

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

C202453

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202453

WBS 8CR.10771.12 STATE FUNDED

COUNTY OF RICHMOND  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER US 74 LENGTH 7.750 MILES  
LOCATION 5 SECTIONS OF US-74 BUS, AND 1 SECTION OF US-1.

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

BIDS OPENED OCTOBER 20, 2009  
CONTRACT EXECUTION NOV 10 2009

**BARNHILL CONTRACTING COMPANY (3516).**

**Vendor 2 of 3 Vendors for Call Order 009 (Proposal ID C202453).**

County: RICHMOND  
Address: PO BOX 1509  
TARBORO, NC 27886

Phone Number: 1-252-823-1021

Signature Check: This bid has been properly signed by KERMIT\_L. MOSER\_3516.

Time Bid Received: Tue Oct 20 12:53:02 2009

Bid Checksum: B15D0293

Amendment Count: 0

Bidding Errors: No bidding errors. ✓

Bid Total: \$1,199,986.94 ✓

Bond ID: SNC09169211

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$59,999.35

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 10/20/2009

Surety Name: Bond Network, Inc.

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

MBE GOAL SET 4.0%

WBE GOAL SET 4.0%

MBE GOAL MET 4.0%

WBE GOAL MET 4.0%

LIST OF MBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
3020	MB SAMUEL HUNT'S TRUCKING CO INC 2841 BLUE SPRINGS ROAD , RED SPRINGS, NC 28377		Sub 24,402.95 ✓ ARM
5938	MB WALTER STANCIL ENTERPRISE, INC. 127 STANCIL DRIVE , ELLERBE, NC 28338		Sub 24,000.00 ✓ ARM
TOTAL:			\$48,402.95 ✓ ARM 4.03% ✓ ARM

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
3765	WB STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub 5,338.00 ✓ ARM
6189	WB PURPOSE DRIVEN SEEDING & MULCHI 1337 BRAYBOY RD , ROWLAND, NC 28383		Sub 13,178.40 ✓ ARM
10375	WB DELCO INC 218 E. BROAD AVENUE , ROCKINGHAM, NC 28379		Sub 29,824.00 ✓ ARM
TOTAL:			\$48,340.40 ✓ ARM 4.03% ✓ 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	

NCDOT/berc

Vendor 3516's Load Output for Call 009, Letting L091020, 2009-10-20

NOT ANSWERED

Bid Bond Data Info - Contractor Responses:

=====

BondID: SNC09169211  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Bond Network, Inc.  
Bond Execution Date: 10/20/2009  
Bond Amount: \$59,999.35 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 09-22-09  
Revised:

Contract ID: C202453 Project(s): STATE FUNDED  
Letting Date: 10-20-09 Call Order: 009  
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 MOBILIZATION	LUMP		LUMP		36,085.00
0002	1220000000-E INCIDENTAL STONE BASE	TON	140.000	32.55000		4,557.00
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI	12.480	1,980.00000		24,710.40
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	173,655.000	0.69000		119,821.95
0005	1330000000-E INCIDENTAL MILLING	SY	315.000	7.70000		2,425.50
0006	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	17,065.000	22.35000		381,402.75
0007	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	13.000	428.07000		5,564.91
0008	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON	1,024.000	428.07000		438,343.68
0009	1661000000-E OPEN-GRADED ASPHALT FRICTION COURSE, TYPE FC-1	TON	195.000	63.71000		12,423.45
0010	2600000000-N RETROFIT EXISTING WHEELCHAIR RAMPS	EA	4.000	466.50000		1,866.00
0011	2605000000-N CONCRETE WHEELCHAIR RAMPS	EA	8.000	834.10000		6,672.80

State of NC  
Dept of Transportation

Date: 09-22-09  
Revised:

Contract ID: C202453 Project(s): STATE FUNDED  
Letting Date: 10-20-09 Call Order: 009  
Bidder: 3516 - BARNHILL CONTRACTING COMPANY

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	2752000000-E GENERIC PAVING ITEM 2'-6" CONCRETE CURB & GUTTER	740.000 LF	14.00000		10,360.00	
0013	2815000000-N ADJUSTMENT OF DROP INLETS	1.000 EA	245.00000		245.00	
0014	2830000000-N ADJUSTMENT OF MANHOLES	12.000 EA	308.00000		3,696.00	
0015	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	7.000 EA	263.00000		1,841.00	
0016	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	76,100.000 LF	0.42000		31,962.00	
0017	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	49,570.000 LF	0.48000		23,793.60	
0018	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	140.000 LF	8.00000		1,120.00	
0019	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	116.000 EA	110.00000		12,760.00	
0020	4810000000-E PAINT PAVEMENT MARKING LINES (4")	103,960.000 LF	0.20000		20,792.00	
0021	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	1,307.000 EA	4.50000		5,881.50	
0022	6084000000-E SEEDING & MULCHING	9.120 ACR	1,445.00000		13,178.40	
0023	7444000000-E INDUCTIVE LOOP SAWCUT	11,600.000 LF	3.49000		40,484.00	

State of NC  
Dept of Transportation

Date: 09-22-09  
Revised:

Contract ID: C202453 Project(s): STATE FUNDED  
Letting Date: 10-20-09 Call Order: 009  
Bidder: 3516 - BARNHILL CONTRACTING COMPANY

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
	Section 0001 Total				1,199,986.94	
	Bid Total				1,199,986.94	

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: 09-22-09  
 PAGE: 6

PROPOSAL: C202453  
 LETTING: L091020 CALL: 009  
 VENDOR: 3516 BARNHILL CONTRACTING COMPANY

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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MBE SUBCONTRACTOR: 3020 SAMUEL HUNT'S TRUCKING CO INC  
 Will Use Quote: Yes

0006	1523000000-E	ASP CONC SUR	TON	17065.000	1.43000	24402.95	ARM
		Stockpile Sand & Stone					

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 24,402.95

MBE SUBCONTRACTOR: 5938 WALTER STANCIL ENTERPRISE, INC. DBA STANCIL HAULIN  
 Will Use Quote: Yes

0004	1297000000-E	MILL ASP PVM SY		80000.000	0.30000	24000.00	ARM
		Haul Millings By The Hour					

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 24,000.00

TOTAL MBE COMMITMENT FOR VENDOR:	Entered:	4.03% or	48402.95
	Required:	4.00% or	47999.48
			<GOAL MET>



## Contract Item Sheets For C202453

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	36,085.00	36,085.00
0002	1220000000-E	545	INCIDENTAL STONE BASE	140 TON	32.55	4,557.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	12.48 SMI	1,980.00	24,710.40
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	173,655 SY	0.69	119,821.95
0005	1330000000-E	607	INCIDENTAL MILLING	315 SY	7.70	2,425.50
0006	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	17,065 TON	22.35	381,402.75
0007	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	13 TON	428.07	5,564.91
0008	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	1,024 TON	428.07	438,343.68
0009	1661000000-E	650	OPEN-GRADED ASPHALT FRICTION COURSE, TYPE FC-1	195 TON	63.71	12,423.45
0010	2600000000-N	SP	RETROFIT EXISTING WHEELCHAIR RAMPS	4 EA	466.50	1,866.00
0011	2605000000-N	848	CONCRETE WHEELCHAIR RAMPS	8 EA	834.10	6,672.80
0012	2752000000-E	SP	GENERIC PAVING ITEM 2'-6" CONCRETE CURB & GUTTER	740 LF	14.00	10,360.00
0013	2815000000-N	858	ADJUSTMENT OF DROP INLETS	1 EA	245.00	245.00
0014	2830000000-N	858	ADJUSTMENT OF MANHOLES	12 EA	308.00	3,696.00
0015	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	7 EA	263.00	1,841.00
0016	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	76,100 LF	0.42	31,962.00
0017	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	49,570 LF	0.48	23,793.60

## Contract Item Sheets For C202453

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	140 LF	8.00	1,120.00
0019	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	116 EA	110.00	12,760.00
0020	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	103,960 LF	0.20	20,792.00
0021	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	1,307 EA	4.50	5,881.50
0022	6084000000-E	1660	SEEDING & MULCHING	9.12 ACR	1,445.00	13,178.40
0023	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	11,600 LF	3.49	40,484.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,199,986.94 ✓

**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**

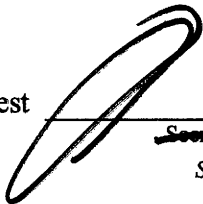
Barnhill Contracting Company

Full name of Corporation

P.O. Box 1529 Tarboro, NC 27886

Address as Prequalified

Attest

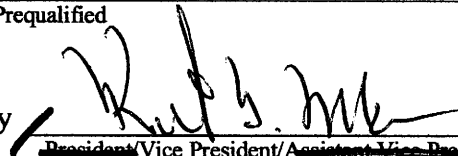


~~Secretary~~/Assistant Secretary  
Select appropriate title

George R Yourgal

Print or type Signer's name

By



~~President~~/Vice President/Assistant Vice President  
Select appropriate title

Kermit L Moser

Print or type Signer's name



**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

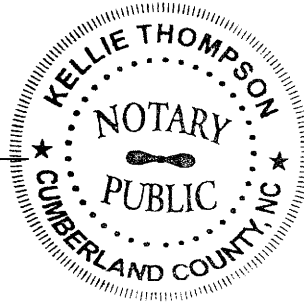
5<sup>th</sup> day of November 2009

Kellie Thompson  
Signature of Notary Public

of Cumberland County

State of North Carolina

My Commission Expires: Sept. 22, 2012



**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.



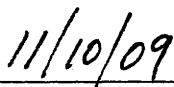
Contract No C202453

County (ies): Richmond

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION



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



\_\_\_\_\_  
Date

Execution of Contract and Bonds  
Approved as to Form:



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

BOND NO. 105310669

## CONTRACT PAYMENT BOND

Date of Payment

Bond Execution: October 29th, 2009

Name of Principal:

Contractor

BARNHILL CONTRACTING COMPANY

P.O. BOX 1529, TARBORO, NC 27886

Name of Surety:

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

11440 CARMEL COMMONS BLVD, CHARLOTTE, NC 28226

Name of Contracting Body:

RALEIGH, NC 27699-1591

Amount of Bond:

\$ 1,199,986.94

ONE MILLION ONE HUNDRED NINETY NINE THOUSAND NINE HUNDRED EIGHTY SIX AND 94/100

Contract ID No.:

C202453;WBS 8CR.10771.12

County Name:

RICHMOND

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereinafter, 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-bounden 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 Number C202453;WBS 8CR.10771.12  
County RICHMOND

Rev 07-10-08

## CONTRACT PAYMENT BOND

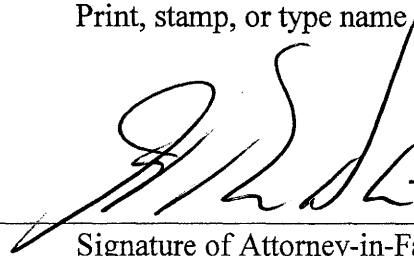
*Affix Seal of Surety Company*

**TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA**

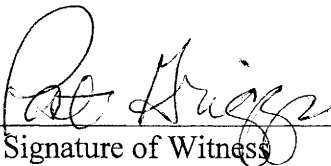
Print or type Surety Company Name

By **H. THOMAS DAWKINS**

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



Signature of Attorney-in-Fact



Signature of Witness

Pat Griggs

Print or type Witness's name

**P. O. BOX 6054**

**Charlotte, NC 28207-0000**

Address of Attorney-in-Fact

**CONTRACT PAYMENT BOND**

**CORPORATION**

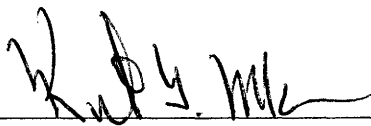
SIGNATURE OF CONTRACTOR (Principal)

**BARNHILL CONTRACTING COMPANY**

Full name of Corporation

**P.O. BOX 1529, TARBORO, NC 27886**

Address as prequalified

By   
Signature of ~~RICHMOND~~, Vice President, ~~Assistant Vice President~~


*Selete appropriate title*

KERMIT L. MOSER, VICE PRESIDENT

Print or type Signer's name

*Affix Corporate Seal*

Attest

  
Signature of ~~SECRETARY~~, Assistant Secretary  
*Selete appropriate title*



GEORGE R. YOURGAL

Print or type Signer's name

BOND NO. 105310669

## CONTRACT PERFORMANCE BOND

Date of Performance

Bond Execution: October 29th, 2009

Name of Principal:

Contractor

BARNHILL CONTRACTING COMPANY

P.O. BOX 1529, TARBORO, NC 27886

Name of Surety:

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

11440 CARMEL COMMONS BLVD, CHARLOTTE, NC 28226

Name of Contracting Body:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

RALEIGH, NC 27699-1591

Amount of Bond:

\$ 1,199,986.94

ONE MILLION ONE HUNDRED NINETY NINE THOUSAND NINE HUNDRED EIGHTY SIX AND 94/100

Contract ID No.:

C202453;WBS 8CR.10771.12

County Name(s):

RICHMOND

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 PERFORMANCE BOND

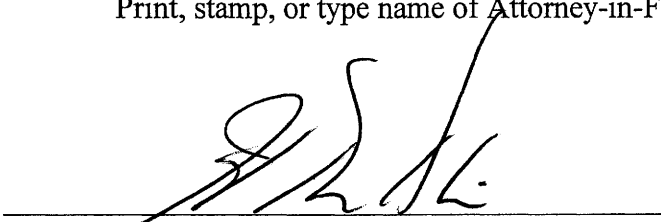
*Affix Seal of Surety Company*

**TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA**

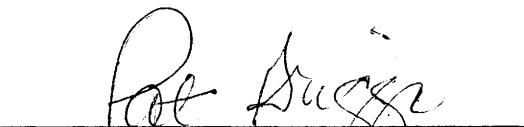
Print or type Surety Company Name

By **H. THOMAS DAWKINS**

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



Signature of Attorney-in-Fact



Signature of Witness

Pat Griggs

Print or type Witness' name

**P. O. BOX 6054**

**Charlotte, NC 28207-0000**

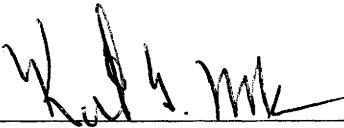
Address of Attorney-in-Fact

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

SIGNATURE OF CONTRACTOR (Principal)

**BARNHILL CONTRACTING COMPANY**  
Print full name of Corporation

**P.O. BOX 1529, TARBORO, NC 27886**  
Address as prequalified

By   
Signature of ~~PRESIDENT~~, Vice President, ~~ASSISTANT VICE PRESIDENT~~

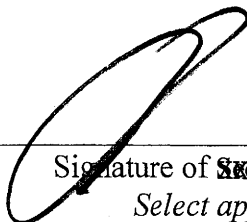
*Select appropriate title*

KERMIT L. MOSER, VICE PRESIDENT

Print or type Signer's name

*Affix Corporate Seal*

Attest

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



GEORGE R. YOURGAL

Print or type Signer's name



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
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. 219366

Certificate No. 003281577

KNOW ALL MEN BY THESE PRESENTS: 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

H. Thomas Dawkins, and Anissa A. Millen

of the City of Charlotte, 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 28th day of November, 2007.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
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 28th day of November, 2007, 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., 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., 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., 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 27th day of October, 2007

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

  
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](http://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.