

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

C202233

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202233

WBS 33603.3.1 BRZ-1520(11)

T.I.P NO. B-4261

COUNTY OF RUTHERFORD
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER SR 1520 LENGTH 0.365 MILES
LOCATION BRIDGES OVER CATHEY'S CREEK AND FORK OF CATHEY'S CREEK &
APPROACHES ON SR-1520.

CONTRACTOR APPLE TUCK & ASSOCIATES, INC.
ADDRESS P.O. BOX 904
RUTHERFORDTON, NC 28139

BIDS OPENED DECEMBER 15, 2009
CONTRACT EXECUTION JAN 1 1 2010

Apple Tuck Associates, Inc (3534).

Vendor 7 of 10 Vendors for Call Order 028 (Proposal ID C202233).

County: RUTHERFORD
Address: POBox 904
200 Highway 221
Rutherfordton, NC 28139

Phone Number: 8282873767

Signature Check: This bid has been properly signed by David_Charles_Bare_3534.

Time Bid Received: Tue Dec 15 12:38:062009

Bid Checksum: E23C4364

Amendment Count: 0

Bidding Errors: No bidding errors.

DBE GOAL SET 8.0

Bid Total: \$1,076,058.78 ✓

DBE GOAL MET 10.0

BondID: SNC09797450

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$53,802.94

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 12/9/2009 11:02:04 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.

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
4898	WB BULLINGTON CONSTRUCTION INC 417 FOXGLOVE LANE , INDIAN TRAIL, NC 28079		Sub 35,496.25 ✓ am
2855	WB BOSS CONSTRUCTION CO., INC. 229 BOXWOOD CHURCH ROAD , MOCKSVILLE, NC 27028		Sub 11,961.90 ✓ am
10291	MB EVERGREEN LANDSCAPING, LLC 386 YORK ROAD , BLACKSBURG, SC 29702		Sub 59,919.50 ✓ am
TOTAL:			\$107,377.65 ✓ am 9.98%

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: SNC09797450
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Fidelity And Deposit Company of Maryland
Bond Execution Date: 12/9/2009 11:02:04 AM
Bond Amount: \$53,802.94 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date: 11-17-09
 Revised:

Contract ID: C202233 Project(s): BRZ-1520(11)
 Letting Date: 12-15-09 Call Order: 028
 Bidder: 3534 - Apple Tuck & Associates, Inc

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		35,000.00
0002	0015000000-N SEALING ABANDONED WELLS	EA	1.000	200.00000		200.00
0003	0029000000-N REINFORCED BRIDGE APPROACH FILL, STATION ***** (STA 17+48.00 -L-)	LUMP		LUMP		6,500.00
0004	0043000000-N GRADING	LUMP		LUMP		51,000.00
0005	0050000000-E SUPPLEMENTA RY CLEARING & GRUB-BING	ACR	1.000	1.00000		1.00
0006	0057000000-E UNDERCUT EXCAVATION	CY	30.000	5.00000		150.00
0007	0080000000-E CLASS IV SUBGRADE STABILIZA- TION	TON	500.000	5.00000		2,500.00
0008	0134000000-E DRAINAGE DITCH EXCAVATION	CY	425.000	5.00000		2,125.00
0009	0195000000-E SELECT GRANULAR MATERIAL	CY	1,000.000	5.00000		5,000.00
0010	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	1,000.000	1.50000		1,500.00

State of NC
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Bidder: 3534 - Apple Tuck & Associates, Inc

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			Dollars	Cts	Dollars	Ct
0011	0318000000-E FOUNDATION CONDITIONING MATERIAL, MINOR STRS	13.000 TON	35.00000		455.00	
0012	0320000000-E FOUNDATION CONDITIONING FABRIC	16.000 SY	1.75000		28.00	
0013	0343000000-E 15" SIDE DRAIN PIPE	88.000 LF	35.00000		3,080.00	
0014	0708000000-E 15" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	28.000 LF	35.00000		980.00	
0015	0806000000-E 15" BIT COAT CS PIPE ELBOWS, TYPE B 0.064" THICK	2.000 EA	200.00000		400.00	
0016	1121000000-E AGGREGATE BASE COURSE	100.000 TON	25.00000		2,500.00	
0017	1220000000-E INCIDENTAL STONE BASE	25.000 TON	25.00000		625.00	
0018	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	520.000 TON	58.00000		30,160.00	
0019	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	580.000 TON	59.00000		34,220.00	
0020	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	65.000 TON	442.00000		28,730.00	
0021	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	10.000 TON	50.00000		500.00	
0022	2000000000-N RIGHT OF WAY MARKERS	32.000 EA	200.00000		6,400.00	

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			Dollars	Cts	Dollars	Ct
0023	2022000000-E SUBDRAIN EXCAVATION	CY 112.000	1.00000		112.00	
0024	2033000000-E SUBDRAIN FINE AGGREGATE	CY 84.000	5.00000		420.00	
0025	2044000000-E 6" PERFORATED SUBDRAIN PIPE	LF 500.000	0.50000		250.00	
0026	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	EA 15.000	10.00000		150.00	
0027	2066000000-N CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	EA 1.000	100.00000		100.00	
0028	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	LF 6.000	1.00000		6.00	
0029	2286000000-N MASONRY DRAINAGE STRUCTURES	EA 1.000	1,500.00000		1,500.00	
0030	2367000000-N FRAME WITH TWO GRATES, STD 840.29	EA 1.000	500.00000		500.00	
0031	2556000000-E SHOULDER BERM GUTTER	LF 52.000	30.00000		1,560.00	
0032	3030000000-E STEEL BM GUARDRAIL	LF 1,225.000	13.25000		16,231.25	
0033	3150000000-N ADDITIONAL GUARDRAIL POSTS	EA 5.000	13.00000		65.00	
0034	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	EA 8.000	1,800.00000		14,400.00	

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			Dollars	Cts	Dollars	Ct
0035	3317000000-N GUARDRAIL ANCHOR UNITS, TYPE B-77	EA 4.000	1,200.00000		4,800.00	
0036	3649000000-E RIP RAP, CLASS B	TON 45.000	35.00000		1,575.00	
0037	3656000000-E FILTER FABRIC FOR DRAINAGE	SY 2,750.000	2.50000		6,875.00	
0038	3659000000-N PREFORMED SCOUR HOLES WITH LEVEL SPREADER APRON	EA 1.000	500.00000		500.00	
0039	4400000000-E WORK ZONE SIGNS (STATIONARY)	SF 441.000	8.00000		3,528.00	
0040	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	SF 104.000	8.00000		832.00	
0041	4430000000-N DRUMS	EA 34.000	50.00000		1,700.00	
0042	4435000000-N CONES	EA 34.000	20.00000		680.00	
0043	4445000000-E BARRICADES (TYPE III)	LF 104.000	30.00000		3,120.00	
0044	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 19,004.000	0.34000		6,461.36	
0045	6000000000-E TEMPORARY SILT FENCE	LF 3,400.000	2.00000		6,800.00	
0046	6006000000-E STONE FOR EROSION CONTROL, CLASS A	TON 650.000	35.00000		22,750.00	

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			Dollars	Cts	Dollars	Ct
0047	6009000000-E STONE FOR EROSION CONTROL, CLASS B	350.000 TON	35.00000		12,250.00	
0048	6012000000-E SEDIMENT CONTROL STONE	710.000 TON	35.00000		24,850.00	
0049	6015000000-E TEMPORARY MULCHING	7.500 ACR	950.00000		7,125.00	
0050	6018000000-E SEED FOR TEMPORARY SEEDING	200.000 LB	5.00000		1,000.00	
0051	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	1.750 TON	1,500.00000		2,625.00	
0052	6024000000-E TEMPORARY SLOPE DRAINS	650.000 LF	15.00000		9,750.00	
0053	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	7.000 EA	250.00000		1,750.00	
0054	6029000000-E SAFETY FENCE	1,500.000 LF	0.75000		1,125.00	
0055	6030000000-E SILT EXCAVATION	980.000 CY	5.00000		4,900.00	
0056	6036000000-E MATTING FOR EROSION CONTROL	10,300.000 SY	1.50000		15,450.00	
0057	6037000000-E COIR FIBER MAT	90.000 SY	2.50000		225.00	
0058	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	350.000 SY	6.00000		2,100.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0059	6042000000-E 1/4" HARDWARE CLOTH	680.000 LF	4.00000		2,720.00	
0060	6045000000-E *** TEMPORARY PIPE (18")	160.000 LF	20.00000		3,200.00	
0061	6069000000-E STILLING BASINS	130.000 CY	5.00000		650.00	
0062	6070000000-N SPECIAL STILLING BASINS	18.000 EA	200.00000		3,600.00	
0063	6071010000-E WATTLE	50.000 LF	12.00000		600.00	
0064	6071020000-E POLYACRYLAM IDE (PAM)	11.000 LB	30.00000		330.00	
0065	6071030000-E COIR FIBER BAFFLES	900.000 LF	5.00000		4,500.00	
0066	6071050000-E *** SKIMMER (1-1/2")	8.000 EA	800.00000		6,400.00	
0067	6084000000-E SEEDING & MULCHING	10.000 ACR	1,850.00000		18,500.00	
0068	6087000000-E MOWING	5.000 ACR	50.00000		250.00	
0069	6090000000-E SEED FOR REPAIR SEEDING	100.000 LB	4.00000		400.00	
0070	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	500.00000		125.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0071	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	125.000 LB	1.00000		125.00	
0072	6108000000-E FERTILIZER TOPDRESSING	3.500 TON	500.00000		1,750.00	
0073	6111000000-E IMPERVIOUS DIKE	150.000 LF	20.00000		3,000.00	
0074	6114500000-N SPECIALIZED HAND MOWING	10.000 MHR	50.00000		500.00	
0075	6117000000-N RESPONSE FOR EROSION CONTROL	27.000 EA	100.00000		2,700.00	
0076	6123000000-E REFORESTATION	0.100 ACR	1,000.00000		100.00	
Section 0001 Total						439,569.61

Section 0002 CULVERT ITEMS

Alt Group

0077	8049000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (28+92.66-L-)	LUMP	LUMP		10,000.00	
0078	8126000000-N CULVERT EXCAVATION, STA ***** (28+92.66-L-)	LUMP	LUMP		7,500.00	
0079	8133000000-E FOUNDATION CONDITIONING MATERIAL, BOX CULVERT	156.000 TON	50.00000		7,800.00	
0080	8196000000-E CLASS A CONCRETE (CULVERT)	251.100 CY	300.00000		75,330.00	

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Bidder: 3534 - Apple Tuck & Associates, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0081	8245000000-E REINFORCING STEEL (CULVERT)	49,600.000 LB	1.00000		49,600.00	
0082	8590000000-E RIP RAP, CLASS ** (I)	20.000 TON	40.00000		800.00	
0083	8622000000-E FILTER FABRIC FOR DRAINAGE	40.000 SY	3.00000		120.00	
Section 0002 Total						151,150.00

Section 0004 STRUCTURE ITEMS

Alt Group

0084	8017000000-N CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP ACCESS AT STA ***** (17+48.00-L-)	LUMP	LUMP		500.00	
0085	8021000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (17+48.00-L-)	LUMP	LUMP		15,000.00	
0086	8121000000-N UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (17+48.00-L-)	LUMP	LUMP		5,000.00	
0087	8147000000-E REINFORCED CONCRETE DECK SLAB	5,798.000 SF	26.50000		153,647.00	
0088	8161000000-E GROOVING BRIDGE FLOORS	5,344.000 SF	0.37000		1,977.28	
0089	8182000000-E CLASS A CONCRETE (BRIDGE)	74.600 CY	800.00000		59,680.00	

State of NC
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Bidder: 3534 - Apple Tuck & Associates, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0090	8210000000-N BRIDGE APPROACH SLABS, STATION***** (17+48.00-L-)	LUMP	LUMP			20,000.00
0091	8217000000-E REINFORCING STEEL (BRIDGE)	11,454.000 LB	1.00000			11,454.00
0092	8259000000-E 36" PRESTRESSED CONCRETE GIRDERS	706.670 LF	167.00000			118,013.89
0093	8364000000-E HP12X53 STEEL PILES	580.000 LF	30.00000			17,400.00
0094	8384200000-E HP14X73 GALVANIZED STEEL PILES	670.000 LF	52.00000			34,840.00
0095	8391000000-N STEEL PILE POINTS	5.000 EA	350.00000			1,750.00
0096	8503000000-E CONCRETE BARRIER RAIL	359.540 LF	50.00000			17,977.00
0097	8608000000-E RIP RAP CLASS II (2'-0" THICK)	360.000 TON	40.00000			14,400.00
0098	8622000000-E FILTER FABRIC FOR DRAINAGE	400.000 SY	3.00000			1,200.00
0099	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP			5,000.00
0100	8692000000-N EVAZOTE JOINT SEALS	LUMP	LUMP			7,500.00
Section 0004 Total						485,339.17

State of NC
Dept of Transportation

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Bidder: 3534 - Apple Tuck & Associates, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
	Bid Total				1,076,058.78	

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:11-17-09
PAGE: 13

PROPOSAL: C202233
LETTING: L091215 CALL: 028
VENDOR: 3534 Apple Tuck & Associates, Inc

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 4898 BULLINGTON CONSTRUCTION INC Will Use Quote: Yes						
0032	3030000000-E	STL BM GUARD	LF	1225.000	13.25000	16231.25
0033	3150000000-N	ADDIT GUARDR	EA	5.000	13.00000	65.00
0034	3270000000-N	GR ANCHOR TY	EA	8.000	1800.00000	14400.00
0035	3317000000-N	GR ANCHOR TY	EA	4.000	1200.00000	4800.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 35,496.25
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 35,496. ✓ am

DBE SUBCONTRACTOR: 2855 BOSS CONSTRUCTION CO., INC.
Will Use Quote: Yes

0096	8503000000-E	CONCRETE BAR	LF	359.540	33.27000	11961.90
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 11,961.90
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 11,961. ✓ am

DBE SUBCONTRACTOR: 10291 EVERGREEN LANDSCAPING, LLC
Will Use Quote: Yes

0045	6000000000-E	TEMPORARY SI	LF	3400.000	1.85000	6290.00
0049	6015000000-E	TEMPORARY MU	ACR	7.500	950.00000	7125.00
0050	6018000000-E	SEED FOR TEM	LB	200.000	5.00000	1000.00
0051	6021000000-E	FERT FOR TEM	TON	1.750	1500.00000	2625.00
0054	6029000000-E	SAFETY FENCE	LF	1500.000	0.75000	1125.00
0056	6036000000-E	MATTING FOR	SY	10300.000	1.30000	13390.00
0057	6037000000-E	COIR FIBER M	SY	90.000	2.50000	225.00
0058	6038000000-E	PERM SOIL RE	SY	350.000	4.25000	1487.50
0059	6042000000-E	1/4" HARDWAR	LF	680.000	3.90000	2652.00
0063	6071010000-E	WATTLE	LF	50.000	10.00000	500.00
0065	6071030000-E	COIR FIBER B	LF	900.000	5.00000	4500.00
0067	6084000000-E	SEEDING AND	ACR	10.000	1850.00000	18500.00
0074	6114500000-N	SPECIALIZED	MHR	10.000	50.00000	500.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 59,919.50 ✓ am
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 59,919.

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 9.98% or 107377.65 ✓ am
Required: 8.00% or 86084.70
<GOAL MET>

Contract Item Sheets For C202233

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	35,000.00	35,000.00
0002	0015000000-N	205	SEALING ABANDONED WELLS	1 EA	200.00	200.00
0003	0029000000-N	SP	REINFORCED BRIDGE APPROACH FILL, STATION ***** (STA 17 + 48.00 -L-)	Lump Sum LS	6,500.00	6,500.00
0004	0043000000-N	226	GRADING	Lump Sum LS	51,000.00	51,000.00
0005	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	1.00	1.00
0006	0057000000-E	226	UNDERCUT EXCAVATION	30 CY	5.00	150.00
0007	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	500 TON	5.00	2,500.00
0008	0134000000-E	240	DRAINAGE DITCH EXCAVATION	425 CY	5.00	2,125.00
0009	0195000000-E	265	SELECT GRANULAR MATERIAL	1,000 CY	5.00	5,000.00
0010	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	1,000 SY	1.50	1,500.00
0011	0318000000-E	300	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	13 TON	35.00	455.00
0012	0320000000-E	SP	FOUNDATION CONDITIONING FABRIC	16 SY	1.75	28.00
0013	0343000000-E	310	15" SIDE DRAIN PIPE	88 LF	35.00	3,080.00
0014	0708000000-E	310	15" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	28 LF	35.00	980.00
0015	0806000000-E	310	15" BIT COAT CS PIPE ELBOWS, TYPE B 0.064" THICK	2 EA	200.00	400.00
0016	1121000000-E	520	AGGREGATE BASE COURSE	100 TON	25.00	2,500.00
0017	1220000000-E	545	INCIDENTAL STONE BASE	25 TON	25.00	625.00
0018	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	520 TON	58.00	30,160.00

Contract Item Sheets For C202233

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	580 TON	59.00	34,220.00
0020	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	65 TON	442.00	28,730.00
0021	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	10 TON	50.00	500.00
0022	2000000000-N	806	RIGHT OF WAY MARKERS	32 EA	200.00	6,400.00
0023	2022000000-E	815	SUBDRAIN EXCAVATION	112 CY	1.00	112.00
0024	2033000000-E	815	SUBDRAIN FINE AGGREGATE	84 CY	5.00	420.00
0025	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	500 LF	0.50	250.00
0026	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	15 EA	10.00	150.00
0027	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA	100.00	100.00
0028	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF	1.00	6.00
0029	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	1 EA	1,500.00	1,500.00
0030	2367000000-N	840	FRAME WITH TWO GRATES, STD 840.29	1 EA	500.00	500.00
0031	2556000000-E	846	SHOULDER BERM GUTTER	52 LF	30.00	1,560.00
0032	3030000000-E	862	STEEL BM GUARDRAIL	1,225 LF	13.25	16,231.25
0033	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	13.00	65.00
0034	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	8 EA	1,800.00	14,400.00
0035	3317000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE B-77	4 EA	1,200.00	4,800.00
0036	3649000000-E	876	RIP RAP, CLASS B	45 TON	35.00	1,575.00

Contract Item Sheets For C202233

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0037	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	2,750 SY	2.50	6,875.00
0038	3659000000-N	SP	PREFORMED SCOUR HOLES WITH LEVEL SPREADER APRON	1 EA	500.00	500.00
0039	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	441 SF	8.00	3,528.00
0040	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	104 SF	8.00	832.00
0041	4430000000-N	1130	DRUMS	34 EA	50.00	1,700.00
0042	4435000000-N	1135	CONES	34 EA	20.00	680.00
0043	4445000000-E	1145	BARRICADES (TYPE III)	104 LF	30.00	3,120.00
0044	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	19,004 LF	0.34	6,461.36
0045	6000000000-E	1605	TEMPORARY SILT FENCE	3,400 LF	2.00	6,800.00
0046	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	650 TON	35.00	22,750.00
0047	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	350 TON	35.00	12,250.00
0048	6012000000-E	1610	SEDIMENT CONTROL STONE	710 TON	35.00	24,850.00
0049	6015000000-E	1615	TEMPORARY MULCHING	7.5 ACR	950.00	7,125.00
0050	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	200 LB	5.00	1,000.00
0051	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	1.75 TON	1,500.00	2,625.00
0052	6024000000-E	1622	TEMPORARY SLOPE DRAINS	650 LF	15.00	9,750.00
0053	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	7 EA	250.00	1,750.00
0054	6029000000-E	SP	SAFETY FENCE	1,500 LF	0.75	1,125.00
0055	6030000000-E	1630	SILT EXCAVATION	980 CY	5.00	4,900.00

Contract Item Sheets For C202233

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0056	6036000000-E	1631	MATTING FOR EROSION CONTROL	10,300 SY	1.50	15,450.00
0057	6037000000-E	SP	COIR FIBER MAT	90 SY	2.50	225.00
0058	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	350 SY	6.00	2,100.00
0059	6042000000-E	1632	1/4" HARDWARE CLOTH	680 LF	4.00	2,720.00
0060	6045000000-E	SP	*** TEMPORARY PIPE (18")	160 LF	20.00	3,200.00
0061	6069000000-E	1638	STILLING BASINS	130 CY	5.00	650.00
0062	6070000000-N	SP	SPECIAL STILLING BASINS	18 EA	200.00	3,600.00
0063	6071010000-E	SP	WATTLE	50 LF	12.00	600.00
0064	6071020000-E	SP	POLYACRYLAMIDE (PAM)	11 LB	30.00	330.00
0065	6071030000-E	SP	COIR FIBER BAFFLES	900 LF	5.00	4,500.00
0066	6071050000-E	SP	*** SKIMMER (1-1/2")	8 EA	800.00	6,400.00
0067	6084000000-E	1660	SEEDING & MULCHING	10 ACR	1,850.00	18,500.00
0068	6087000000-E	1660	MOWING	5 ACR	50.00	250.00
0069	6090000000-E	1661	SEED FOR REPAIR SEEDING	100 LB	4.00	400.00
0070	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	500.00	125.00
0071	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	125 LB	1.00	125.00
0072	6108000000-E	1665	FERTILIZER TOPDRESSING	3.5 TON	500.00	1,750.00
0073	6111000000-E	SP	IMPERVIOUS DIKE	150 LF	20.00	3,000.00
0074	6114500000-N	SP	SPECIALIZED HAND MOWING	10 MHR	50.00	500.00
0075	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	27 EA	100.00	2,700.00

Contract Item Sheets For C202233

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0076	6123000000-E	1670	REFORESTATION	0.1 ACR	1,000.00	100.00

Contract Item Sheets For C202233

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0077	8049000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (28+92.66-L-)	Lump Sum LS	10,000.00	10,000.00
0078	8126000000-N	414	CULVERT EXCAVATION, STA ***** (28+92.66-L-)	Lump Sum LS	7,500.00	7,500.00
0079	8133000000-E	414	FOUNDATION CONDITIONING MATER- IAL, BOX CULVERT	156 TON	50.00	7,800.00
0080	8196000000-E	420	CLASS A CONCRETE (CULVERT)	251.1 CY	300.00	75,330.00
0081	8245000000-E	425	REINFORCING STEEL (CULVERT)	49,600 LB	1.00	49,600.00
0082	8590000000-E	876	RIP RAP, CLASS ** (I)	20 TON	40.00	800.00
0083	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	40 SY	3.00	120.00

Contract Item Sheets For C202233

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0084	8017000000-N	SP	CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP ACCESS AT STA ***** (17 + 48.00-L-)	Lump Sum LS	500.00	500.00
0085	8021000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (17 + 48.00-L-)	Lump Sum LS	15,000.00	15,000.00
0086	8121000000-N	412	UNCLASSIFIED STRUCTURE EXCAVA- TION AT STATION ***** (17 + 48.00-L-)	Lump Sum LS	5,000.00	5,000.00
0087	8147000000-E	420	REINFORCED CONCRETE DECK SLAB	5,798 SF	26.50	153,647.00
0088	8161000000-E	420	GROOVING BRIDGE FLOORS	5,344 SF	0.37	1,977.28
0089	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	74.6 CY	800.00	59,680.00
0090	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (17 + 48.00-L-)	Lump Sum LS	20,000.00	20,000.00
0091	8217000000-E	425	REINFORCING STEEL (BRIDGE)	11,454 LB	1.00	11,454.00
0092	8259000000-E	430	36" PRESTRESSED CONCRETE GIR- DERS	706.67 LF	167.00	118,013.89
0093	8364000000-E	SP	HP12X53 STEEL PILES	580 LF	30.00	17,400.00
0094	8384200000-E	SP	HP14X73 GALVANIZED STEEL PILES	670 LF	52.00	34,840.00
0095	8391000000-N	SP	STEEL PILE POINTS	5 EA	350.00	1,750.00
0096	8503000000-E	460	CONCRETE BARRIER RAIL	359.54 LF	50.00	17,977.00
0097	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	360 TON	40.00	14,400.00
0098	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	400 SY	3.00	1,200.00
0099	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	5,000.00	5,000.00

Contract Item Sheets For C202233

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0100	8692000000-N	SP	EVAZOTE JOINT SEALS	Lump Sum LS	7,500.00	7,500.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,076,058.78 ✓

1156/Jan04/Q126381.01/D477421910000/E100

Contract Number C202233
County RUTHERFORD

Rev 7-20-08

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT AND DEBARMENT CERTIFICATION**

CORPORATION

The Contractor being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this Contract, and that the Contractor intends to do the work with his own bonafide employees or subcontractors and did not bid for the benefit of another contractor.

By submitting this Execution of Contract, Non-Collusion affidavit and Debarment Certification, the Contractor is certifying his status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR

APPLE TUCK & ASSOCIATES, INC

Full name of Corporation

P.O. Box 904 RUTHERFORD NC 28135

Address as Prequalified

Attest Christy Bare
Secretary/Assistant Secretary
Select appropriate title

By David C Bare
President/Vice President/Assistant Vice President
Select appropriate title

CHRISTY BARE
Print or type Signer's name

DAVID C BARE
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

5th day of January 2010.

Deborah A Dodson
Signature of Notary Public

of Rutherford County

State of North Carolina

My Commission Expires: 2/26/2011

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.

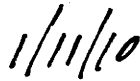
Contract No **C202233**

County (ies): **Rutherford**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Assistant Attorney General

Contract No. C202233
County Rutherford

Rev. 5-13-08

Bond No. PRF7612764

CONTRACT PAYMENT BOND

Date of Payment Bond Execution: December 29, 2009

Name of Principal Contractor: Apple Tuck & Associates, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: One Million Seventy Six Thousand Fifty Eight Dollars and 78/100 (\$1,076,058.78)

Contract ID No.: C202233

County Name(s): Rutherford

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. C202233

Rev 02-13-04

County Rutherford

CONTRACT PAYMENT BOND

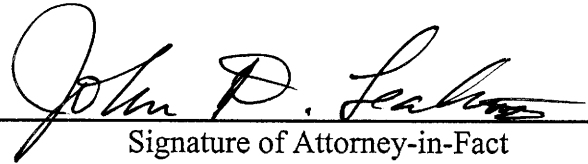
Affix Seal of Surety Company

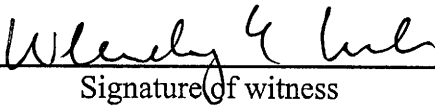
Fidelity and Deposit Company of Maryland

Print or type Surety Company Name

By John D. Leak, III

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


Signature of Attorney-in-Fact


Signature of witness

Wendy E. Lahm

Print or type witness' name

6100 Fairview Road
Charlotte, NC 28210

Address of Attorney-in-Fact

Contract No. C202233

Rev 02-13-04

County Rutherford

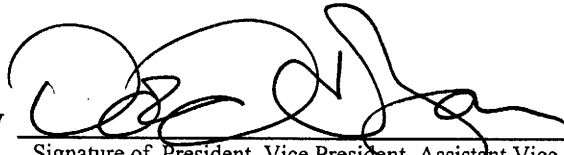
CONTRACT PAYMENT BOND

CORPORATION

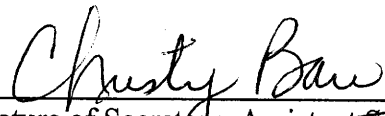
SIGNATURE OF CONTRACTOR (Principal)

Apple Tuck & Associates, Inc.
Print or type full name of Corporation

P.O. Box 904, Rutherfordton, NC 28139
Address as prequalified

By 
Signature of President, Vice President, Assistant Vice President
Delete inappropriate title

DAVID C BARE
Print or type signer's name

Attest 
Signature of Secretary, Assistant Secretary
Delete inappropriate title

Christy Bare
Print or type signer's name

Affix Corporate Seal

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, 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 reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Wendy E. LAHM, William J. QUINN, G. Timothy WILKERSON, Donna K. ASHLEY, Angela D. RAMSEY, John D. LEAK, III, Jennifer C. HOEHN and John F. THOMAS, all of Charlotte, North Carolina, EACH** 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: ~~any and all bonds and undertakings,~~ and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they 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. This power of attorney revokes that issued on behalf of Wendy E. LAHM, William J. QUINN, G. Timothy WILKERSON, James W. BLAND, Donna K. ASHLEY, Angela D. RAMSEY, John D. LEAK, III, Jennifer C. HOEHN, John F. THOMAS, dated February 15, 2006.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side 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 17th day of December, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

Theodore G. Martinez

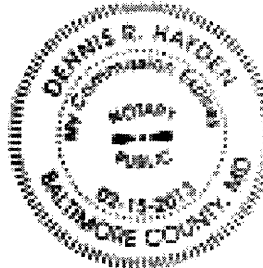
By:

Gregory E. Murray Assistant Secretary Theodore G. Martinez

State of Maryland }
Baltimore County } ss:

On this 17th day of December, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, 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.



Dennis R. Hayden

Dennis R. Hayden Notary Public
My Commission Expires: February 15, 2013

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 of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-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 judgements, decrees, mortgages and instruments in the nature of mortgages,....and to affix the seal of the Company thereto.”

CERTIFICATE

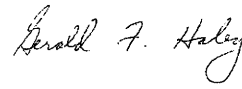
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was 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 10th day of May, 1990.

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 29th day of December, 2009.


Assistant Secretary

Contract No. C202233
County Rutherford

Rev. 5-13-08

Bond No. PRF7612764

CONTRACT PERFORMANCE BOND

Date of Contract Bond Execution December 29, 2009

Name of Principal Contractor: Apple Tuck & Associates, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: One Million Seventy Six Thousand Fifty Eight Dollars and 78/100 (\$1,076,058.78)

Contract ID No.: C202233

County Name(s): Rutherford

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 Number C202233
County Rutherford

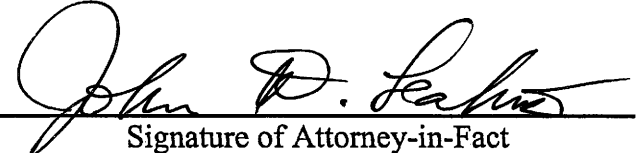
Rev 02-13-04

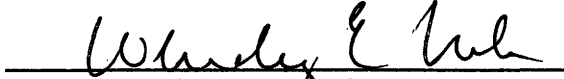
CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

Fidelity and Deposit Company of Maryland
Print or type Surety Company Name

By John D. Leak, III
Attorney-in-Fact
Print, stamp, or type name of Attorney-in Fact


Signature of Attorney-in-Fact


Signature of witness

Wendy E. Lahm
Print or type witness' name

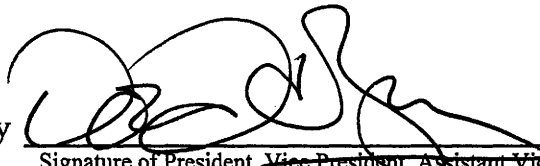
6100 Fairview Road
Charlotte, NC 28210
Address of Attorney-in-Fact

CONTRACT PERFORMANCE BOND
CORPORATION

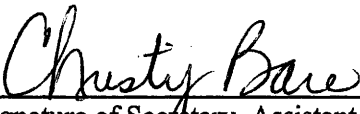
SIGNATURE OF CONTRACTOR (Principal)

Apple Tuck & Associates, Inc.
Print full name of Corporation

P.O. Box 904, Rutherfordton, NC 28139
Address as prequalified

By 
Signature of President, ~~Vice President, Assistant Vice President~~
Delete inappropriate title

DAVID C BARE
Print or type signer's name

Attest 
Signature of Secretary, ~~Assistant Secretary~~
Delete inappropriate title

Christy Bare
Print or type signer's name

Affix Corporate Seal

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, 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 reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Wendy E. LAHM, William J. QUINN, G. Timothy WILKERSON, Donna K. ASHLEY, Angela D. RAMSEY, John D. LEAK, III, Jennifer C. HOEHN and John F. THOMAS, all of Charlotte, North Carolina, EACH** 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: ~~any and all bonds and undertakings,~~ and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they 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. This power of attorney revokes that issued on behalf of Wendy E. LAHM, William J. QUINN, G. Timothy WILKERSON, James W. BLAND, Donna K. ASHLEY, Angela D. RAMSEY, John D. LEAK, III, Jennifer C. HOEHN, John F. THOMAS, dated February 15, 2006.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side 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 17th day of December, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

Theodore G. Martinez

By:

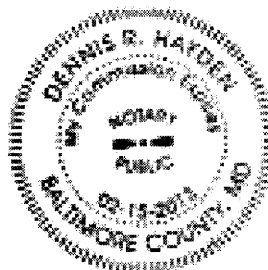
Gregory E. Murray Assistant Secretary

Theodore G. Martinez

State of Maryland }
Baltimore County } ss:

On this 17th day of December, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, 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.



Dennis R. Hayden

Dennis R. Hayden

Notary Public

My Commission Expires: February 15, 2013

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 of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-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 judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

CERTIFICATE

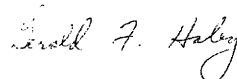
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was 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 10th day of May, 1990.

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 29th day of December, 2009.


Assistant Secretary