

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

C202293

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202293

WBS 45062.3.ST1 STM-040-5(53)335

T.I.P NO. I-5123

COUNTY OF JOHNSTON  
THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER I 40 LENGTH 11.000 MILES  
LOCATION I-40 FROM WEST OF SR-1211 TO SAMPSON COUNTY LINE.

CONTRACTOR S. T. WOOTEN CORPORATION  
ADDRESS P.O. BOX 2408  
WILSON, NC 278942408

BIDS OPENED MAY 19, 2009  
CONTRACT EXECUTION JUN 18 2009

**S. T. Wooten Corporation (3760).**

**Vendor 2 of 2 Vendors for Call Order 003 (Proposal ID C202293).**

County: JOHNSTON  
Address: 3801 Black Creek Road  
Wilson, NC 27894

Phone Number: 252-291-5165

Signature Check: This bid has been properly signed by Richard\_E.\_Vick\_3760.

Time Bid Received: Tue May 19 13:47:52 2009

Bid Checksum: 19CCFB4F

Amendment Count: 0

Bidding Errors: This bid contains errors.

Bid Total: \$2,187,286.60 ✓

Bond ID: 2SD7-TLGS-U65E-YVYQ

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$109,364.33

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 5/19/2009

Surety Name: Safeco Insurance Company of America

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 5.0%  
DBE GOAL MET 5.4%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
2446 <b>WB</b>	HAROLD A. PURYEAR TRUCKING CO. 5844 LEASE LANE , RALEIGH, NC 27617		Sub 42,312.00 ✓
3765 <b>WB</b>	STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub 4,987.00 ✓
6831 <b>MB</b>	APMI CORPORATION ASHCRAFT AVENUE , MONROE, NC 28110		Sub 18,800.00 ✓
4948 <b>MB</b>	BURTCH TRUCKING CO. 605 INDIAN CAMP RD. , SMITHFIELD, NC 27577		Sub 20,000.00 ✓
5856 <b>MB</b>	CHARLES SHAW DBA CLSHAW#1 P.O. BOX 542 , NORLINA, NC 27563		Sub 16,100.00 ✓
6956 <b>MB</b>	REGINALD LLOYD DBA LLOYD'S TRUC 3710 STAGECOACH RD , HENDERSON, NC 27537		Sub 16,100.00 ✓
TOTAL:			\$118,299.00 ✓ 5.41%

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:

NCDOT/berc

Vendor 3760's Load Output for Call 003, Letting L090519, 2009-05-19

BondID: 2SD7-TLGS-U65E-YVYQ

Surety Registry Agency: SurePathNetwork

Verified?: Yes

Surety Agency: Safeco Insurance Company of America

Bond Execution Date: 5/19/2009

Bond Amount: \$109,364.33 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 04-21-09  
Revised:

Contract ID: C202293

Project(s): STM-040-5(53)335

Letting Date: 05-19-09 Call Order: 003

Bidder: 3760 - S. T. Wooten Corporation

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	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	161,000.000	0.66000		106,260.00
0003	1330000000-E INCIDENTAL MILLING	SY	200.000	3.80000		760.00
0004	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	14,943.000	32.00000		478,176.00
0005	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON	884.000	370.00000		327,080.00
0006	1570000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 76-22	TON	800.000	480.00000		384,000.00
0007	1662000000-E OPEN-GRADED ASPHALT FRICTION COURSE, TYPE FC-1 MODIFIED	TON	12,686.000	37.50000		475,725.00
0008	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	LF	240,000.000	0.07000		16,800.00
0009	4405000000-E WORK ZONE SIGNS (PORTABLE)	SF	600.000	8.00000		4,800.00
0010	4415000000-N FLASHING ARROW PANELS, TYPE C	EA	2.000	2,000.00000		4,000.00
0011	4420000000-N CHANGEABLE MESSAGE SIGN	EA	2.000	3,000.00000		6,000.00

State of NC  
Dept of Transportation

Date: 04-21-09  
Revised:

Contract ID: C202293      Project(s): STM-040-5(53)335  
 Letting Date: 05-19-09    Call Order: 003  
 Bidder: 3760 - S. T. Wooten Corporation

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	4430000000-N DRUMS	EA 200.000	40.00000		8,000.00	
0013	4480000000-N TMIA	EA 2.000	5,000.00000		10,000.00	
0014	4725000000-E THERMOPLAST IC PAVEMENT MARKINGSYMBOL (90 MILS)	EA 8.000	100.00000		800.00	
0015	4815000000-E PAINT PAVEMENT MARKING LINES (6")	LF 146,000.000	0.21000		30,660.00	
0016	4847000000-E POLYUREA PAVEMENT MARKING LINES (4", *****) (HIGHLY REFLECTIVE ELEMENTS)	LF 8,870.000	0.52000		4,612.40	
0017	4847100000-E POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	LF 296,260.000	0.82000		242,933.20	
0018	4847120000-E POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	LF 3,000.000	1.56000		4,680.00	
0019	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	EA 1,600.000	20.00000		32,000.00	
Section 0001 Total						2,187,286.60
Bid Total						2,187,286.60 ✓

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: 04-21-09  
PAGE: 5

PROPOSAL: C202293  
LETTING: L090519 CALL: 003  
VENDOR: 3760 S. T. Wooten Corporation

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 2446 HAROLD A. PURYEAR TRUCKING CO. Will Use Quote: Yes						
0005	1565000000-E	ASP FOR PLAN	TON	884.000	18.00000	15912.00
0006	1570000000-E	ASP FOR PLAN	TON	800.000	33.00000	26400.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						42,312.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						42,312.
DBE SUBCONTRACTOR: 3765 STAY ALERT SAFETY SERVICES INC Will Use Quote: Yes						
0001	0000100000-N	MOBILIZATION	LS	1.000	4987.00000	4987.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						4,987.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						4,987.0
DBE SUBCONTRACTOR: 6831 APMI CORPORATION Will Use Quote: Yes						
0008	1840000000-E	MILLED RUMBL	LF	240000.000	0.07000	16800.00
0001	0000100000-N	MOBILIZATION	LS	1.000	2000.00000	2000.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						18,800.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						18,800.
DBE SUBCONTRACTOR: 4948 BURTCH TRUCKING CO. Will Use Quote: Yes						
0007	1662000000-E	OG ASP FRICT	TON	1500.000	5.00000	7500.00
0004	1523000000-E	ASP CONC SUR	TON	1500.000	5.00000	7500.00
0002	1297000000-E	MILL ASP PVM	SY	25000.000	0.20000	5000.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						20,000.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						20,000.
DBE SUBCONTRACTOR: 5856 CHARLES SHAW DBA CLSHAW#1 Will Use Quote: Yes						
0004	1523000000-E	ASP CONC SUR	TON	1500.000	5.00000	7500.00
0007	1662000000-E	OG ASP FRICT	TON	1000.000	5.00000	5000.00
0002	1297000000-E	MILL ASP PVM	SY	18000.000	0.20000	3600.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						16,100.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						16,100.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
 DBE COMMITMENT ITEMS

DATE:04-21-09  
 PAGE: 6

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 6956 REGINALD LLOYD DBA LLOYD'S TRUCKING						
Will Use Quote: Yes						
0004	1523000000-E	ASP CONC SUR	TON	1000.000	5.00000	5000.00
0007	1662000000-E	OG ASP FRICT	TON	1500.000	5.00000	7500.00
0002	1297000000-E	MILL ASP PVM	SY	18000.000	0.20000	3600.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						16,100.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						16,100.

TOTAL DBE COMMITMENT FOR VENDOR:                    Entered:            5.41% or            118299.00  
    Required:            5.00% or            109364.33  
    <GOAL MET>

## Contract Item Sheets For C202293

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	50,000.00	50,000.00
0002	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	161,000 SY	0.66	106,260.00
0003	1330000000-E	607	INCIDENTAL MILLING	200 SY	3.80	760.00
0004	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	14,943 TON	32.00	478,176.00
0005	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	884 TON	370.00	327,080.00
0006	1570000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 76-22	800 TON	480.00	384,000.00
0007	1662000000-E	650	OPEN-GRADED ASPHALT FRICTION COURSE, TYPE FC-1 MODIFIED	12,686 TON	37.50	475,725.00
0008	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	240,000 LF	0.07	16,800.00
0009	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	600 SF	8.00	4,800.00
0010	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	2 EA	2,000.00	4,000.00
0011	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	2 EA	3,000.00	6,000.00
0012	4430000000-N	1130	DRUMS	200 EA	40.00	8,000.00
0013	4480000000-N	1165	TMIA	2 EA	5,000.00	10,000.00
0014	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	8 EA	100.00	800.00
0015	4815000000-E	1205	PAINT PAVEMENT MARKING LINES (6")	146,000 LF	0.21	30,660.00
0016	4847000000-E	1205	POLYUREA PAVEMENT MARKING LINES (4", *****) (HIGHLY REFLECTIVE ELEMENTS)	8,870 LF	0.52	4,612.40
0017	4847100000-E	1205	POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	296,260 LF	0.82	242,933.20

## Contract Item Sheets For C202293

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4847120000-E	1205	POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	3,000 LF	1.56	4,680.00
0019	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	1,600 EA	20.00	32,000.00
<b>TOTAL AMOUNT OF BID FOR ENTIRE PROJECT</b>						<b>\$2,187,286.60</b>

1040/May28/Q887058/D61923320000/E19

Contract Number C 202293  
County Johnston

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**

S. T. Wooten Corporation  
Full name of Corporation

P.O. Box 2408, Wilson, NC 27894  
Address as Prequalified

Attest W. Reade Dawson  
~~Secretary/Assistant Secretary~~  
Select appropriate title

By [Signature]  
~~President/Vice President/Assistant Vice President~~  
Select appropriate title

W. Reade Dawson  
Print or type Signer's name

Henry D. Butts, JR.  
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

2<sup>nd</sup> day of June 2009

Carol J. Ogeary  
Signature of Notary Public

of Pitt County

State of NORTH CAROLINA

My Commission Expires: 3/3/2010

## DEBARMENT CERTIFICATION OF CONTRACTOR

### Conditions for certification:

1. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that his certification was erroneous when he submitted his debarment certification or explanation that is on file with the Department, or has become erroneous because of changed circumstances.
2. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this provision, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. A copy of the Federal Rules requiring this certification and detailing the definitions and coverages may be obtained from the Contract Officer of the Department.
3. The Contractor agrees by submitting this form, that he will not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in NCDOT contracts, unless authorized by the Department.
4. For Federal Aid projects, the Contractor further agrees that by submitting this form he will include the Federal-Aid Provision titled *Required Contract Provisions Federal-Aid Construction Contract (Form FHWA PR 1273)* provided by the Department, without subsequent modification, in all lower tier covered transactions.
5. The Contractor may rely upon a certification of a participant in a lower tier covered transaction that he is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless he knows that the certification is erroneous. The Contractor may decide the method and frequency by which he will determine the eligibility of his subcontractors.
6. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this provision. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
7. Except as authorized in paragraph 3 herein, the Department may terminate any contract if the Contractor knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available by the Federal Government.

**DEBARMENT CERTIFICATION**

The Contractor certifies to the best of his knowledge and belief, that he and his principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph b. of this certification; and
- d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- e. If status changes, will submit a revised Debarment Certification immediately.

If the Contractor cannot certify that he is not debarred, he shall provide an explanation with this submittal. An explanation will not necessarily result in denial of participation in a contract.

Failure to submit a non-collusion affidavit and debarment certification will result in the Contractor's bid being considered non-responsive.

Check here if an explanation is attached to this certification.

**Contract No**      **C202293**

**County (ies):**      **Johnston**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**



\_\_\_\_\_  
**Contract Officer**



\_\_\_\_\_  
**Date**

**Execution of Contract and Bonds  
Approved as to Form:**



\_\_\_\_\_  
**Attorney General**

Contract No. C202293  
County JOHNSTON

**CONTRACT PAYMENT BOND**  
Bond No. 6599931

Date of Payment Bond Execution June 4, 2009

Name of Principal Contractor S. T. Wooten Corporation

Name of Surety: Safeco Insurance Co. of America  
2359 Perimeter Pointe Parkway, Suite 160  
Charlotte, NC 28208

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

Amount of Bond: \$2,187,286.60

Contract ID No.: C202293

County Name: JOHNSTON

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. C202293  
County JOHNSTON

**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

Safeco Insurance Co. of America  
Print or type Surety Company Name

By Debra S. Ritter  
Print, stamp or type name of Attorney-in-Fact

Debra S. Ritter  
Signature of Attorney-in-Fact

Angela M Yount  
Signature of Witness

Angela M. Yount  
Print or type Witness' Name

Thomas Rutherford, Inc.  
6230 Fairview Road Suite 230  
Charlotte, NC 28210  
Address of Attorney-in-Fact

Contract No. C202293  
County JOHNSTON

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

S. T. Wooten Corporation  
Full name of Corporation

Post Office Box 2408; Wilson, North Carolina 27894-2408  
Address as prequalified

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

HENRY D. BUTTS, JR.  
Print or type Signer's name

*Affix Corporate Seal*

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

W. READE DAWSON  
Print or type Signer's name

Contract No. C202293  
County JOHNSTON

**CONTRACT PERFORMANCE BOND**  
Bond No. 6599931

Date of Payment Bond Execution: June 4, 2009  
Name of Principal Contractor: S. T. Wooten Corporation  
Name of Surety: Safeco Insurance Co. of America  
2359 Perimeter Pointe Parkway, Suite 160  
Charlotte, NC 28208  
Name of Contracting Body: **North Carolina Department of Transportation**  
**Raleigh, North Carolina**  
Amount of Bond: \$2,187,286.60  
Contract ID No.: C202293  
County Name: JOHNSTON

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 it undersigned representative, pursuant to authority of its governing body.

Contract No. C202293  
County JOHNSTON

**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

Safeco Insurance Co. of America  
Print or type Surety Company Name

By Debra S. Ritter  
Print, stamp or type name of Attorney-in-Fact

Debra S. Ritter  
Signature of Attorney-in-Fact

Angela M Yount  
Signature of witness

Angela M. Yount  
Print or type Witness' Name

Thomas Rutherford, Inc.  
6230 Fairview Road Suite 230  
Charlotte, NC 28210  
Address of Attorney-in-Fact

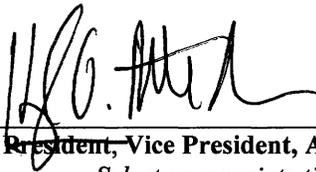
Contract No. C202293  
County JOHNSTON

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

SIGNATURE OF CONTRACTOR (Principal)

S. T. Wooten Corporation  
Full name of Corporation

Post Office Box 2408; Wilson, North Carolina 27894-2408  
Address as prequalified

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

HENRY D. BUTTS, JR.  
Print or type Signer's name

*Affix Corporate Seal*

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

W. READE DAWSON  
Print or type Signer's name



POWER OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

No. 12642

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

\*\*\*\*\*RAMONA FEWELL; RAYMOND J. GARRUTO; BRAD W. GIBSON; MARTIN D. PALLAZZA; DEBRA S. RITTER; ANGELA M. YOUNT; Charlotte, North Carolina\*\*\*\*\*

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March, 2009

[Handwritten signature of Dexter R. Legg]

[Handwritten signature of Timothy A. Mikolajewski]

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business...

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 4th day of June, 2009



[Handwritten signature of Dexter R. Legg]

Dexter R. Legg, Secretary