

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

C202412

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202412

WBS 45163.3.ST1 STM-1728(4)

T.I.P NO. R-5169A

COUNTY OF WAKE

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER SR 1728 LENGTH 2.500 MILES

LOCATION SR-1728 (WADE AVENUE) FROM EAST OF FAIRCLOTH STREET TO
GLENWOOD AVE AND CAPITAL BLVD RAMPS.

CONTRACTOR REA CONTRACTING LLC

ADDRESS P.O. BOX 32487
CHARLOTTE, NC 28232

BIDS OPENED SEPTEMBER 29, 2009

CONTRACT EXECUTION OCT 13 2009

NCDOT/berc

Vendor 4421's Bid Information for Call 001, Letting L090929, 2009-09-29

Rea Contracting LLC (4421).

Vendor 3 of 4 Vendors for Call Order 001 (Proposal ID C202412).

County: WAKE
Address: 6135 Park South Dr
Suite 400
Charlotte, NC 28210
Phone Number: 704-553-6500
Signature Check: This bid has been properly signed by Carey_K._Tate_4421.
Time Bid Received: Tue Sep 29 08:36:58 2009
Bid Checksum: 279F7D38
Amendment Count: 1
Bidding Errors: No bidding errors.
Bid Total: \$1,302,006.13 ✓
Bond ID: SNC09333333
Bond was Verified: Yes.
Bond Required Percent: 5.00%
Minimum Check Amount: \$65,100.31
Bid Security Maximum: \$
Bond Agency Name:
Agency Execution Date: 9/16/2009 10:21:12 AM
Surety Name: Fidelity And Deposit Company of Maryland
Surety State of Incorporation:
Bond Company:
Bond Type:
Bond Appr Flag:
Bond Affirm:
Bond was Paid by Check: No.

DBE GOAL SET - 7.0%
DBE GOAL MET - 7.0%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
✓ 1968 WB	MURRAY ENTERPRISES, INC. 1231 SHAMROCK DRIVE , BURLINGTON, NC 27215		Sub 14,417.50 ✓ ARM
✓ 7155 WB	TRIANGLE ADJUSTMENTS LLC 88 GREENLYN DRIVE , CLAYTON, NC 27520		Sub 30,080.00 ✓ ARM
✓ 3765 WB	STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub 4,963.00 ✓ ARM
✓ 3766 MB	KELVIN WHITEHURST TRUCKING 4912 CUPINE CT , RALEIGH, NC 27604		Sub 42,196.80 ✓ ARM
TOTAL:			\$91,657.30 ✓ ARM 7.04% ✓ ARM

Miscellaneous Data Info - Contractor Responses:

NON-COLLUSION AND DEBARMENT CERTIFICATION

Explanation of the prospective bidder that is unable to certify to any of the statements in this certification:

Explanation:
 NOT ANSWERED
 NOT ANSWERED
 NOT ANSWERED
 NOT ANSWERED

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

The Award Limits shall apply to the following projects:

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

Bid Bond Data Info - Contractor Responses:

BondID: SNC09333333
 Surety Registry Agency: surety2000
 Verified?: Yes
 Surety Agency: Fidelity And Deposit Company of Maryland

NCDOT/berc

Vendor 4421's Load Output for Call 001, Letting L090929, 2009-09-29

Bond Execution Date: 9/16/2009 10:21:12 AM

Bond Amount: \$65,100.31 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date: 09-15-09
 Revised: 09-17-09

Contract ID: C202412 Project(s): STM-1728(4)
 Letting Date: 09-29-09 Call Order: 001
 Bidder: 4421 - Rea Contracting LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars Cts	Bid Amount Dollars Ct
Section 0001 ROADWAY ITEMS				
Alt Group				
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP	64,250.00
0002	1022000000-E SEALING EXISTING PAVEMENT CRACKS	LB 17,340.000	2.55000	44,217.00
0003	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY 12,571.000	1.00000	12,571.00
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (4")	SY 67,055.000	1.50000	100,582.50
0005	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (1" TO 2")	SY 7,392.000	1.20000	8,870.40
0006	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	TON 10,080.000	26.00000	262,080.00
0007	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON 7,473.000	27.75000	207,375.75
0008	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON 473.000	400.00000	189,200.00
0009	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON 448.000	400.00000	179,200.00
0010	1704000000-E PATCHING EXISTING PAVEMENT	TON 685.000	90.00000	61,650.00
0011	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP	66,000.00

State of NC
 Dept of Transportation

Date: 09-15-09
 Revised: 09-17-09

Contract ID: C202412 Project(s): STM-1728(4)
 Letting Date: 09-29-09 Call Order: 001
 Bidder: 4421 - Rea Contracting LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	33,995.000 LF	0.70000		23,796.50	
0013	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	5,472.000 LF	1.20000		6,566.40	
0014	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	470.000 LF	6.00000		2,820.00	
0015	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	77.000 EA	95.00000		7,315.00	
0016	4810000000-E PAINT PAVEMENT MARKING LINES (4")	68,414.000 LF	0.22000		15,051.08	
0017	4820000000-E PAINT PAVEMENT MARKING LINES (8")	500.000 LF	0.45000		225.00	
0018	4835000000-E PAINT PAVEMENT MARKING LINES (24")	470.000 LF	3.00000		1,410.00	
0019	4845000000-N PAINT PAVEMENT MARKING SYMBOL	72.000 EA	25.00000		1,800.00	
0020	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	632.000 EA	4.00000		2,528.00	
0021	7444000000-E INDUCTIVE LOOP SAWCUT	3,950.000 LF	3.65000		14,417.50	
0022	2830000000-N ADJUSTMENT OF MANHOLES	49.000 EA	320.00000		15,680.00	
0023	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	45.000 EA	320.00000		14,400.00	

State of NC
 Dept of Transportation

Date: 09-15-09
 Revised: 09-17-09

Contract ID: C202412 Project(s): STM-1728(4)
 Letting Date: 09-29-09 Call Order: 001
 Bidder: 4421 - Rea Contracting LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
	Section 0001 Total				1,302,006.13	
	Bid Total				1,302,006.13	

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

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

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

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

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

The Award Limits shall apply to the following projects:

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

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

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT ITEMS

DATE: 09-15-09
PAGE: 6

PROPOSAL: C202412
LETTING: L090929 CALL: 001
VENDOR: 4421 Rea Contracting LLC

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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DBE SUBCONTRACTOR: 1968 MURRAY ENTERPRISES, INC.
Will Use Quote: Yes

0021	7444000000-E	INDUCTIVE LO LF		3950.000	3.65000	14417.50
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						14,417.50
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						14,417.50 ✓ ARM

DBE SUBCONTRACTOR: 7155 TRIANGLE ADJUSTMENTS LLC
Will Use Quote: Yes

0022	2830000000-N	ADJ MANHOLES EA		49.000	320.00000	15680.00
0023	2845000000-N	ADJ METER OR EA		45.000	320.00000	14400.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						30,080.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						30,080.00 ✓ ARM

DBE SUBCONTRACTOR: 3765 STAY ALERT SAFETY SERVICES INC
Will Use Quote: Yes

0011	4589000000-N	GENERIC TRAF LS		1.000	4963.00000	4963.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						4,963.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						4,963.00 ✓ ARM

DBE SUBCONTRACTOR: 3766 KELVIN WHITEHURST TRUCKING
Will Use Quote: Yes

0006	1503000000-E	ASP CONC INT TON		10080.000	3.00000	30240.00
0007	1523000000-E	ASP CONC SUR TON		7473.000	1.60000	11956.80
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						42,196.80
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						42,196.80 ✓ ARM

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 7.04% or 91657.30 ✓
Required: 7.00% or 91140.43
<GOAL MET>

Contract Item Sheets For C202412

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	64,250.00	64,250.00
0002	1022000000-E	SP	SEALING EXISTING PAVEMENT CRACKS	17,340 LB	2.55	44,217.00
0003	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	12,571 SY	1.00	12,571.00
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (4")	67,055 SY	1.50	100,582.50
0005	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (1" TO 2")	7,392 SY	1.20	8,870.40
0006	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	10,080 TON	26.00	262,080.00
0007	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	7,473 TON	27.75	207,375.75
0008	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	473 TON	400.00	189,200.00
0009	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	448 TON	400.00	179,200.00
0010	1704000000-E	SP	PATCHING EXISTING PAVEMENT	685 TON	90.00	61,650.00
0011	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	66,000.00	66,000.00
0012	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	33,995 LF	0.70	23,796.50
0013	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	5,472 LF	1.20	6,566.40
0014	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	470 LF	6.00	2,820.00
0015	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	77 EA	95.00	7,315.00
0016	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	68,414 LF	0.22	15,051.08

Contract Item Sheets For C202412

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	500 LF	0.45	225.00
0018	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	470 LF	3.00	1,410.00
0019	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	72 EA	25.00	1,800.00
0020	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	632 EA	4.00	2,528.00
0021	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	3,950 LF	3.65	14,417.50
0022	2830000000-N	858	ADJUSTMENT OF MANHOLES	49 EA	320.00	15,680.00
0023	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	45 EA	320.00	14,400.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,302,006.13 ✓

1531/Oct01/Q237665/D73515100000/E23

Contract Number C202412
County Wake

Rev 7-20-08

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT AND DEBARMENT CERTIFICATION
LIMITED LIABILITY COMPANY**

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

Rea Contracting LLC

Full Name of Firm

P.O. Box 32487, Charlotte, NC 28232

Address as Prequalified

Dottie Boylston
Witness's Signature

Signature of Manager

David J. Rankin
Individually

Mary Kelly Dottie Boylston
Print or type Witness's name

David J. Rankin, District Manager
Print or type Signer's Name

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

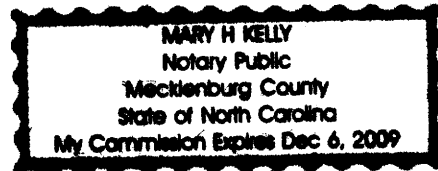
8th day of October 2009.

Mary H. Kelly
Signature of Notary Public

of Mecklenburg County

State of North Carolina

My Commission Expires: 12-6-09



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 **C202412**

County (ies): **Wake**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

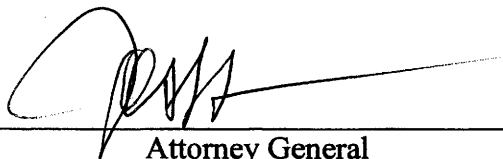


Contract Officer

10/13/09

Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Executed in duplicate

Contract No. C202412
County Wake

(Rev 7-10-08)

Bond No. 08980157 / 82170678

CONTRACT PAYMENT BOND

Date of Payment Bond Execution October 7, 2009

Name of Principal Contractor Rea Contracting LLC

Name of Surety: Fidelity and Deposit Company of Maryland / Federal Insurance Company

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

Amount of Bond: One Million Three Hundred Two Thousand Six Dollars and 13/100 (\$1,302,006.13)

Contract ID No.: C202412

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. C202412
County Wake

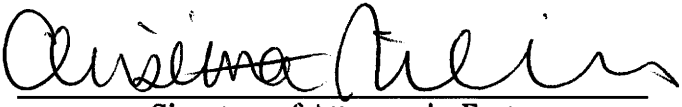
(Rev 7-10-08)

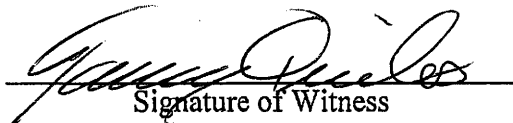
CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Federal Insurance Company / Fidelity and Deposit Company of Maryland
Print or type Surety Company Name

By Christina Williams
Print, stamp or type name of Attorney-in-Fact

By: 
Signature of Attorney-in-Fact


Signature of Witness

Tammy Quiles
Print or type Witness's name

60 State Street, Suite 600

Boston, MA 02109
Address of Attorney-in-Fact

Contract No. C202412
County Wake

(Rev 7-10-08)


CONTRACT PAYMENT BOND

LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor Rea Contracting LLC
Full name of Firm

P.O. Box 32487, Charlotte, NC 28232
Address as prequalified

Signature of Manager 
Individually

David J. Rankin, District Manager
Print or type Signer's name


Witness's Signature

Dottie Boylston
Print or type Witness's name

Executed in duplicate (2) originals

Contract No. C202412
County Wake

(Rev 7-10-08)

Bond No. 08980157 / 82170678

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: October 7, 2009

Name of Principal Contractor: Rea Contracting LLC

Name of Surety: Fidelity and Deposit Company of Maryland / Federal Insurance Company

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

Amount of Bond: One Million Three Hundred Two Thousand Six Dollars and 13/100 (\$1,302,006.13)

Contract ID No.: C202412

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

Contract No. C202412

(Rev 7-10-08)

County Wake

CONTRACT PERFORMANCE BOND

LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor Rea Contracting LLC
Full name of Firm

P.O. Box 32487, Charlotte, NC 28232
Address as prequalified

Signature of Manager 
Individually

David J. Rankin, District Manager
Print or type Signer's name


Witness's Signature

Dottie Boylston
Print or type Witness's Name

Bond Number: 08980157 / 82170678

Obligee: North Carolina Dept. of Transportation

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
HOME OFFICE: 3910 KESWICK ROAD, BALTIMORE, MD 21211

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by Frank E. Martin, Jr., Vice President and Gerald F. Haley, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the next page hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint:

Christina Williams

of Farmington, CT, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: Bond or undertaking number 08980157 / 82170678, issued on behalf of Rea Contracting LLC, as Principal in a penalty not to exceed the sum of See Bond Form (\$See Bond Form) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, MD, in their own proper persons.

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

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

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley *Assistant Secretary*

Frank E. Martin Jr.

Frank E. Martin, Jr. *Vice President*

State of Maryland }
County of Baltimore } SS:

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

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



Connie A. Dunn

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

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

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President or any Vice President that is specially authorized by the Board of Directors or the Chairman in concurrence with the Corporate Secretary, shall have the power, by and with the concurrence of the Secretary, to appoint Attorney-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto.”


CERTIFICATE

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

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 5th day of May, 1994.

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 7th day of October, 2009.



L.L. Goucher

Assistant Secretary





**Chubb
Surety**

**POWER
OF
ATTORNEY**

**Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company**

**Attn: Surety Department
15 Mountain View Road
Warren, NJ 07059**

Know All by These Presents, That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint

Christina Williams

as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, the following Surety Bond:

Surety Bond Number :08980157 / 82170678

Oblgee :North Carolina Dept. of Transportation

And the execution of such bond or obligation by such Attorney- in- Fact in the Company's name and on its behalf as surety thereon or otherwise, under its corporate seal, in pursuance of the authority hereby conferred shall, upon delivery thereof, be valid and binding upon the Company.

In Witness Whereof, said **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** have each executed and attested these presents and affixed their corporate seals on this 20th day of November, 2008.

Kenneth C. Wendel

Richard A. Ciullo

Kenneth C. Wendel, Assistant Secretary

Richard A. Ciullo, Vice President

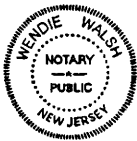
STATE OF NEW JERSEY

ss.

County of Somerset

On this 20th day of November, 2008, before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with Richard A. Ciullo, and knows him to be Vice President of said Companies; and that the signature of Richard A. Ciullo, subscribed to said Power of Attorney is in the genuine handwriting of Richard A. Ciullo, and was thereto subscribed by authority of said By- Laws and in deponent's presence.

Notarial Seal



WENDIE WALSH
Notary Public, State of New Jersey
No. 0054504
Commission Expires April 18, 2013

Wendie Walsh

Notary

Public

CERTIFICATION

Extract from the By- Laws of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY**:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, 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 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 upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** (the "Companies") do hereby certify that

- (i) the foregoing extract of the By- Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 7th day of October, 2009



Kenneth C. Wendel

Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com