

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

C202213

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202213

WBS 45049.3.ST1 STM-0176(6)

T.I.P NO. U-5123

COUNTY OF HENDERSON
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER US 176 LENGTH 4.980 MILES
LOCATION US-176 FROM US-225 TO 2 LANE SECTION SOUTH OF US-25.

CONTRACTOR APAC- ATLANTIC, INC. ASHEVILLE DIVISION
ADDRESS P.O. BOX 6939
ASHEVILLE, NC 28816

BIDS OPENED APRIL 21, 2009
CONTRACT EXECUTION MAY 12 2009

APAC-Atlantic, Inc. Asheville Division (4317).

Vendor 2 of 3 Vendors for Call Order 025 (Proposal ID C202213).

County: HENDERSON
Address: PO Box 6939
Asheville, NC 28816

Phone Number: 828-665-1180

Signature Check: This bid has been properly signed by David_B_Caldwell_4317.

Time Bid Received: Tue Apr 21 13:50:27 2009

Bid Checksum: D91AE797

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$2,596,554.47 ✓

Bond ID: SNC09799537

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$129,827.72

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 4/1/2009 4:17:13 PM

Surety Name: Liberty Mutual Insurance Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 2.0% ✓
DBE GOAL MET 2.1% ✓

LIST OF DBE PARTICIPANTS

| VENDOR NUMBER | DBE NAME ADDRESS | WORK CODE TYPE OF WORK | CERT TYPE | AMOUNT |
|---------------|--|------------------------|-----------|----------------------|
| 10129 | DB CONCRETE SPECIALTY CONTRACTORS POST OFFICE BOX 2303 , SHELBY, NC 28151 | | Sub | 36,140.00 |
| 7876 | DB EMERY SEALCO, INC. DBA EMERY AS P.O. BOX 814 , ARDEN, NC 28704 | | Man | 18,667.52 |
| | | | TOTAL: | \$54,807.52 2.11% |

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. 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 | |

Bid Bond Data Info - Contractor Responses:

BondID: SNC09799537
 Surety Registry Agency: surety2000
 Verified?: Yes
 Surety Agency: Liberty Mutual Insurance Company
 Bond Execution Date: 4/1/2009 4:17:13 PM
 Bond Amount: \$129,827.72 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 03-24-09
Revised:

Contract ID: C202213 Project(s): STM-0176(6)
Letting Date: 04-21-09 Call Order: 025
Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

| 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 MOBILIZATIO N | LUMP | LUMP | | | 50,000.00 |
| 0002 | 0366000000-E 15" RC PIPE CULVERTS, CLASS III | LF | 190.000 | 39.00000 | | 7,410.00 |
| 0003 | 1245000000-E SHOULDER RECONSTRUCTION | SMI | 0.500 | 5,000.22000 | | 2,500.11 |
| 0004 | 1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2-1/2") | SY | 40,000.000 | 0.90000 | | 36,000.00 |
| 0005 | 1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 1-1/2") | SY | 7,000.000 | 1.56000 | | 10,920.00 |
| 0006 | 1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (2-1/2" TO 4") | SY | 67,000.000 | 1.21000 | | 81,070.00 |
| 0007 | 1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B | TON | 15,248.000 | 43.50000 | | 663,288.00 |
| 0008 | 1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B | TON | 15,550.000 | 41.00000 | | 637,550.00 |
| 0009 | 1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22 | TON | 1,650.000 | 410.00000 | | 676,500.00 |
| 0010 | 1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR | TON | 210.000 | 100.00000 | | 21,000.00 |

State of NC
 Dept of Transportation

Date: 03-24-09
 Revised:

Contract ID: C202213 Project(s): STM-0176(6)
 Letting Date: 04-21-09 Call Order: 025
 Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

| Line No. | Item Description | Approx. Quantity and Units | Unit Price | | Bid Amount | |
|----------|---|----------------------------|-------------|-----|------------|----|
| | | | Dollars | Cts | Dollars | Ct |
| 0011 | 2286000000-N MASONRY DRAINAGE STRUCTURES | EA 3.000 | 1,200.05000 | | 3,600.15 | |
| 0012 | 2374000000-N FRAME WITH GRATE & HOOD, STD 840.03, TYPE ** (E) | EA 3.000 | 326.36000 | | 979.08 | |
| 0013 | 2549000000-E 2'-6" CONCRETE CURB & GUTTER | LF 400.000 | 22.50000 | | 9,000.00 | |
| 0014 | 2600000000-N RETROFIT EXISTING WHEELCHAIR RAMPS | EA 22.000 | 850.04000 | | 18,700.88 | |
| 0015 | 2605000000-N CONCRETE WHEELCHAIR RAMPS | EA 4.000 | 1,450.06000 | | 5,800.24 | |
| 0016 | 2612000000-E 6" CONCRETE DRIVEWAY | SY 40.000 | 66.00000 | | 2,640.00 | |
| 0017 | 2800000000-N ADJUSTMENT OF CATCH BASINS | EA 2.000 | 1,230.06000 | | 2,460.12 | |
| 0018 | 2830000000-N ADJUSTMENT OF MANHOLES | EA 27.000 | 1,250.55000 | | 33,764.85 | |
| 0019 | 2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES | EA 30.000 | 847.92000 | | 25,437.60 | |
| 0020 | 3883000000-N GENERIC TRACKWORK ITEM REMOVAL & DISPOSAL OF RAILROAD SPUR TRACK | LUMP | LUMP | | 12,025.52 | |
| 0021 | 4415000000-N FLASHING ARROW PANELS, TYPE C | EA 2.000 | 4,000.00000 | | 8,000.00 | |

State of NC
Dept of Transportation

Date: 03-24-09
Revised:

Contract ID: C202213 Project(s): STM-0176(6)
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| Line No. | Item Description | Approx. Quantity and Units | Unit Price | | Bid Amount | |
|--------------------|---|----------------------------|--------------|-----|------------|--------------|
| | | | Dollars | Cts | Dollars | Ct |
| 0022 | 4420000000-N CHANGEABLE MESSAGE SIGN | EA 2.000 | 10,000.00000 | | 20,000.00 | |
| 0023 | 4430000000-N DRUMS | EA 500.000 | 40.00000 | | 20,000.00 | |
| 0024 | 4435000000-N CONES | EA 500.000 | 20.00000 | | 10,000.00 | |
| 0025 | 4480000000-N TMIA | EA 2.000 | 8,000.00000 | | 16,000.00 | |
| 0026 | 4810000000-E PAINT PAVEMENT MARKING LINES (4") | LF 272,500.000 | 0.16000 | | 43,600.00 | |
| 0027 | 4820000000-E PAINT PAVEMENT MARKING LINES (8") | LF 300.000 | 0.42000 | | 126.00 | |
| 0028 | 4835000000-E PAINT PAVEMENT MARKING LINES (24") | LF 2,000.000 | 2.75000 | | 5,500.00 | |
| 0029 | 4845000000-N PAINT PAVEMENT MARKING SYMBOL | EA 161.000 | 57.50000 | | 9,257.50 | |
| 0030 | 4905000000-N SNOWPLOWABLE PAVEMENT MARKERS | EA 1,652.000 | 20.85000 | | 34,444.20 | |
| 0031 | 5255000000-N PORTABLE LIGHTING | LUMP | LUMP | | 4,980.22 | |
| 0032 | 7444000000-E INDUCTIVE LOOP SAWCUT | LF 20,000.000 | 6.20000 | | 124,000.00 | |
| Section 0001 Total | | | | | | 2,596,554.47 |

State of NC
Dept of Transportation

Date: 03-24-09
Revised:

Contract ID: C202213 Project(s): STM-0176(6)
Letting Date: 04-21-09 Call Order: 025
Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

| Line No. | Item Description | Approx. Quantity and Units | Unit Price | | Bid Amount | |
|-------------|---------------------|----------------------------------|------------|-----|--------------|----|
| | | | Dollars | Cts | Dollars | Ct |
| | Bid Total | | | | 2,596,554.47 | |

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 | |

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:03-24-09
 PAGE: 7

PROPOSAL: C202213
 LETTING: L090421 CALL: 025
 VENDOR: 4317 APAC-Atlantic, Inc. Asheville Division

| LINE NO. | ITEM NO. | ITEM DESC. | UNIT TYPE | SUBCONTRACTOR QUANTITY | SUBCONTRACTOR UNIT PRICE | EXTENDED AMOUNT |
|---|--------------|-----------------|-----------|------------------------|--------------------------|-----------------|
| DBE SUBCONTRACTOR: 10129 CONCRETE SPECIALTY CONTRACTORS INC. Will Use Quote: Yes | | | | | | |
| 0013 | 2549000000-E | 2'-6"CONC CU LF | | 400.000 | 22.50000 | 9000.00 |
| 0014 | 2600000000-N | RETROFIT EXT EA | | 22.000 | 850.00000 | 18700.00 |
| 0015 | 2605000000-N | CONC WHEELCH EA | | 4.000 | 1450.00000 | 5800.00 |
| 0016 | 2612000000-E | 6" CONCRETE SY | | 40.000 | 66.00000 | 2640.00 |
| DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: | | | | | | 36,140.00 |
| DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) | | | | | | 36,140. |

| | | | | | | |
|--|--------------|------------------|--|-----------|---------|-----------|
| DBE SUBCONTRACTOR: 7876 EMERY SEALCO, INC. DBA EMERY ASPHALT EMULSION Will Use Quote: Yes | | | | | | |
| 0008 | 1519000000-E | ASP CONC SUR TON | | 15550.000 | 0.72000 | 11196.00 |
| 0007 | 1498000000-E | ASP CONC INT TON | | 15248.000 | 0.49000 | 7471.52 |
| DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: | | | | | | 18,667.52 |
| DBE COMMITMENT TOTAL FOR VENDOR (Manufacturer) | | | | | | 18,667. |

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 2.11% or 54807.52
 Required: 2.00% or 51931.09
 <GOAL MET>

Contract Item Sheets For C202213

| Line # | ItemNumber | Sec # | Description | Quantity Unit | Unit Bid Price | Amount Bid |
|----------------------|--------------|-------|--|----------------|----------------|------------|
| ROADWAY ITEMS | | | | | | |
| 0001 | 0000100000-N | 800 | MOBILIZATION | Lump Sum LS | 50,000.00 | 50,000.00 |
| 0002 | 0366000000-E | 310 | 15" RC PIPE CULVERTS, CLASS III | 190 LF | 39.00 | 7,410.00 |
| 0003 | 1245000000-E | SP | SHOULDER RECONSTRUCTION | 0.5 SMI | 5,000.22 | 2,500.11 |
| 0004 | 1297000000-E | 607 | MILLING ASPHALT PAVEMENT, **** DEPTH (2-1/2") | 40,000 SY | 0.90 | 36,000.00 |
| 0005 | 1308000000-E | 607 | MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 1-1/2") | 7,000 SY | 1.56 | 10,920.00 |
| 0006 | 1308000000-E | 607 | MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (2-1/2" TO 4") | 67,000 SY | 1.21 | 81,070.00 |
| 0007 | 1498000000-E | 610 | ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B | 15,248 TON | 43.50 | 663,288.00 |
| 0008 | 1519000000-E | 610 | ASPHALT CONC SURFACE COURSE, TYPE S9.5B | 15,550 TON | 41.00 | 637,550.00 |
| 0009 | 1560000000-E | 620 | ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22 | 1,650 TON | 410.00 | 676,500.00 |
| 0010 | 1693000000-E | 654 | ASPHALT PLANT MIX, PAVEMENT REPAIR | 210 TON | 100.00 | 21,000.00 |
| 0011 | 2286000000-N | 840 | MASONRY DRAINAGE STRUCTURES | 3 EA | 1,200.05 | 3,600.15 |
| 0012 | 2374000000-N | 840 | FRAME WITH GRATE & HOOD, STD 840.03, TYPE ** (E) | 3 EA | 326.36 | 979.08 |
| 0013 | 2549000000-E | 846 | 2'-6" CONCRETE CURB & GUTTER | 400 LF | 22.50 | 9,000.00 |
| 0014 | 2600000000-N | SP | RETROFIT EXISTING WHEELCHAIR RAMPS | 22 EA | 850.04 | 18,700.88 |
| 0015 | 2605000000-N | 848 | CONCRETE WHEELCHAIR RAMPS | 4 EA | 1,450.06 | 5,800.24 |
| 0016 | 2612000000-E | 848 | 6" CONCRETE DRIVEWAY | 40 SY | 66.00 | 2,640.00 |

Contract Item Sheets For C202213

| Line # | ItemNumber | Sec # | Description | Quantity Unit | Unit Bid Price | Amount Bid |
|--------|--------------|-------|--|----------------|----------------|------------|
| 0017 | 2800000000-N | 858 | ADJUSTMENT OF CATCH BASINS | 2 EA | 1,230.06 | 2,460.12 |
| 0018 | 2830000000-N | 858 | ADJUSTMENT OF MANHOLES | 27 EA | 1,250.55 | 33,764.85 |
| 0019 | 2845000000-N | 858 | ADJUSTMENT OF METER BOXES OR VALVE BOXES | 30 EA | 847.92 | 25,437.60 |
| 0020 | 3883000000-N | SP | GENERIC TRACKWORK ITEM REMOVAL & DISPOSAL OF RAILROAD SPUR TRACK | Lump Sum LS | 12,025.52 | 12,025.52 |
| 0021 | 4415000000-N | 1115 | FLASHING ARROW PANELS, TYPE C | 2 EA | 4,000.00 | 8,000.00 |
| 0022 | 4420000000-N | 1120 | CHANGEABLE MESSAGE SIGN | 2 EA | 10,000.00 | 20,000.00 |
| 0023 | 4430000000-N | 1130 | DRUMS | 500 EA | 40.00 | 20,000.00 |
| 0024 | 4435000000-N | 1135 | CONES | 500 EA | 20.00 | 10,000.00 |
| 0025 | 4480000000-N | 1165 | TMIA | 2 EA | 8,000.00 | 16,000.00 |
| 0026 | 4810000000-E | 1205 | PAINT PAVEMENT MARKING LINES (4") | 272,500 LF | 0.16 | 43,600.00 |
| 0027 | 4820000000-E | 1205 | PAINT PAVEMENT MARKING LINES (8") | 300 LF | 0.42 | 126.00 |
| 0028 | 4835000000-E | 1205 | PAINT PAVEMENT MARKING LINES (24") | 2,000 LF | 2.75 | 5,500.00 |
| 0029 | 4845000000-N | 1205 | PAINT PAVEMENT MARKING SYMBOL | 161 EA | 57.50 | 9,257.50 |
| 0030 | 4905000000-N | 1253 | SNOWPLOWABLE PAVEMENT MARKERS | 1,652 EA | 20.85 | 34,444.20 |
| 0031 | 5255000000-N | 1413 | PORTABLE LIGHTING | Lump Sum LS | 4,980.22 | 4,980.22 |
| 0032 | 7444000000-E | 1725 | INDUCTIVE LOOP SAWCUT | 20,000 LF | 6.20 | 124,000.00 |

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,596,554.47 ✓

Contract Number C202213
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

APAC - Atlantic, Inc - Asheville Division

Full name of Corporation

PO Box 6939; Asheville, NC 28816

Address as Prequalified

Attest David B. Caldwell
~~Secretary~~/Assistant Secretary
Select appropriate title

David B. Caldwell

Print or type Signer's name

By William H. Tomlinson
President/~~Vice President~~/~~Assistant Vice President~~
Select appropriate title

William H. Tomlinson

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

4th day of May 2009.

Kimberly K. Sitton
Signature of Notary Public Kimberly K. Sitton

of Buncombe County

State of North Carolina

My Commission Expires: Nov. 23 2013



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 C202213

County (ies): Henderson

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

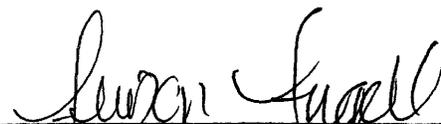


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Assistant Attorney General

Contract No. C202213
County HENDERSON

(Rev 7-10-08)

BOND NO. 14-050-466

CONTRACT PAYMENT BOND

Date of Payment Bond Execution MAY 1, 2009

Name of Principal Contractor APAC - ATLANTIC, INC. - ASHEVILLE DIVISION

Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY

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

Amount of Bond: \$2,596,554.47

Contract ID No.: C202213

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. C202213
County HENDERSON

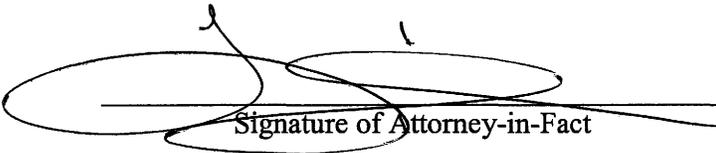
(Rev 7-10-08)

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

LIBERTY MUTUAL INSURANCE COMPANY
Print or type Surety Company Name

By TINA DAVIS
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

KIRIE MARTIN
Print or type Witness's name

15 W. SOUTH TEMPLE, STE. 700
SALT LAKE CITY, UT 84101
Address of Attorney-in-Fact

Contract No.
County

C202213

HENDERSON

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

APAC - ATLANTIC, INC. - ASHEVILLE DIVISION

Full name of Corporation

PO BOX 6939, ASHEVILLE, NC 28816

Address as prequalified

By William H. Tomlinson
Signature of President, ~~Vice President~~, ~~Assistant Vice President~~
Select appropriate title

William H. Tomlinson
Print or type Signer's name

Affix Corporate Seal

Attest

David B. Caldwell
Signature of ~~Secretary~~, Assistant Secretary
Select appropriate title

David B. Caldwell
Print or type Signer's name

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint TINA DAVIS, MARCINDA DRYSDALE, KIRIE MARTIN, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH ..

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding SEVENTY FIVE MILLION AND 00/100 DOLLARS (\$ 75,000,000.00) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 18th day of March, 2009.

LIBERTY MUTUAL INSURANCE COMPANY

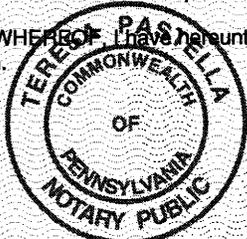
By Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 18th day of March, 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, 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 1ST day of MAY, 2009.



By David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Contract No. C202213
County HENDERSON

(Rev 7-10-08)

BOND NO. 14-050-466

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: MAY 1, 2009

Name of Principal Contractor: APAC - ATLANTIC, INC. - ASHEVILLE DIVISION

Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY

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

Amount of Bond: \$2,596,554.47

Contract ID No.: C202213

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. C202213
County HENDERSON

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

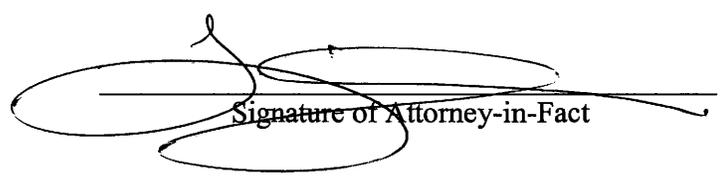
Affix Seal of Surety Company

LIBERTY MUTUAL INSURANCE COMPANY

Print or type Surety Company Name

By TINA DAVIS

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



Signature of Attorney-in-Fact



Signature of Witness

KIRIE MARTIN

Print or type Witness's name

15 W. SOUTH TEMPLE, STE. 700
SALT LAKE CITY, UT 84101

Address of Attorney-in-Fact

Contract No. C202213
County HENDERSON

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND
CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

APAC - ATLANTIC, INC. - ASHEVILLE DIVISION

Full name of Corporation

PO BOX 6939, ASHEVILLE, NC 28816

Address as prequalified

By William H. Tomlinson
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

William H. Tomlinson
Print or type Signer's name

Affix Corporate Seal

Attest

David B. Caldwell

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

David B. Caldwell

Print or type Signer's name

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LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

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TINA DAVIS, MARCINDA DRYSDALE, KIRIE MARTIN, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH ..

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding SEVENTY FIVE MILLION AND 00/100 DOLLARS (\$ 75,000,000.00) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

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ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

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IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 18th day of March, 2009.

LIBERTY MUTUAL INSURANCE COMPANY

By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 18th day of March, 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, 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 1ST day of MAY, 2009.



By David M. Carey
David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.