

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

C202188

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202188

WBS 3CR.10651.67, 3CR.20651.67 STATE FUNDED

COUNTY OF NEW HANOVER
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER US 117 LENGTH 14.830 MILES
LOCATION US-117 AND US-421 FROM SOUTH OF CAROLINA SANDS DR TO SOUTH
OF I-140 AND 9 SECTIONS OF SECONDARY ROADS.

CONTRACTOR BARNHILL CONTRACTING COMPANY
ADDRESS P.O. BOX 1529
TARBORO, NC 278861529

BIDS OPENED JUNE 16, 2009
CONTRACT EXECUTION JUL 13 2009

Barnhill Contracting Company (3516).

Vendor 1 of 3 Vendors for Call Order 005 (Proposal ID C202188).

County: NEW HANOVER
Address: PO Box 399
Kinston, NC 28502

Phone Number: 252-527-8021

Signature Check: This bid has been properly signed by CAREY_M_SWANN_III_3516.

Time Bid Received: Tue Jun 16 13:36:25 2009

Bid Checksum: 5742D998

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$2,794,084.41 ✓

Bond ID: VV2J-FVYP-F4TU-CD98

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$139,704.22

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 6/16/2009

Surety Name: Travelers Casualty and Surety Company of Ame

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

MBE GOAL SET- 3.0%

MBE GOAL MET- 3.1%

WBE GOAL SET- 4.0%

WBE GOAL MET- 4.1%

Bid Bond Data Info - Contractor Responses:

=====

BondID: VV2J-FVYP-F4TU-CD98
Surety Registry Agency: SurePathNetwork
Verified?: Yes
Surety Agency: Travelers Casualty and Surety Company of America
Bond Execution Date: 6/16/2009
Bond Amount: \$139,704.22 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 05-20-09
Revised:

Contract ID: C202188 Project(s): STATE FUNDED
Letting Date: 06-16-09 Call Order: 005
Bidder: 3516 - Barnhill Contracting Company

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			25,000.00
0002	0106000000-E BORROW EXCAVATION	CY	1,463.000	17.45000		25,529.35
0003	1220000000-E INCIDENTAL STONE BASE	TON	635.000	50.00000		31,750.00
0004	1245000000-E SHOULDER RECONSTRUCTION	SMI	4.600	2,650.00000		12,190.00
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	70,829.000	1.85000		131,033.65
0006	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (1/2" TO 3-1/2")	SY	22,105.000	2.57000		56,809.85
0007	1330000000-E INCIDENTAL MILLING	SY	10,162.000	5.70000		57,923.40
0008	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	17,220.000	46.10000		793,842.00
0009	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	TON	5,330.000	48.00000		255,840.00
0010	1525100000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A (LEVELING COURSE)	TON	70.000	64.00000		4,480.00

State of NC
Dept of Transportation

Date: 05-20-09
Revised:

Contract ID: C202188
Letting Date: 06-16-09 Call Order: 005
Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,423.000 TON	360.00000		512,280.00	
0012	1880000000-E GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (FULL DEPTH)	234.000 TON	145.00000		33,930.00	
0013	1880000000-E GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (MILL)	2,610.000 TON	145.00000		378,450.00	
0014	1891000000-E GENERIC PAVING ITEM FIBERGLASS POLY INTERLAYER - PAVING MAT	5,900.000 SY	3.70000		21,830.00	
0015	2600000000-N RETROFIT EXISTING WHEELCHAIR RAMPS	50.000 EA	230.00000		11,500.00	
0016	2605000000-N CONCRETE WHEELCHAIR RAMPS	35.000 EA	690.00000		24,150.00	
0017	2612000000-E 6" CONCRETE DRIVEWAY	15.000 SY	85.60000		1,284.00	
0018	2752000000-E GENERIC PAVING ITEM CURB AND GUTTER, REMOVE & RE-PLACE	320.000 LF	51.30000		16,416.00	
0019	2800000000-N ADJUSTMENT OF CATCH BASINS	2.000 EA	505.00000		1,010.00	
0020	2815000000-N ADJUSTMENT OF DROP INLETS	5.000 EA	505.00000		2,525.00	
0021	2830000000-N ADJUSTMENT OF MANHOLES	64.000 EA	505.00000		32,320.00	

State of NC
Dept of Transportation

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Project(s): STATE FUNDED

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	EA 43.000	505.00000		21,715.00	
0023	2995000000-N GENERIC DRAINAGE ITEM ADJUST MONUMENT	EA 13.000	505.00000		6,565.00	
0024	4415000000-N FLASHING ARROW PANELS, TYPE C	EA 2.000	3,060.00000		6,120.00	
0025	4420000000-N CHANGEABLE MESSAGE SIGN	EA 2.000	8,970.00000		17,940.00	
0026	4480000000-N TMIA	EA 2.000	9,200.00000		18,400.00	
0027	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	LF 29,974.000	0.58000		17,384.92	
0028	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	LF 74,004.000	0.70000		51,802.80	
0029	4695000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 90 MILS)	LF 1,150.000	1.65000		1,897.50	
0030	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	LF 2,230.000	1.85000		4,125.50	
0031	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	LF 1,496.000	5.30000		7,928.80	
0032	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	EA 48.000	37.00000		1,776.00	

State of NC
Dept of Transportation

Date: 05-20-09
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Contract ID: C202188
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Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0033	4725000000-E THERMOPLASTIC PAVEMENT MARKINGSYMBOL (90 MILS)	EA 229.000	90.00000		20,610.00	
0034	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 228,553.000	0.18000		41,139.54	
0035	4820000000-E PAINT PAVEMENT MARKING LINES (8")	LF 2,835.000	0.35000		992.25	
0036	4830000000-E PAINT PAVEMENT MARKING LINES (16")	LF 450.000	1.50000		675.00	
0037	4835000000-E PAINT PAVEMENT MARKING LINES (24")	LF 1,811.000	2.00000		3,622.00	
0038	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	EA 42.000	22.00000		924.00	
0039	4845000000-N PAINT PAVEMENT MARKING SYMBOL	EA 222.000	38.00000		8,436.00	
0040	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	EA 570.000	5.25000		2,992.50	
0041	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	EA 1,031.000	25.00000		25,775.00	
0042	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		40,000.00	
0043	6000000000-E TEMPORARY SILT FENCE	LF 278.000	2.50000		695.00	
0044	6009000000-E STONE FOR EROSION CONTROL, CLASS B	TON 70.000	125.00000		8,750.00	

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Contract ID: C202188 Project(s): STATE FUNDED
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 Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0045	6012000000-E SEDIMENT CONTROL STONE	70.000 TON	110.00000		7,700.00	
0046	6015000000-E TEMPORARY MULCHING	2.780 ACR	600.00000		1,668.00	
0047	6018000000-E SEED FOR TEMPORARY SEEDING	138.000 LB	3.00000		414.00	
0048	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	0.700 TON	1,810.00000		1,267.00	
0049	6042000000-E 1/4" HARDWARE CLOTH	138.000 LF	11.50000		1,587.00	
0050	6084000000-E SEEDING & MULCHING	3.910 ACR	3,435.00000		13,430.85	
0051	7444000000-E INDUCTIVE LOOP SAWCUT	4,600.000 LF	5.00000		23,000.00	
0052	7456000000-E LEAD-IN CABLE (***** (18-4)	2,025.000 LF	2.30000		4,657.50	
Section 0001 Total						2,794,084.41
Bid Total						2,794,084.41

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

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

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

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. No

A bidder who desires to bid on more than one project on which bids are to be opened on the same date, and who also desires to avoid receiving an award of more projects than he is equipped to handle, may bid on any number of projects but may limit the total amount of work awarded to him on selected projects by completing the AWARD LIMITS ON MULTIPLE PROJECTS.

The Award Limits on Multiple Projects must be filled in on each project bid for which the Bidder desires protection.

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

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

It is agreed that if I am (we are) the low Bidder(s) on indicated projects, the total value of which is more than the above stipulated award limits, the Board of Transportation will award me (us) projects from among those indicated that have a total value not to exceed the award limit and will result in the lowest total bids to the Department of Transportation.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 MBE COMMITMENT ITEMS

DATE: 05-20-09
 PAGE: 8

PROPOSAL: C202188
 LETTING: L090616 CALL: 005
 VENDOR: 3516 Barnhill Contracting Company

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
MBE SUBCONTRACTOR: 8139 SIMMONS PUBLIC UTILITY SITE-WORK INC. Will Use Quote: Yes						
0019	28000000000-N	ADJ CATCH BA	EA	2.000	520.00000	1040.00
0020	28150000000-N	ADJ DROP INL	EA	5.000	500.00000	2500.00
0021	28300000000-N	ADJ MANHOLES	EA	64.000	475.00000	30400.00
0022	28450000000-N	ADJ METER OR	EA	43.000	350.00000	15050.00
0023	29950000000-N	GENERIC DRAI	EA	13.000	350.00000	4550.00

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

53,540.00 ✓ ARM

MBE SUBCONTRACTOR: 2981 BEA'S CONSTRUCTION CO.
 Will Use Quote: Yes

0005	12970000000-E	MILL ASP PVM SY		70829.000	0.45000	31873.05
		Hauling				

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

31,873.05 ✓ ARM

TOTAL MBE COMMITMENT FOR VENDOR:

Entered: 3.06% or 85413.05
 Required: 3.00% or 83822.53
 <GOAL MET>

Contract Item Sheets For C202188

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	25,000.00	25,000.00
0002	0106000000-E	230	BORROW EXCAVATION	1,463 CY	17.45	25,529.35
0003	1220000000-E	545	INCIDENTAL STONE BASE	635 TON	50.00	31,750.00
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	4.6 SMI	2,650.00	12,190.00
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	70,829 SY	1.85	131,033.65
0006	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (1/2" TO 3-1/2")	22,105 SY	2.57	56,809.85
0007	1330000000-E	607	INCIDENTAL MILLING	10,162 SY	5.70	57,923.40
0008	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	17,220 TON	46.10	793,842.00
0009	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	5,330 TON	48.00	255,840.00
0010	1525100000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A (LEVELING COURSE)	70 TON	64.00	4,480.00
0011	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,423 TON	360.00	512,280.00
0012	1880000000-E	SP	GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (FULL DEPTH)	234 TON	145.00	33,930.00
0013	1880000000-E	SP	GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (MILL)	2,610 TON	145.00	378,450.00
0014	1891000000-E	SP	GENERIC PAVING ITEM FIBERGLASS POLY INTERLAYER - PAVING MAT	5,900 SY	3.70	21,830.00
0015	2600000000-N	SP	RETROFIT EXISTING WHEELCHAIR RAMPS	50 EA	230.00	11,500.00
0016	2605000000-N	848	CONCRETE WHEELCHAIR RAMPS	35 EA	690.00	24,150.00

Contract Item Sheets For C202188

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	2612000000-E	848	6" CONCRETE DRIVEWAY	15 SY	85.60	1,284.00
0018	2752000000-E	SP	GENERIC PAVING ITEM CURB AND GUTTER, REMOVE & RE- PLACE	320 LF	51.30	16,416.00
0019	2800000000-N	858	ADJUSTMENT OF CATCH BASINS	2 EA	505.00	1,010.00
0020	2815000000-N	858	ADJUSTMENT OF DROP INLETS	5 EA	505.00	2,525.00
0021	2830000000-N	858	ADJUSTMENT OF MANHOLES	64 EA	505.00	32,320.00
0022	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	43 EA	505.00	21,715.00
0023	2995000000-N	SP	GENERIC DRAINAGE ITEM ADJUST MONUMENT	13 EA	505.00	6,565.00
0024	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	2 EA	3,060.00	6,120.00
0025	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	2 EA	8,970.00	17,940.00
0026	4480000000-N	1165	TMIA	2 EA	9,200.00	18,400.00
0027	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	29,974 LF	0.58	17,384.92
0028	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	74,004 LF	0.70	51,802.80
0029	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	1,150 LF	1.65	1,897.50
0030	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	2,230 LF	1.85	4,125.50
0031	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	1,496 LF	5.30	7,928.80
0032	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	48 EA	37.00	1,776.00
0033	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	229 EA	90.00	20,610.00

Contract Item Sheets For C202188

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0034	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	228,553 LF	0.18	41,139.54
0035	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	2,835 LF	0.35	992.25
0036	4830000000-E	1205	PAINT PAVEMENT MARKING LINES (16")	450 LF	1.50	675.00
0037	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	1,811 LF	2.00	3,622.00
0038	4840000000-N	1205	PAINT PAVEMENT MARKING CHARACTER	42 EA	22.00	924.00
0039	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	222 EA	38.00	8,436.00
0040	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	570 EA	5.25	2,992.50
0041	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	1,031 EA	25.00	25,775.00
0042	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	40,000.00	40,000.00
0043	6000000000-E	1605	TEMPORARY SILT FENCE	278 LF	2.50	695.00
0044	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	70 TON	125.00	8,750.00
0045	6012000000-E	1610	SEDIMENT CONTROL STONE	70 TON	110.00	7,700.00
0046	6015000000-E	1615	TEMPORARY MULCHING	2.78 ACR	600.00	1,668.00
0047	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	138 LB	3.00	414.00
0048	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	0.7 TON	1,810.00	1,267.00
0049	6042000000-E	1632	1/4" HARDWARE CLOTH	138 LF	11.50	1,587.00
0050	6084000000-E	1660	SEEDING & MULCHING	3.91 ACR	3,435.00	13,430.85
0051	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	4,600 LF	5.00	23,000.00

Contract Item Sheets For C202188

Line #	ItemNumber	Sec #	Description	Quantity	Unit	Unit Bid Price	Amount Bid
0052	7456000000-E	1726	LEAD-IN CABLE (***** (18-4)	2,025	LF	2.30	4,657.50

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,794,084.41 ✓

0805/Jun25/Q490511.99/D196515200000/E52

**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

Barnhill Contracting Company
Full name of Corporation

PO Box 1529, Tarboro, NC 27886
Address as Prequalified

Attest Charlie E. Gates
Secretary/Assistant Secretary
Select appropriate title

By Carey M. Swann III
President/Vice President/Assistant Vice President
Select appropriate title

Charlie E. Gates
Print or type Signer's name

Carey M. Swann, III
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

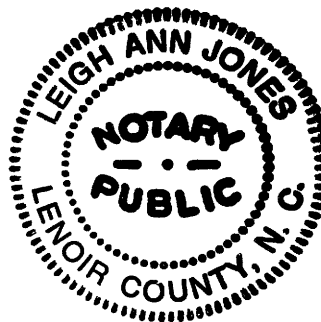
Subscribed and sworn to before me this the
1 day of July 2009.

Leigh Ann Jones
Signature of Notary Public

of Lenoir County

State of NC

My Commission Expires: 10/20/09



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.

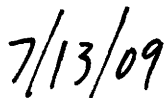
Contract No **C202188**

County (ies): **New Hanover**

**ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION**

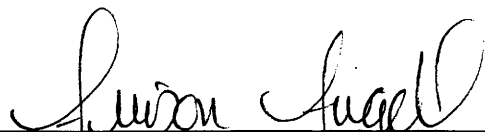


Contract Officer



Date

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



Assistant Attorney General

Contract No. C202188
County New Hanover

(Rev 7-10-08)

Bond No. 105276793

CONTRACT PAYMENT BOND

Date of Payment Bond Execution June 25, 2009
Name of Principal Contractor Barnhill Contracting Company
Name of Surety: Travelers Casualty and Surety Company of America
Name of Contracting Body: **North Carolina Department of Transportation**
Raleigh, North Carolina
Amount of Bond: \$2,794,084.41
Contract ID No.: C202188
County Name: New Hanover

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. C202188
County New Hanover

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

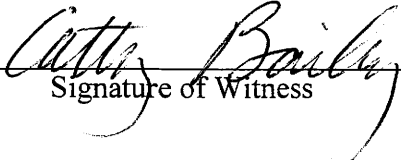
Travelers Casualty and Surety Company of America

Print or type Surety Company Name

By Bobbi D. Pendleton

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


Signature of Attorney-in-Fact


Signature of Witness

Cathy Bailey

Print or type Witness's name

4000 CentreGreen Way Suite 250, Cary, NC 27513

Address of Attorney-in-Fact

Contract No. C202188
County New Hanover

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

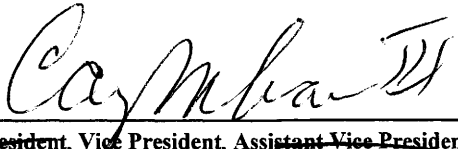
SIGNATURE OF CONTRACTOR (Principal)

Barnhill Contracting Company

Full name of Corporation

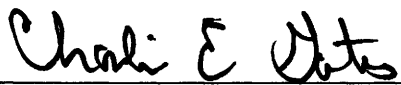
P.O. Box 1529, Tarboro, NC 27886-1529

Address as prequalified

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

Carey M. Swann, III
Print or type Signer's name

Affix Corporate Seal

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

Charlie E. Gates
Print or type Signer's name

Contract No. C202188
County New Hanover

(Rev 7-10-08)

Bond No. 105276793

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: June 25, 2009

Name of Principal Contractor: Barnhill Contracting Company

Name of Surety: Travelers Casualty and Surety Company of America

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

Amount of Bond: \$2,794,084.41

Contract ID No.: C202188

County Name: New Hanover

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. C202188
County New Hanover

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

Travelers Casualty and Surety Company of America

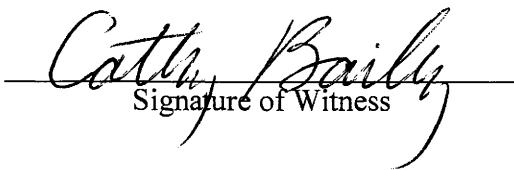
Print or type Surety Company Name

By Bobbi D. Pendleton

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



Signature of Attorney-in-Fact



Signature of Witness

Cathy Bailey

Print or type Witness's name

4000 CentreGreen Way Suite 250, Cary, NC 27513

Address of Attorney-in-Fact

Contract No. C202188
County New Hanover

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Barnhill Contracting Company

Full name of Corporation

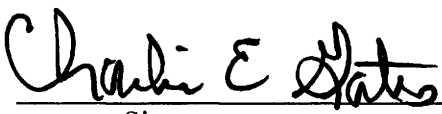
P.O. Box 1529, Tarboro, NC 27886-1529

Address as prequalified

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

Carey M. Swann, III
Print or type Signer's name

Affix Corporate Seal

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

Charlie E. Gates
Print or type Signer's name



POWER OF ATTORNEY

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

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

Attorney-In Fact No. 221075

Certificate No. 002924609

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

Bobbi D. Pendleton, Suzanne R. Parker, Lucien P. Laborde, and Cathy F. Bailey

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

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 7th day of April, 2009.

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

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



State of Connecticut
City of Hartford ss.

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

On this the 7th day of April, 2009, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

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



[Signature]
Marie C. Tetreault, Notary Public

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

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

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

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

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 25 day of June, 2009

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

Kori M. Johanson
Kori M. Johanson, Assistant Secretary



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