	35.00000			3,500.00
0008	0196000000-E FABRIC FOR SOIL STABILIZATION	SY 100.000	3.50000			350.00
0009	0199000000-E TEMPORARY SHORING	SF 3,230.000	19.50000			62,985.00
0010	0318000000-E FOUNDATION CONDITIONING MATERIAL, MINOR STRS	TON 30.000	35.00000			1,050.00
0011	0366000000-E 15" RC PIPE CULVERTS, CLASS III	LF 116.000	45.00000			5,220.00
0012	0378000000-E 24" RC PIPE CULVERTS, CLASS III	LF 80.000	55.00000			4,400.00

State of NC
Dept of Transportation

Date: 01-15-09
Revised: 02-04-09

Contract ID: C202111

Project(s): BRSTP-1573(2)

Letting Date: 02-17-09 Call Order: 002

Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0013	0714000000-E 18" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	84.000 LF	60.00000		5,040.00	
0014	0995000000-E PIPE REMOVAL	221.000 LF	12.00000		2,652.00	
0015	1121000000-E AGGREGATE BASE COURSE	300.000 TON	30.00000		9,000.00	
0016	1220000000-E INCIDENTAL STONE BASE	50.000 TON	30.00000		1,500.00	
0017	1275000000-E PRIME COAT	263.000 GAL	5.00000		1,315.00	
0018	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	160.000 TON	78.00000		12,480.00	
0019	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	100.000 TON	78.00000		7,800.00	
0020	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	610.000 TON	78.00000		47,580.00	
0021	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	52.000 TON	422.00000		21,944.00	
0022	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	25.000 TON	100.00000		2,500.00	
0023	2000000000-N RIGHT OF WAY MARKERS	11.000 EA	250.00000		2,750.00	
0024	2022000000-E SUBDRAIN EXCAVATION	23.000 CY	10.00000		230.00	

State of NC
Dept of Transportation

Date: 01-15-09
Revised: 02-04-09

Contract ID: C202111

Project(s): BRSTP-1573(2)

Letting Date: 02-17-09 Call Order: 002

Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0025	2033000000-E SUBDRAIN FINE AGGREGATE	17.000 CY	45.00000		765.00	
0026	2044000000-E 6" PERFORATED SUBDRAIN PIPE	100.000 LF	8.00000		800.00	
0027	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	3.000 EA	30.00000		90.00	
0028	2066000000-N CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1.000 EA	500.00000		500.00	
0029	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	6.000 LF	20.00000		120.00	
0030	2286000000-N MASONRY DRAINAGE STRUCTURES	1.000 EA	2,000.00000		2,000.00	
0031	2354000000-N FRAME WITH GRATE, STD 840.22	1.000 EA	400.00000		400.00	
0032	3000000000-N IMPACT ATTENUATOR UNIT, TYPE 350	1.000 EA	12,800.00000		12,800.00	
0033	3030000000-E STEEL BM GUARDRAIL	312.500 LF	24.00000		7,500.00	
0034	3045000000-E STEEL BM GUARDRAIL, SHOP CURVED	112.500 LF	16.00000		1,800.00	
0035	3150000000-N ADDITIONAL GUARDRAIL POSTS	5.000 EA	25.00000		125.00	
0036	3195000000-N GUARDRAIL ANCHOR UNITS, TYPE AT-1	1.000 EA	500.00000		500.00	

State of NC
Dept of Transportation

Date: 01-15-09
Revised: 02-04-09

Contract ID: C202111

Project(s): BRSTP-1573(2)

Letting Date: 02-17-09 Call Order: 002

Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0037	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	6.000 EA	1,700.00000		10,200.00	
0038	3380000000-E TEMPORARY STEEL BM GUARDRAIL	87.500 LF	7.00000		612.50	
0039	3382000000-E TEMPORARY STEEL BM GUARDRAIL (SHOP CURVED)	100.000 LF	9.00000		900.00	
0040	3387000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** TEMPORARY (III)	4.000 EA	750.00000		3,000.00	
0041	3389100000-N GUARDRAIL ANCHOR UNITS, TYPE 350 TEMPORARY	4.000 EA	800.00000		3,200.00	
0042	3628000000-E RIP RAP, CLASS I	70.000 TON	40.00000		2,800.00	
0043	3635000000-E RIP RAP, CLASS II	96.000 TON	40.00000		3,840.00	
0044	3649000000-E RIP RAP, CLASS B	3.000 TON	40.00000		120.00	
0045	3656000000-E FILTER FABRIC FOR DRAINAGE	903.000 SY	3.00000		2,709.00	
0046	4400000000-E WORK ZONE SIGNS (STATIONARY)	543.000 SF	4.45000		2,416.35	
0047	4405000000-E WORK ZONE SIGNS (PORTABLE)	414.000 SF	9.10000		3,767.40	

State of NC
Dept of Transportation

Date: 01-15-09
Revised: 02-04-09

Contract ID: C202111

Project(s): BRSTP-1573(2)

Letting Date: 02-17-09 Call Order: 002

Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0048	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	SF 28.000	5.75000		161.00	
0049	4430000000-N DRUMS	EA 41.000	36.00000		1,476.00	
0050	4435000000-N CONES	EA 20.000	14.50000		290.00	
0051	4445000000-E BARRICADES (TYPE III)	LF 58.000	20.00000		1,160.00	
0052	4450000000-N FLAGGER	HR 900.000	20.00000		18,000.00	
0053	4480000000-N TMIA	EA 1.000	13,000.00000		13,000.00	
0054	4507000000-E WATER FILLED BARRIER	LF 156.000	53.30000		8,314.80	
0055	4516000000-N SKINNY DRUM	EA 40.000	28.50000		1,140.00	
0056	4650000000-N TEMPORARY RAISED PAVEMENT MARKERS	EA 118.000	5.00000		590.00	
0057	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 22,018.000	0.30000		6,605.40	
0058	4835000000-E PAINT PAVEMENT MARKING LINES (24")	LF 314.000	3.00000		942.00	
0059	4850000000-E REMOVAL OF PAVEMENT MARKING LINES (4")	LF 1,036.000	1.00000		1,036.00	

State of NC
Dept of Transportation

Date: 01-15-09
Revised: 02-04-09

Contract ID: C202111 Project(s): BRSTP-1573(2)
Letting Date: 02-17-09 Call Order: 002
Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0060	4870000000-E REMOVAL OF PAVEMENT MARKING LINES (24")	44.000 LF	3.00000		132.00	
0061	6000000000-E TEMPORARY SILT FENCE	2,400.000 LF	4.50000		10,800.00	
0062	6006000000-E STONE FOR EROSION CONTROL, CLASS A	205.000 TON	38.00000		7,790.00	
0063	6009000000-E STONE FOR EROSION CONTROL, CLASS B	200.000 TON	38.00000		7,600.00	
0064	6012000000-E SEDIMENT CONTROL STONE	355.000 TON	38.00000		13,490.00	
0065	6015000000-E TEMPORARY MULCHING	2.000 ACR	1,040.00000		2,080.00	
0066	6018000000-E SEED FOR TEMPORARY SEEDING	100.000 LB	10.40000		1,040.00	
0067	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	1.250 TON	1,040.00000		1,300.00	
0068	6024000000-E TEMPORARY SLOPE DRAINS	400.000 LF	12.00000		4,800.00	
0069	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	3.000 EA	150.00000		450.00	
0070	6029000000-E SAFETY FENCE	580.000 LF	2.50000		1,450.00	
0071	6030000000-E SILT EXCAVATION	395.000 CY	5.00000		1,975.00	

State of NC
Dept of Transportation

Date: 01-15-09
Revised: 02-04-09

Contract ID: C202111 Project(s): BRSTP-1573(2)
Letting Date: 02-17-09 Call Order: 002
Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0072	6036000000-E MATTING FOR EROSION CONTROL	4,750.000 SY	2.50000		11,875.00	
0073	6037000000-E COIR FIBER MAT	10.000 SY	20.00000		200.00	
0074	6042000000-E 1/4" HARDWARE CLOTH	250.000 LF	5.00000		1,250.00	
0075	6070000000-N SPECIAL STILLING BASINS	8.000 EA	750.00000		6,000.00	
0076	6071010000-E WATTLE	100.000 LF	15.00000		1,500.00	
0077	6071020000-E POLYACRYLAMIDE (PAM)	36.000 LB	30.00000		1,080.00	
0078	6071030000-E COIR FIBER BAFFLES	40.000 LF	12.00000		480.00	
0079	6071050000-E *** SKIMMER (1-1/2")	1.000 EA	1,250.00000		1,250.00	
0080	6084000000-E SEEDING & MULCHING	4.000 ACR	2,080.00000		8,320.00	
0081	6087000000-E MOWING	1.500 ACR	52.00000		78.00	
0082	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	1.05000		52.50	
0083	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	4,000.00000		1,000.00	

State of NC
Dept of Transportation

Date: 01-15-09
Revised: 02-04-09

Contract ID: C202111

Project(s): BRSTP-1573(2)

Letting Date: 02-17-09 Call Order: 002

Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0084	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	50.000 LB	1.05000		52.50	
0085	6108000000-E FERTILIZER TOPDRESSING	1.500 TON	5,200.00000		7,800.00	
0086	6111000000-E IMPERVIOUS DIKE	340.000 LF	67.60000		22,984.00	
0087	6114000000-N SPECIALIZED HAND MOWING	5.000 HR	10.40000		52.00	
0088	6117000000-N RESPONSE FOR EROSION CONTROL	12.000 EA	400.00000		4,800.00	
0089	6123000000-E REFORESTATION	0.150 ACR	2,700.00000		405.00	
Section 0001 Total						596,063.45

Section 0002 STRUCTURE ITEMS

Alt Group

0090	8007000000-N CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP STRUCTURE AT STA ***** (15+83.00-L-)	LUMP	LUMP		198,000.00	
0091	8056000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (15+83.00-L-)	LUMP	LUMP		17,500.00	
0092	8196000000-E CLASS A CONCRETE (CULVERT)	112.000 CY	784.00000		87,808.00	

State of NC
 Dept of Transportation

Date: 01-15-09
 Revised: 02-04-09

Contract ID: C202111

Project(s): BRSTP-1573(2)

Letting Date: 02-17-09 Call Order: 002

Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0093	8590000000-E RIP RAP, CLASS ** (II)	22.000 TON	45.00000		990.00	
0094	8804000000-N GENERIC CULVERT ITEM PRECAST REINFORCED CONCRETE 3-SIDED CULVERT @ STA. 15+83.00-L-	LUMP	LUMP		268,000.00	
Section 0002 Total						572,298.00
Bid Total						1,168,361.45 ✓

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.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT ITEMS

DATE: 01-15-09
PAGE: 12

PROPOSAL: C202111
LETTING: L090217 CALL: 002
VENDOR: 3746 Summer-Taylor, Inc.

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

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

0032	3000000000-N	IMPACT ATTEN	EA	1.000	12800.00000	12800.00
0033	3030000000-E	STL BM GUARD	LF	312.500	24.00000	7500.00
0034	3045000000-E	SBGR SHOP CU	LF	112.500	16.00000	1800.00
0035	3150000000-N	ADDIT GUARDR	EA	5.000	25.00000	125.00
0036	3195000000-N	GR ANCHOR TY	EA	1.000	500.00000	500.00
0037	3270000000-N	GR ANCHOR TY	EA	6.000	1700.00000	10200.00
0038	3380000000-E	TEMP STL BM	LF	87.500	7.00000	612.50
0039	3382000000-E	TEMP STL BM	LF	100.000	9.00000	900.00
0040	3387000000-N	GDRL ANCH UN	EA	4.000	750.00000	3000.00
0041	3389100000-N	GDRL ANCH UN	EA	4.000	800.00000	3200.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 40,637.50 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 40,637.

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

0065	6015000000-E	TEMPORARY MU	ACR	2.000	1040.00000	2080.00
0066	6018000000-E	SEED FOR TEM	LB	100.000	10.40000	1040.00
0067	6021000000-E	FERT FOR TEM	TON	1.250	1040.00000	1300.00
0080	6084000000-E	SEEDING AND	ACR	4.000	2080.00000	8320.00
0081	6087000000-E	MOWING	ACR	1.500	52.00000	78.00
0082	6090000000-E	SEED FOR REP	LB	50.000	1.05000	52.50
0083	6093000000-E	FERT FOR REP	TON	0.250	4000.00000	1000.00
0084	6096000000-E	SEED FOR SUP	LB	50.000	1.05000	52.50
0085	6108000000-E	FERTILIZER T	TON	1.500	5200.00000	7800.00
0087	6114000000-N	SPECIALIZED	HR	5.000	10.40000	52.00
0088	6117000000-N	RESPONSE FOR	EA	12.000	400.00000	4800.00
0089	6123000000-E	REFORESTATIO	ACR	0.150	2700.00000	405.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 26,980.00 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 26,980.

DBE SUBCONTRACTOR: 4761 TRAFFIC CONTROL SAFETY SERVICES, INC.
Will Use Quote: Yes

0046	4400000000-E	WORK ZONE SI	SF	543.000	4.45000	2416.35
0047	4405000000-E	WORK ZONE SI	SF	414.000	9.10000	3767.40
0048	4410000000-E	WORK ZONE SI	SF	28.000	5.75000	161.00
0049	4430000000-N	DRUMS	EA	41.000	36.00000	1476.00
0050	4435000000-N	CONES	EA	20.000	14.50000	290.00
0051	4445000000-E	BARRICADES (LF	58.000	20.00000	1160.00
0053	4480000000-N	TMIA	EA	1.000	13000.00000	13000.00
0054	4507000000-E	WATER FILLED	LF	156.000	53.30000	8314.80

Check: F9A72C7C Page 12

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT ITEMS

DATE: 01-15-09
PAGE: 13

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
0055	4516000000-N	SKINNY DRUM	EA	40.000	28.50000	1140.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						31,725.55
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						31,725.

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 8.50% or 99343.05
 Required: 7.00% or 81785.30
 <GOAL MET>

Contract Item Sheets For C202111

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	44,000.00	44,000.00
0003	0043000000-N	226	GRADING	Lump Sum LS	120,000.00	120,000.00
0004	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	1.00	1.00
0005	0057000000-E	226	UNDERCUT EXCAVATION	100 CY	10.00	1,000.00
0006	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	100 TON	30.00	3,000.00
0007	0195000000-E	265	SELECT GRANULAR MATERIAL	100 CY	35.00	3,500.00
0008	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	100 SY	3.50	350.00
0009	0199000000-E	SP	TEMPORARY SHORING	3,230 SF	19.50	62,985.00
0010	0318000000-E	300	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	30 TON	35.00	1,050.00
0011	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	116 LF	45.00	5,220.00
0012	0378000000-E	310	24" RC PIPE CULVERTS, CLASS III	80 LF	55.00	4,400.00
0013	0714000000-E	310	18" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	84 LF	60.00	5,040.00
0014	0995000000-E	340	PIPE REMOVAL	221 LF	12.00	2,652.00
0015	1121000000-E	520	AGGREGATE BASE COURSE	300 TON	30.00	9,000.00
0016	1220000000-E	545	INCIDENTAL STONE BASE	50 TON	30.00	1,500.00
0017	1275000000-E	600	PRIME COAT	263 GAL	5.00	1,315.00
0018	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	160 TON	78.00	12,480.00
0019	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	100 TON	78.00	7,800.00

Contract Item Sheets For C202111

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0020	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	610 TON	78.00	47,580.00
0021	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	52 TON	422.00	21,944.00
0022	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	25 TON	100.00	2,500.00
0023	2000000000-N	806	RIGHT OF WAY MARKERS	11 EA	250.00	2,750.00
0024	2022000000-E	815	SUBDRAIN EXCAVATION	23 CY	10.00	230.00
0025	2033000000-E	815	SUBDRAIN FINE AGGREGATE	17 CY	45.00	765.00
0026	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	100 LF	8.00	800.00
0027	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	3 EA	30.00	90.00
0028	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA	500.00	500.00
0029	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF	20.00	120.00
0030	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	1 EA	2,000.00	2,000.00
0031	2354000000-N	840	FRAME WITH GRATE, STD 840.22	1 EA	400.00	400.00
0032	3000000000-N	SP	IMPACT ATTENUATOR UNIT, TYPE 350	1 EA	12,800.00	12,800.00
0033	3030000000-E	862	STEEL BM GUARDRAIL	312.5 LF	24.00	7,500.00
0034	3045000000-E	862	STEEL BM GUARDRAIL, SHOP CURVED	112.5 LF	16.00	1,800.00
0035	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	25.00	125.00
0036	3195000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE AT-1	1 EA	500.00	500.00
0037	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	6 EA	1,700.00	10,200.00

Contract Item Sheets For C202111

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0038	3380000000-E	862	TEMPORARY STEEL BM GUARDRAIL	87.5 LF	7.00	612.50
0039	3382000000-E	862	TEMPORARY STEEL BM GUARDRAIL (SHOP CURVED)	100 LF	9.00	900.00
0040	3387000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE ***** TEMPORARY (III)	4 EA	750.00	3,000.00
0041	3389100000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350 TEMPORARY	4 EA	800.00	3,200.00
0042	3628000000-E	876	RIP RAP, CLASS I	70 TON	40.00	2,800.00
0043	3635000000-E	876	RIP RAP, CLASS II	96 TON	40.00	3,840.00
0044	3649000000-E	876	RIP RAP, CLASS B	3 TON	40.00	120.00
0045	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	903 SY	3.00	2,709.00
0046	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	543 SF	4.45	2,416.35
0047	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	414 SF	9.10	3,767.40
0048	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	28 SF	5.75	161.00
0049	4430000000-N	1130	DRUMS	41 EA	36.00	1,476.00
0050	4435000000-N	1135	CONES	20 EA	14.50	290.00
0051	4445000000-E	1145	BARRICADES (TYPE III)	58 LF	20.00	1,160.00
0052	4450000000-N	1150	FLAGGER	900 HR	20.00	18,000.00
0053	4480000000-N	1165	TMIA	1 EA	13,000.00	13,000.00
0054	4507000000-E	SP	WATER FILLED BARRIER	156 LF	53.30	8,314.80
0055	4516000000-N	1180	SKINNY DRUM	40 EA	28.50	1,140.00
0056	4650000000-N	1251	TEMPORARY RAISED PAVEMENT MARKERS	118 EA	5.00	590.00

Contract Item Sheets For C202111

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0057	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	22,018 LF	0.30	6,605.40
0058	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	314 LF	3.00	942.00
0059	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	1,036 LF	1.00	1,036.00
0060	4870000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (24")	44 LF	3.00	132.00
0061	6000000000-E	1605	TEMPORARY SILT FENCE	2,400 LF	4.50	10,800.00
0062	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	205 TON	38.00	7,790.00
0063	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	200 TON	38.00	7,600.00
0064	6012000000-E	1610	SEDIMENT CONTROL STONE	355 TON	38.00	13,490.00
0065	6015000000-E	1615	TEMPORARY MULCHING	2 ACR	1,040.00	2,080.00
0066	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	100 LB	10.40	1,040.00
0067	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	1.25 TON	1,040.00	1,300.00
0068	6024000000-E	1622	TEMPORARY SLOPE DRAINS	400 LF	12.00	4,800.00
0069	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	3 EA	150.00	450.00
0070	6029000000-E	SP	SAFETY FENCE	580 LF	2.50	1,450.00
0071	6030000000-E	1630	SILT EXCAVATION	395 CY	5.00	1,975.00
0072	6036000000-E	1631	MATTING FOR EROSION CONTROL	4,750 SY	2.50	11,875.00
0073	6037000000-E	SP	COIR FIBER MAT	10 SY	20.00	200.00
0074	6042000000-E	1632	1/4" HARDWARE CLOTH	250 LF	5.00	1,250.00

Contract Item Sheets For C202111

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0075	6070000000-N	SP	SPECIAL STILLING BASINS	8 EA	750.00	6,000.00
0076	6071010000-E	SP	WATTLE	100 LF	15.00	1,500.00
0077	6071020000-E	SP	POLYACRYLAMIDE (PAM)	36 LB	30.00	1,080.00
0078	6071030000-E	SP	COIR FIBER BAFFLES	40 LF	12.00	480.00
0079	6071050000-E	SP	**" SKIMMER (1-1/2")	1 EA	1,250.00	1,250.00
0080	6084000000-E	1660	SEEDING & MULCHING	4 ACR	2,080.00	8,320.00
0081	6087000000-E	1660	MOWING	1.5 ACR	52.00	78.00
0082	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	1.05	52.50
0083	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	4,000.00	1,000.00
0084	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	1.05	52.50
0085	6108000000-E	1665	FERTILIZER TOPDRESSING	1.5 TON	5,200.00	7,800.00
0086	6111000000-E	SP	IMPERVIOUS DIKE	340 LF	67.60	22,984.00
0087	6114000000-N	SP	SPECIALIZED HAND MOWING	5 HR	10.40	52.00
0088	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12 EA	400.00	4,800.00
0089	6123000000-E	1670	REFORESTATION	0.15 ACR	2,700.00	405.00

Contract Item Sheets For C202111

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0090	8007000000-N	SP	CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP STRUCTURE AT STA ***** (15+83.00-L-)	Lump Sum LS	198,000.00	198,000.00
0091	8056000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (15+83.00-L-)	Lump Sum LS	17,500.00	17,500.00
0092	8196000000-E	420	CLASS A CONCRETE (CULVERT)	112 CY	784.00	87,808.00
0093	8590000000-E	876	RIP RAP, CLASS ** (II)	22 TON	45.00	990.00
0094	8804000000-N	SP	GENERIC CULVERT ITEM PRECAST REINFORCED CONCRETE 3- SIDED CULVERT @ STA. 15+83.00-L-	Lump Sum LS	268,000.00	268,000.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,168,361.45 ✓

Contract Number C202111
County ASHE

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


SUMMERS-TAYLOR, INC.

Full name of Corporation

P. O. BOX 1628, ELIZABETHTON, TN 37644-1628

Address as Prequalified

Attest


Secretary/Assistant Secretary
Select appropriate title

By


President/Vice President/Assistant Vice President
Select appropriate title

DANNY MATTHEWS

Print or type Signer's name

B. E. CHANDLER

Print or type Signer's name


CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

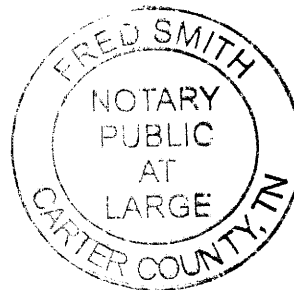
23RD day of MARCH 2009.


Signature of Notary Public

of CARTER County

State of TENNESSEE

My Commission Expires: 10/06/12



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.

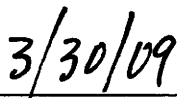
Contract No C202111

County (ies): Ashe

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202111
County ASHE
BOND# 8914596

FS

Rev. 5-13-08

CONTRACT PAYMENT BOND

Date of Payment Bond Execution: MARCH 25, 2009

Name of Principal Contractor: SUMMERS-TAYLOR, INC.

Name of Surety: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

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

Amount of Bond: \$1,168,361.45

Contract ID No.: C202111

County Name(s): ASHE

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. C202111
County ASHE

Rev 02-13-04

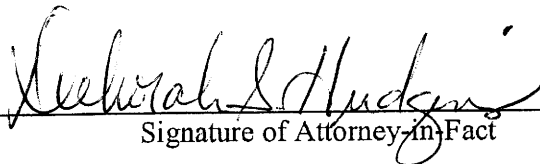
CONTRACT PAYMENT BOND

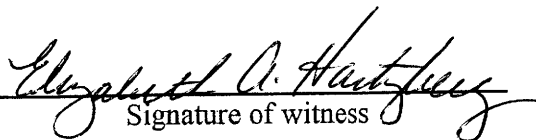
Affix Seal of Surety Company

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Print or type Surety Company Name

By DEBORAH S. HUDGINS
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of witness

ELIZABETH A. HARTZBERG
Print or type witness' name

MARSH USA, Inc.
1801 West End Ave. Ste. 1500
Nashville, TN 37203
(615) 340-2400 (P)
(615) 340-2437 (F)

Address of Attorney-in-Fact

Contract No. C202111
County ASHE

Rev 02-13-04

CONTRACT PAYMENT BOND

CORPORATION


SIGNATURE OF CONTRACTOR (Principal)

SUMMERS-TAYLOR, INC.

Print or type full name of Corporation

P. O. BOX 1628, ELIZABETHTON, TN 37644-1628


Address as prequalified

By 
Signature of ~~President, Vice President, Assistant Vice President~~
Delete inappropriate title

B. E. Chandler

Print or type signer's name

Attest


Signature of Secretary, ~~Assistant Secretary~~
Delete inappropriate title

Fred Smith

Print or type signer's name

Affix Corporate Seal

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY and Elizabeth A. HARTZBERG, all of Nashville, Tennessee, EACH as true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety and as its act and deed, any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md. in their own proper persons. This power of attorney revokes that issued on behalf of E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY, dated September 14, 2005.**

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 4th day of May, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

Theodore G. Martinez

Gregory E. Murray Assistant Secretary

By: *Theodore G. Martinez*

State of Maryland }
City of Baltimore } ss:

On this 4th day of May, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

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



Constance A. Dunn

Constance A. Dunn Notary Public
My Commission Expires: July 14, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

CERTIFICATE

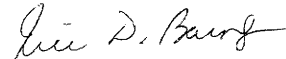
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 25 day of MARCH, 2009.



Assistant Secretary

Contract No. C202111
County ASHE
BOND# 8914596

Rev. 5-13-08

CONTRACT PERFORMANCE BOND

Date of Contract Bond Execution MARCH 25, 2009

Name of Principal Contractor: SUMMERS-TAYLOR, INC.

Name of Surety: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

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

Amount of Bond: \$1,168,361.45

Contract ID No.: C202111

County Name(s): ASHE

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

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

Contract Number C202111
County ASHE

Rev 02-13-04

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

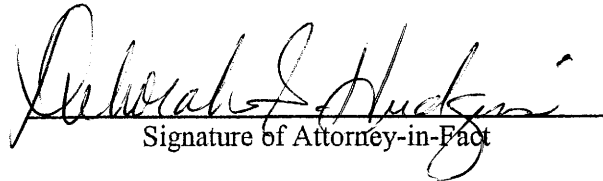
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

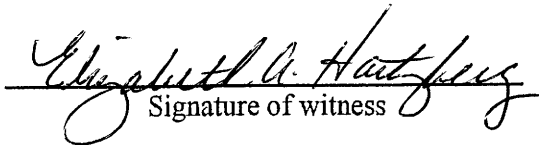
Print or type Surety Company Name

By DEBORAH S. HUDGINS

Attorney-in-Fact

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


Signature of Attorney-in-Fact


Signature of witness

ELIZABETH A. HARTZBERG

Print or type witness' name

MARSH USA, Inc.
1801 West End Ave. Ste. 1500
Nashville, TN 37203
(615) 340-2400 (P)
(615) 340-2437 (F)

Address of Attorney-in-Fact

CONTRACT PERFORMANCE BOND
CORPORATION


SIGNATURE OF CONTRACTOR (Principal)

SUMMERS-TAYLOR, INC.

Print full name of Corporation


P. O. BOX 1628, ELIZABETHTON, TN 37644-1628

Address as prequalified

By 
Signature of ~~President~~, Vice President, ~~Assistant Vice President~~
Delete inappropriate title

B. E. Chandler

Print or type signer's name

Attest 
Signature of Secretary, ~~Assistant Secretary~~
Delete inappropriate title

Fred Smith

Print or type signer's name

Affix Corporate Seal

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY and Elizabeth A. HARTZBERG, all of Nashville, Tennessee, EACH** as true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety and as its act and deed, ~~any and all bonds and undertakings,~~ and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY, dated September 14, 2005.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 4th day of May, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

Theodore G. Martinez

By:

Gregory E. Murray Assistant Secretary

Theodore G. Martinez

State of Maryland }
City of Baltimore } ss:

On this 4th day of May, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

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



Constance A. Dunn

Constance A. Dunn

Notary Public

My Commission Expires: July 14, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

CERTIFICATE

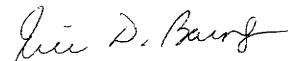
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 25 day of MARCH, 2009.



Assistant Secretary