

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

C202305

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202305

WBS 45052.3.ST1 STM-0440(6)

T.I.P NO. I-5114

COUNTY OF WAKE

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER I 440 LENGTH 2.500 MILES

LOCATION I-440 FROM I-40 TO US-64/264 BYPASS.

CONTRACTOR S. T. WOOTEN CORPORATION

ADDRESS P.O. BOX 2408  
WILSON, NC 278942408

BIDS OPENED MAY 19, 2009

CONTRACT EXECUTION ~~JUN 16 2009~~  
JUN 16 2009

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

**Vendor 1 of 2 Vendors for Call Order 007 (Proposal ID C202305).**

County: WAKE

Address: PO Box 2408

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 12:30:20 2009

Bid Checksum: 4B1BF99A

Amendment Count: 1

Bidding Errors: This bid contains errors.

Bid Total: \$3,432,225.82 ✓

Bond ID: 9XBH-TEMG-DASU-WXHY

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$171,611.29

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- 6.0%*  
*DBE GOAL OBT- 2.5%*

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
2446	WB HAROLD A. PURYEAR TRUCKING CO. 5844 LEASE LANE , RALEIGH, NC 27617		Sub	33,845.95
6831	MB APMI CORPORATION ASHCRAFT AVENUE , MONROE, NC 28110		Sub	3,268.32
1575	WB FINAL GRADE INC OF JOHNSTON CO 972 BLUE GRASS ROAD , SELMA, NC 27576		Sub	6,000.00
1968	WB MURRAY ENTERPRISES, INC. 1231 SHAMROCK DRIVE , BURLINGTON, NC 27215		Sub	4,050.00
7412	MB SCOTT'S TRUCKING COMPANY 3525 PINKHAM WAY , RALEIGH, NC 27616		Sub	38,600.00
			TOTAL:	\$85,764.27 2.50%

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	

Bid Bond Data Info - Contractor Responses:

BondID: 9XBH-TEMG-DASU-WXHY  
Surety Registry Agency: SurePathNetwork

NCDOT/berc

Vendor 3760's Load Output for Call 007, Letting L090519, 2009-05-19

Verified?: Yes

Surety Agency: Safeco Insurance Company of America

Bond Execution Date: 5/19/2009

Bond Amount: \$171,611.29 (Five Percent of Bid)

State of NC  
 Dept of Transportation  
 Contract ID: C202305 Project(s): STM-0440(6)  
 Letting Date: 05-19-09 Call Order: 007  
 Bidder: 3760 - S. T. Wooten Corporation

Date: 04-21-09  
 Revised: 05-13-09

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			100,000.00
0002	1022000000-E SEALING EXISTING PAVEMENT CRACKS	LB	75,000.000	1.85000		138,750.00
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI	3.300	6,500.00000		21,450.00
0004	1891000000-E GENERIC PAVING ITEM MILLING CONCRETE BONDED OVER- LAY, 3" DEPTH	SY	30,634.000	7.75000		237,413.50
0005	1891000000-E GENERIC PAVING ITEM MILLING CONCRETE BONDED OVER- LAY, 4" DEPTH	SY	68,679.000	8.50000		583,771.50
0006	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	TON	9,787.000	41.00000		401,267.00
0007	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	10,916.000	42.00000		458,472.00
0008	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	460.000	340.00000		156,400.00
0009	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON	655.000	370.00000		242,350.00
0010	1567000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-28	TON	323.000	500.00000		161,500.00

State of NC  
Dept of Transportation

Date: 04-21-09  
Revised: 05-13-09

Contract ID: C202305  
Letting Date: 05-19-09 Call Order: 007  
Bidder: 3760 - S. T. Wooten Corporation

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1839110000-E ULTRATHIN HOT MIX ASPHALT, TYPE B	6,204.000 TON	38.00000		235,752.00	
0012	1839200000-E APPLICATION OF ULTRATHIN HOT MIX ASPHALT	127,248.000 SY	2.39000		304,122.72	
0013	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	9,824.000 LF	0.18000		1,768.32	
0014	4400000000-E WORK ZONE SIGNS (STATIONARY)	375.000 SF	5.00000		1,875.00	
0015	4405000000-E WORK ZONE SIGNS (PORTABLE)	407.000 SF	10.00000		4,070.00	
0016	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	15.000 SF	6.00000		90.00	
0017	4415000000-N FLASHING ARROW PANELS, TYPE C	3.000 EA	2,000.00000		6,000.00	
0018	4420000000-N CHANGEABLE MESSAGE SIGN	6.000 EA	8,000.00000		48,000.00	
0019	4422000000-N CHANGEABLE MESSAGE SIGN (SHORTTERM)	14.000 DAY	500.00000		7,000.00	
0020	4430000000-N DRUMS	410.000 EA	50.00000		20,500.00	
0021	4445000000-E BARRICADES (TYPE III)	40.000 LF	20.00000		800.00	
0022	4480000000-N TMIA	4.000 EA	10,000.00000		40,000.00	

State of NC  
Dept of Transportation

Date: 04-21-09  
Revised: 05-13-09

Contract ID: C202305 Project(s): STM-0440(6)  
Letting Date: 05-19-09 Call Order: 007  
Bidder: 3760 - S. T. Wooten Corporation

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	4605000000-N GENERIC TRAFFIC CONTROL ITEM POLICE	2,000.000 HR	40.00000		80,000.00	
0024	4688000000-E THERMOPLASTIC PAVEMENT MARKING LINES (6", 90 MILS)	73,340.000 LF	0.65000		47,671.00	
0025	4690000000-E THERMOPLASTIC PAVEMENT MARKING LINES (6", 120 MILS)	22,376.000 LF	0.78000		17,453.28	
0026	4695000000-E THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	300.000 LF	2.00000		600.00	
0027	4700000000-E THERMOPLASTIC PAVEMENT MARKING LINES (12", 90 MILS)	7,950.000 LF	1.25000		9,937.50	
0028	4721000000-E THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	60.000 EA	65.00000		3,900.00	
0029	4725000000-E THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	43.000 EA	100.00000		4,300.00	
0030	4775000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (6") (III)	2,056.000 LF	3.50000		7,196.00	
0031	4815000000-E PAINT PAVEMENT MARKING LINES (6")	43,428.000 LF	0.25000		10,857.00	
0032	4825000000-E PAINT PAVEMENT MARKING LINES (12")	7,363.000 LF	0.50000		3,681.50	
0033	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	44.000 EA	50.00000		2,200.00	

State of NC  
 Dept of Transportation  
 Contract ID: C202305 Project(s): STM-0440(6)  
 Letting Date: 05-19-09 Call Order: 007  
 Bidder: 3760 - S. T. Wooten Corporation

Date: 04-21-09  
 Revised: 05-13-09

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0034	4845000000-N PAINT PAVEMENT MARKING SYMBOL	EA 17.000	60.00000		1,020.00	
0035	4855000000-E REMOVAL OF PAVEMENT MARKING LINES (6")	LF 2,056.000	0.75000		1,542.00	
0036	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	EA 1,527.000	26.50000		40,465.50	
0037	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		20,000.00	
0038	6084000000-E SEEDING & MULCHING	ACR 2.400	2,500.00000		6,000.00	
0039	7444000000-E INDUCTIVE LOOP SAWCUT	LF 900.000	4.50000		4,050.00	
Section 0001 Total						3,432,225.82
Bid Total						3,432,225.82 ✓

NON-COLLUSION AND DEBARMENT CERTIFICATION

The bidder certifies that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this bid, and that the bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. In addition, submitting this electronic bid constitutes the bidder's certification of Status under penalty of perjury under the laws of the United States and in accordance with the Debarment Certification on file with the Department.

By submitting this bid, the bidder certifies to the best of his knowledge and belief that he and his principals:

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

Where the prospective bidder is unable to certify to any of the statements in this certification, the bidder shall submit an explanation in the blanks provided herein. The explanation will not necessarily result in denial of participation in a contract.

Explanation:  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED

If the prequalified bidder's status changes, he shall immediately submit a new fully executed non-collusion affidavit and debarment certification with an explanation of the change to the Contract Office prior to submitting the bid.

Failure to furnish a certification or an explanation will be grounds for rejection of a bid

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. 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: 7

PROPOSAL: C202305  
LETTING: L090519 CALL: 007  
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						
0008	1560000000-E	ASP FOR PLAN	TON	460.000	18.00000	8280.00
	Haul liquid					
0009	1565000000-E	ASP FOR PLAN	TON	655.000	18.00000	11790.00
	Haul liquid					
0010	1567000000-E	ASP FOR PLAN	TON	323.000	42.65000	13775.95
	Haul liquid					
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						33,845.95 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						33,845.
DBE SUBCONTRACTOR: 6831 APMI CORPORATION						
Will Use Quote: Yes						
0001	0000100000-N	MOBILIZATION	LS	1.000	1500.00000	1500.00
0013	1840000000-E	MILLED RUMBL	LF	9824.000	0.18000	1768.32
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						3,268.32 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						3,268.3
DBE SUBCONTRACTOR: 1575 FINAL GRADE INC OF JOHNSTON CO						
Will Use Quote: Yes						
0038	6084000000-E	SEEDING AND	ACR	2.400	2500.00000	6000.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						6,000.00 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						6,000.0
DBE SUBCONTRACTOR: 1968 MURRAY ENTERPRISES, INC.						
Will Use Quote: Yes						
0039	7444000000-E	INDUCTIVE LO	LF	900.000	4.50000	4050.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						4,050.00 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						4,050.0
DBE SUBCONTRACTOR: 7412 SCOTT'S TRUCKING COMPANY						
Will Use Quote: Yes						
0006	1503000000-E	ASP CONC INT	TON	6000.000	4.00000	24000.00
0011	1839110000-E	ULTRATHIN HO	TON	2000.000	4.00000	8000.00
0004	1891000000-E	GENERIC PAVI	SY	10000.000	0.66000	6600.00
Haul millings back to Garner concrete plant.						
-----						



## Contract Item Sheets For C202305

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	100,000.00	100,000.00
0002	1022000000-E	SP	SEALING EXISTING PAVEMENT CRACKS	75,000 LB	1.85	138,750.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	3.3 SMI	6,500.00	21,450.00
0004	1891000000-E	SP	GENERIC PAVING ITEM MILLING CONCRETE BONDED OVER- LAY, 3" DEPTH	30,634 SY	7.75	237,413.50
0005	1891000000-E	SP	GENERIC PAVING ITEM MILLING CONCRETE BONDED OVER- LAY, 4" DEPTH	68,679 SY	8.50	583,771.50
0006	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	9,787 TON	41.00	401,267.00
0007	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	10,916 TON	42.00	458,472.00
0008	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	460 TON	340.00	156,400.00
0009	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	655 TON	370.00	242,350.00
0010	1567000000-E	SP	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-28	323 TON	500.00	161,500.00
0011	1839110000-E	661	ULTRATHIN HOT MIX ASPHALT, TYPE B	6,204 TON	38.00	235,752.00
0012	1839200000-E	661	APPLICATION OF ULTRATHIN HOT MIX ASPHALT	127,248 SY	2.39	304,122.72
0013	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	9,824 LF	0.18	1,768.32
0014	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	375 SF	5.00	1,875.00
0015	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	407 SF	10.00	4,070.00
0016	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	15 SF	6.00	90.00

## Contract Item Sheets For C202305

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	3 EA	2,000.00	6,000.00
0018	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	6 EA	8,000.00	48,000.00
0019	4422000000-N	1120	CHANGEABLE MESSAGE SIGN (SHORT TERM)	14 DAY	500.00	7,000.00
0020	4430000000-N	1130	DRUMS	410 EA	50.00	20,500.00
0021	4445000000-E	1145	BARRICADES (TYPE III)	40 LF	20.00	800.00
0022	4480000000-N	1165	TMIA	4 EA	10,000.00	40,000.00
0023	4605000000-N	SP	GENERIC TRAFFIC CONTROL ITEM POLICE	2,000 HR	40.00	80,000.00
0024	4688000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 90 MILS)	73,340 LF	0.65	47,671.00
0025	4690000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 120 MILS)	22,376 LF	0.78	17,453.28
0026	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	300 LF	2.00	600.00
0027	4700000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (12", 90 MILS)	7,950 LF	1.25	9,937.50
0028	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	60 EA	65.00	3,900.00
0029	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	43 EA	100.00	4,300.00
0030	4775000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (6") (III)	2,056 LF	3.50	7,196.00
0031	4815000000-E	1205	PAINT PAVEMENT MARKING LINES (6")	43,428 LF	0.25	10,857.00
0032	4825000000-E	1205	PAINT PAVEMENT MARKING LINES (12")	7,363 LF	0.50	3,681.50
0033	4840000000-N	1205	PAINT PAVEMENT MARKING CHARACTER	44 EA	50.00	2,200.00

## Contract Item Sheets For C202305

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0034	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	17 EA	60.00	1,020.00
0035	4855000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (6")	2,056 LF	0.75	1,542.00
0036	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	1,527 EA	26.50	40,465.50
0037	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	20,000.00	20,000.00
0038	6084000000-E	1660	SEEDING & MULCHING	2.4 ACR	2,500.00	6,000.00
0039	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	900 LF	4.50	4,050.00

**TOTAL AMOUNT OF BID FOR ENTIRE PROJECT**

**\$3,432,225.82** ✓

1316/Jun01/Q504471.7/D144579410000/E39

Contract Number C 202305  
County Wake

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 By H.D. Butts, Jr.  
Secretary/Assistant Secretary President/Vice President/Assistant Vice President  
Select appropriate title Select appropriate title

W. Reade Dawson Henry D. Butts, Jr.  
Print or type Signer's name Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the  
4<sup>th</sup> day of June 2009

Carol G. Ogden  
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**      **C202305**

**County (ies):**    **Wake**

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION

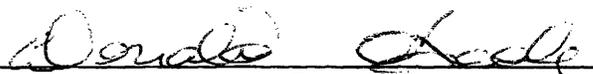


\_\_\_\_\_  
Contract Officer



\_\_\_\_\_  
Date

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



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

Contract No. C202305  
County WAKE

**CONTRACT PAYMENT BOND**  
Bond No. 6599933

Date of Payment Bond Execution June 8, 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: \$3,432,225.82

Contract ID No.: C202305

County Name: WAKE

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. C202305  
County WAKE

**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. C202305  
County WAKE

**CONTRACT PAYMENT BOND**  
**CORPORATION**

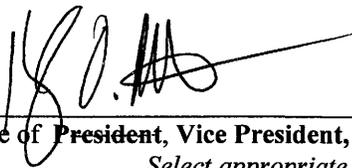
SIGNATURE OF CONTRACTOR (Principal)

S. T. Wooten Corporation

Full name of Corporation

Post Office Box 2408; Wilson, North Carolina 27894-2408

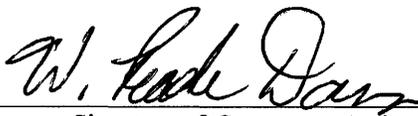
Address as prequalified

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. C202305  
County WAKE

**CONTRACT PERFORMANCE BOND**

Bond No. 6599933

Date of Payment Bond Execution: June 8, 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: \$3,432,225.82

Contract ID No.: C202305

County Name: WAKE

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. C202305  
County WAKE

**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. C202305  
County WAKE

**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

Dexter R. Legg (handwritten signature)

TAMIKOLAJEWSKI (handwritten signature)

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... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

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 8th day of June, 2009



Dexter R. Legg (handwritten signature)

Dexter R. Legg, Secretary