

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

C202269

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202269

WBS 33703.3.1 BRZ-2105(1)

T.I.P NO. B-4446

COUNTY OF BUNCOMBE

THIS IS THE ROADWAY & STRUCTURE CONTRACT

ROUTE NUMBER SR 2105 LENGTH 0.047 MILES

LOCATION BRIDGE OVER REEM'S CREEK AND APPROACHES ON SR-2105.

CONTRACTOR SUMMERS-TAYLOR, INC.

ADDRESS P.O. BOX 1628
ELIZABETHTON, TN 376441628

BIDS OPENED JANUARY 19, 2010

CONTRACT EXECUTION FEB 08 2010

Summer-Taylor, Inc. (3746).

Vendor 4 of 5 Vendors for Call Order 041 (Proposal ID C202269).

County: BUNCOMBE
Address: P.O. BOX 1628
300 WEST ELK AVE.
ELIZABETHTON, TN 37643

Phone Number: 423-543-3181

Signature Check: This bid has been properly signed by Robert_T_Summers_3746.

Time Bid Received: Tue Jan 19 13:15:21 2010

Bid Checksum: 95CD35FD

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$645,679.90 ✓

Bond ID: SNC10885602

DBE GOAL SET 7.0

DBE GOAL MET 8.6

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$32,283.99

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 1/12/2010 2:26:46 PM

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
4761	WB TRAFFIC CONTROL SAFETY SERVICES POST OFFICE BOX 24511 , WINSTON-SALEM, NC 27114		Sub 16,900.00 ✓ am
2759	WB SUPERIOR SEEDING, INC. POST OFFICE BOX 12642 , GASTONIA, NC 280520010		Sub 38,500.00 ✓ am
TOTAL:			\$55,400.00 ✓ am 8.58%

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: SNC10885602
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Fidelity And Deposit Company of Maryland
Bond Execution Date: 1/12/2010 2:26:46 PM
Bond Amount: \$32,283.99 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 12-22-09
Revised:

Contract ID: C202269 Project(s): BRZ-2105(1)
Letting Date: 01-19-10 Call Order: 041
Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP			23,000.00
0002	0030000000-N BRIDGE APPROACH FILL - SUB REGIONAL TIER, STATION ***** (13+48.95)	LUMP	LUMP			12,000.00
0003	0036000000-E UNDERCUT EXCAVATION	CY	100.000	10.00000		1,000.00
0004	0043000000-N GRADING	LUMP	LUMP			30,000.00
0005	0050000000-E SUPPLEMENTA RY CLEARING & GRUB-BING	ACR	1.000	1,200.00000		1,200.00
0006	0080000000-E CLASS IV SUBGRADE STABILIZA- TION	TON	100.000	25.00000		2,500.00
0007	0195000000-E SELECT GRANULAR MATERIAL	CY	100.000	44.00000		4,400.00
0008	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	100.000	3.00000		300.00
0009	0320000000-E FOUNDATION CONDITIONING FABRIC	SY	70.000	3.00000		210.00
0010	0330000000-E GENERIC DRAINAGE ITEM FOUNDATION CONDITIONING MATERIAL, MINOR STRS	TON	40.000	39.00000		1,560.00

State of NC
Dept of Transportation

Date: 12-22-09
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Contract ID: C202269 Project(s): BRZ-2105(1)
Letting Date: 01-19-10 Call Order: 041
Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	0335200000-E 15" DRAINAGE PIPE	16.000 LF	35.00000		560.00	
0012	0986000000-E GENERIC PIPE ITEM 18" CS PIPE CULVERTS 0.064" THICK	94.000 LF	41.00000		3,854.00	
0013	0986000000-E GENERIC PIPE ITEM 18" SIDE DRAIN PIPE	72.000 LF	40.00000		2,880.00	
0014	0992000000-E GENERIC PIPE ITEM CS PIPE TEES (18" X 18" X 18", 0.064")	2.000 EA	300.00000		600.00	
0015	0995000000-E PIPE REMOVAL	238.000 LF	5.00000		1,190.00	
0016	1220000000-E INCIDENTAL STONE BASE	100.000 TON	27.00000		2,700.00	
0017	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	150.000 TON	97.00000		14,550.00	
0018	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	40.000 TON	124.00000		4,960.00	
0019	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	80.000 TON	124.00000		9,920.00	
0020	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	15.000 TON	525.00000		7,875.00	
0021	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	65.000 TON	159.00000		10,335.00	
0022	2022000000-E SUBDRAIN EXCAVATION	22.400 CY	1.00000		22.40	

State of NC
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Date: 12-22-09
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Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	2033000000-E SUBDRAIN FINE AGGREGATE	16.800 CY	40.00000		672.00	
0024	2044000000-E 6" PERFORATED SUBDRAIN PIPE	100.000 LF	13.00000		1,300.00	
0025	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	3.000 EA	30.00000		90.00	
0026	2066000000-N CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1.000 EA	150.00000		150.00	
0027	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	6.000 LF	13.00000		78.00	
0028	2253000000-E PIPE COLLARS	0.450 CY	1,500.00000		675.00	
0029	2286000000-N MASONRY DRAINAGE STRUCTURES	1.000 EA	1,450.00000		1,450.00	
0030	2367000000-N FRAME WITH TWO GRATES, STD 840.29	1.000 EA	425.00000		425.00	
0031	3435000000-N GENERIC GUARDRAIL ITEM IMPACT ATTENUATOR UNIT, TYPE 350 (TL-2)	2.000 EA	8,450.00000		16,900.00	
0032	3628000000-E RIP RAP, CLASS I	30.000 TON	40.00000		1,200.00	
0033	3649000000-E RIP RAP, CLASS B	2.000 TON	40.00000		80.00	

State of NC
 Dept of Transportation

Date: 12-22-09
 Revised:

Contract ID: C202269 Project(s): BRZ-2105(1)
 Letting Date: 01-19-10 Call Order: 041
 Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0034	3656000000-E FILTER FABRIC FOR DRAINAGE	705.000 SY	3.00000		2,115.00	
0035	4400000000-E WORK ZONE SIGNS (STATIONARY)	410.000 SF	3.95000		1,619.50	
0036	4405000000-E WORK ZONE SIGNS (PORTABLE)	100.000 SF	8.75000		875.00	
0037	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	90.000 SF	5.75000		517.50	
0038	4430000000-N DRUMS	20.000 EA	33.95000		679.00	
0039	4435000000-N CONES	25.000 EA	15.95000		398.75	
0040	4445000000-E BARRICADES (TYPE III)	40.000 LF	17.25000		690.00	
0041	4450000000-N FLAGGER	200.000 HR	15.00000		3,000.00	
0042	4507000000-E WATER FILLED BARRIER	250.000 LF	39.95000		9,987.50	
0043	4508000000-E RESET WATER FILLED BARRIER	850.000 LF	4.70000		3,995.00	
0044	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (IV)	2,600.000 LF	1.50000		3,900.00	

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			Dollars	Cts	Dollars	Ct
0045	4795000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (24") (IV)	50.000 LF	5.00000		250.00	
0046	4810000000-E PAINT PAVEMENT MARKING LINES (4")	1,600.000 LF	0.50000		800.00	
0047	4850000000-E REMOVAL OF PAVEMENT MARKING LINES (4")	1,200.000 LF	1.00000		1,200.00	
0048	5325800000-E 8" WATER LINE	180.000 LF	125.00000		22,500.00	
0049	5546000000-E 8" VALVE	1.000 EA	1,350.00000		1,350.00	
0050	5571800000-E 8" TAPPING VALVE	1.000 EA	4,600.00000		4,600.00	
0051	5672000000-N RELOCATE FIRE HYDRANT	1.000 EA	1,800.00000		1,800.00	
0052	5801000000-E ABANDON 8" UTILITY PIPE	180.000 LF	6.50000		1,170.00	
0053	5871500000-E TRENCHLESS INSTALLATION OF 8" IN SOIL	20.000 LF	850.00000		17,000.00	
0054	5871510000-E TRENCHLESS INSTALLATION OF 8" NOT IN SOIL	20.000 LF	1,050.00000		21,000.00	
0055	6000000000-E TEMPORARY SILT FENCE	100.000 LF	3.00000		300.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0056	6006000000-E STONE FOR EROSION CONTROL, CLASS A	300.000 TON	38.00000		11,400.00	
0057	6009000000-E STONE FOR EROSION CONTROL, CLASS B	75.000 TON	38.00000		2,850.00	
0058	6012000000-E SEDIMENT CONTROL STONE	150.000 TON	38.00000		5,700.00	
0059	6015000000-E TEMPORARY MULCHING	1.000 ACR	1,800.00000		1,800.00	
0060	6018000000-E SEED FOR TEMPORARY SEEDING	50.000 LB	7.00000		350.00	
0061	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	1.250 TON	3,000.00000		3,750.00	
0062	6024000000-E TEMPORARY SLOPE DRAINS	225.000 LF	14.00000		3,150.00	
0063	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4.000 EA	100.00000		400.00	
0064	6029000000-E SAFETY FENCE	650.000 LF	2.00000		1,300.00	
0065	6030000000-E SILT EXCAVATION	250.000 CY	6.00000		1,500.00	
0066	6036000000-E MATTING FOR EROSION CONTROL	7,800.000 SY	1.75000		13,650.00	
0067	6037000000-E COIR FIBER MAT	20.000 SY	7.00000		140.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0068	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	200.000 SY	5.00000		1,000.00	
0069	6042000000-E 1/4" HARDWARE CLOTH	625.000 LF	4.25000		2,656.25	
0070	6071010000-E WATTLE	100.000 LF	9.00000		900.00	
0071	6071020000-E POLYACRYLAMIDE (PAM)	20.000 LB	15.00000		300.00	
0072	6071030000-E COIR FIBER BAFFLES	150.000 LF	8.50000		1,275.00	
0073	6071050000-E *** SKIMMER (1-1/2")	2.000 EA	700.00000		1,400.00	
0074	6084000000-E SEEDING & MULCHING	5.000 ACR	2,100.00000		10,500.00	
0075	6087000000-E MOWING	0.500 ACR	300.00000		150.00	
0076	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	10.00000		500.00	
0077	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	4,000.00000		1,000.00	
0078	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	50.000 LB	6.00000		300.00	
0079	6108000000-E FERTILIZER TOPDRESSING	0.500 TON	1,800.00000		900.00	

State of NC
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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0080	6114500000-N SPECIALIZED HAND MOWING	MHR 20.000	50.00000		1,000.00	
0081	6117000000-N RESPONSE FOR EROSION CONTROL	EA 12.000	350.00000		4,200.00	
0082	6123000000-E REFORESTATION	ACR 0.100	4,000.00000		400.00	
0083	7993000000-N GENERIC SIGNAL ITEM PORTABLE TRAFFIC SIGNAL SYSTEM	DAY 20.000	500.00000		10,000.00	
Section 0001 Total						340,854.90

Section 0004 STRUCTURE ITEMS

Alt Group

0084	8021000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (13+48.95-L-)	LUMP	LUMP		15,000.00	
0085	8096000000-E PILE EXCAVATION IN SOIL	LF 145.000	75.00000		10,875.00	
0086	8097000000-E PILE EXCAVATION NOT IN SOIL	LF 45.000	325.00000		14,625.00	
0087	8121000000-N UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (13+48.95-L-)	LUMP	LUMP		9,500.00	
0088	8182000000-E CLASS A CONCRETE (BRIDGE)	CY 36.900	995.00000		36,715.50	

State of NC
Dept of Transportation

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Bidder: 3746 - Summer-Taylor, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0089	8210000000-N BRIDGE APPROACH SLABS, STATION***** (13+48.95-L-)	LUMP	LUMP			15,000.00
0090	8217000000-E REINFORCING STEEL (BRIDGE)	LB 4,938.000	1.00000			4,938.00
0091	8364000000-E HP12X53 STEEL PILES	LF 150.000	58.00000			8,700.00
0092	8365000000-E HP12X53 GALVANIZED STEEL PILES	LF 225.000	75.00000			16,875.00
0093	8505000000-E VERTICAL CONCRETE BARRIER RAIL	LF 121.500	95.00000			11,542.50
0094	8608000000-E RIP RAP CLASS II (2'-0" THICK)	TON 141.000	38.00000			5,358.00
0095	8622000000-E FILTER FABRIC FOR DRAINAGE	SY 157.000	3.00000			471.00
0096	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP			4,200.00
0097	8763000000-E 3'-0" X 2'-0" PRESTRESSED CONCCORED SLABS	LF 607.500	170.00000			103,275.00
0098	8892000000-E GENERIC STRUCTURE ITEM 18" GALVANIZED STEEL SHEET PILES	SF 955.000	50.00000			47,750.00
	Section 0004 Total					304,825.00
	Bid Total					645,679.90 ✓

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.

Contract Item Sheets For C202269

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	23,000.00	23,000.00
0002	0030000000-N	SP	BRIDGE APPROACH FILL - SUB REGIONAL TIER, STATION ***** (13+48.95)	Lump Sum LS	12,000.00	12,000.00
0003	0036000000-E	225	UNDERCUT EXCAVATION	100 CY	10.00	1,000.00
0004	0043000000-N	226	GRADING	Lump Sum LS	30,000.00	30,000.00
0005	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	1,200.00	1,200.00
0006	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	100 TON	25.00	2,500.00
0007	0195000000-E	265	SELECT GRANULAR MATERIAL	100 CY	44.00	4,400.00
0008	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	100 SY	3.00	300.00
0009	0320000000-E	SP	FOUNDATION CONDITIONING FABRIC	70 SY	3.00	210.00
0010	0330000000-E	SP	GENERIC DRAINAGE ITEM FOUNDATION CONDITIONING MATERIAL, MINOR STRS	40 TON	39.00	1,560.00
0011	0335200000-E	SP	15" DRAINAGE PIPE	16 LF	35.00	560.00
0012	0986000000-E	SP	GENERIC PIPE ITEM 18" CS PIPE CULVERTS 0.064" THICK	94 LF	41.00	3,854.00
0013	0986000000-E	SP	GENERIC PIPE ITEM 18" SIDE DRAIN PIPE	72 LF	40.00	2,880.00
0014	0992000000-E	SP	GENERIC PIPE ITEM CS PIPE TEES (18" X 18" X 18", 0.064")	2 EA	300.00	600.00
0015	0995000000-E	340	PIPE REMOVAL	238 LF	5.00	1,190.00
0016	1220000000-E	545	INCIDENTAL STONE BASE	100 TON	27.00	2,700.00
0017	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	150 TON	97.00	14,550.00

Contract Item Sheets For C202269

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	40 TON	124.00	4,960.00
0019	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	80 TON	124.00	9,920.00
0020	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	15 TON	525.00	7,875.00
0021	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	65 TON	159.00	10,335.00
0022	2022000000-E	815	SUBDRAIN EXCAVATION	22.4 CY	1.00	22.40
0023	2033000000-E	815	SUBDRAIN FINE AGGREGATE	16.8 CY	40.00	672.00
0024	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	100 LF	13.00	1,300.00
0025	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	3 EA	30.00	90.00
0026	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA	150.00	150.00
0027	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF	13.00	78.00
0028	2253000000-E	840	PIPE COLLARS	0.45 CY	1,500.00	675.00
0029	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	1 EA	1,450.00	1,450.00
0030	2367000000-N	840	FRAME WITH TWO GRATES, STD 840.29	1 EA	425.00	425.00
0031	3435000000-N	SP	GENERIC GUARDRAIL ITEM IMPACT ATTENUATOR UNIT, TYPE 350 (TL-2)	2 EA	8,450.00	16,900.00
0032	3628000000-E	876	RIP RAP, CLASS I	30 TON	40.00	1,200.00
0033	3649000000-E	876	RIP RAP, CLASS B	2 TON	40.00	80.00
0034	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	705 SY	3.00	2,115.00
0035	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	410 SF	3.95	1,619.50
0036	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	100 SF	8.75	875.00

Contract Item Sheets For C202269

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0037	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	90 SF	5.75	517.50
0038	4430000000-N	1130	DRUMS	20 EA	33.95	679.00
0039	4435000000-N	1135	CONES	25 EA	15.95	398.75
0040	4445000000-E	1145	BARRICADES (TYPE III)	40 LF	17.25	690.00
0041	4450000000-N	1150	FLAGGER	200 HR	15.00	3,000.00
0042	4507000000-E	SP	WATER FILLED BARRIER	250 LF	39.95	9,987.50
0043	4508000000-E	SP	RESET WATER FILLED BARRIER	850 LF	4.70	3,995.00
0044	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (IV)	2,600 LF	1.50	3,900.00
0045	4795000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (24") (IV)	50 LF	5.00	250.00
0046	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	1,600 LF	0.50	800.00
0047	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	1,200 LF	1.00	1,200.00
0048	5325800000-E	1510	8" WATER LINE	180 LF	125.00	22,500.00
0049	5546000000-E	1515	8" VALVE	1 EA	1,350.00	1,350.00
0050	5571800000-E	1515	8" TAPPING VALVE	1 EA	4,600.00	4,600.00
0051	5672000000-N	1515	RELOCATE FIRE HYDRANT	1 EA	1,800.00	1,800.00
0052	5801000000-E	1530	ABANDON 8" UTILITY PIPE	180 LF	6.50	1,170.00
0053	5871500000-E	1550	TRENCHLESS INSTALLATION OF 8" IN SOIL	20 LF	850.00	17,000.00
0054	5871510000-E	1550	TRENCHLESS INSTALLATION OF 8" NOT IN SOIL	20 LF	1,050.00	21,000.00
0055	6000000000-E	1605	TEMPORARY SILT FENCE	100 LF	3.00	300.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0056	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	300 TON	38.00	11,400.00
0057	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	75 TON	38.00	2,850.00
0058	6012000000-E	1610	SEDIMENT CONTROL STONE	150 TON	38.00	5,700.00
0059	6015000000-E	1615	TEMPORARY MULCHING	1 ACR	1,800.00	1,800.00
0060	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	50 LB	7.00	350.00
0061	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEED- ING	1.25 TON	3,000.00	3,750.00
0062	6024000000-E	1622	TEMPORARY SLOPE DRAINS	225 LF	14.00	3,150.00
0063	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4 EA	100.00	400.00
0064	6029000000-E	SP	SAFETY FENCE	650 LF	2.00	1,300.00
0065	6030000000-E	1630	SILT EXCAVATION	250 CY	6.00	1,500.00
0066	6036000000-E	1631	MATTING FOR EROSION CONTROL	7,800 SY	1.75	13,650.00
0067	6037000000-E	SP	COIR FIBER MAT	20 SY	7.00	140.00
0068	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	200 SY	5.00	1,000.00
0069	6042000000-E	1632	1/4" HARDWARE CLOTH	625 LF	4.25	2,656.25
0070	6071010000-E	SP	WATTLE	100 LF	9.00	900.00
0071	6071020000-E	SP	POLYACRYLAMIDE (PAM)	20 LB	15.00	300.00
0072	6071030000-E	SP	COIR FIBER BAFFLES	150 LF	8.50	1,275.00
0073	6071050000-E	SP	*** SKIMMER (1-1/2")	2 EA	700.00	1,400.00
0074	6084000000-E	1660	SEEDING & MULCHING	5 ACR	2,100.00	10,500.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0075	6087000000-E	1660	MOWING	0.5 ACR	300.00	150.00
0076	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	10.00	500.00
0077	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	4,000.00	1,000.00
0078	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	6.00	300.00
0079	6108000000-E	1665	FERTILIZER TOPDRESSING	0.5 TON	1,800.00	900.00
0080	6114500000-N	SP	SPECIALIZED HAND MOWING	20 MHR	50.00	1,000.00
0081	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12 EA	350.00	4,200.00
0082	6123000000-E	1670	REFORESTATION	0.1 ACR	4,000.00	400.00
0083	7993000000-N	SP	GENERIC SIGNAL ITEM PORTABLE TRAFFIC SIGNAL SYSTEM	20 DAY	500.00	10,000.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0084	8021000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (13+48.95-L-)	Lump Sum LS	15,000.00	15,000.00
0085	8096000000-E	SP	PILE EXCAVATION IN SOIL	145 LF	75.00	10,875.00
0086	8097000000-E	SP	PILE EXCAVATION NOT IN SOIL	45 LF	325.00	14,625.00
0087	8121000000-N	412	UNCLASSIFIED STRUCTURE EXCAVA- TION AT STATION ***** (13+48.95-L-)	Lump Sum LS	9,500.00	9,500.00
0088	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	36.9 CY	995.00	36,715.50
0089	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (13+48.95-L-)	Lump Sum LS	15,000.00	15,000.00
0090	8217000000-E	425	REINFORCING STEEL (BRIDGE)	4,938 LB	1.00	4,938.00
0091	8364000000-E	SP	HP12X53 STEEL PILES	150 LF	58.00	8,700.00
0092	8365000000-E	SP	HP12X53 GALVANIZED STEEL PILES	225 LF	75.00	16,875.00
0093	8505000000-E	SP	VERTICAL CONCRETE BARRIER RAIL	121.5 LF	95.00	11,542.50
0094	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	141 TON	38.00	5,358.00
0095	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	157 SY	3.00	471.00
0096	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	4,200.00	4,200.00
0097	8763000000-E	430	3'-0" X 2'-0" PRESTRESSED CONC CORED SLABS	607.5 LF	170.00	103,275.00
0098	8892000000-E	SP	GENERIC STRUCTURE ITEM 18" GALVANIZED STEEL SHEET PILES	955 SF	50.00	47,750.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$645,679.90 ✓

Contract Number C202269
County BUNCOMBE

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

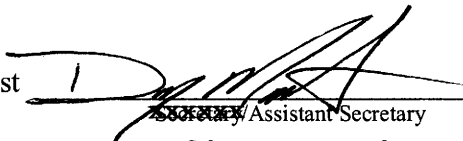
SUMMERS-TAYLOR, INC.

Full name of Corporation

P. O. BOX 1628, ELIZABETHTON, TN 37644-1628

Address as Prequalified

Attest


~~Secretary~~ Assistant Secretary
Select appropriate title

Danny Matthews

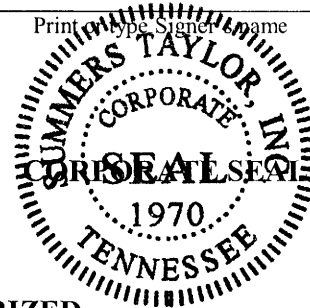
Print or type Signer's name

By


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

B. E. Chandler

Print or type Signer's name

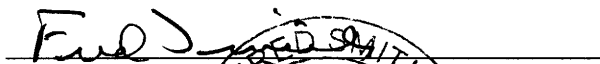


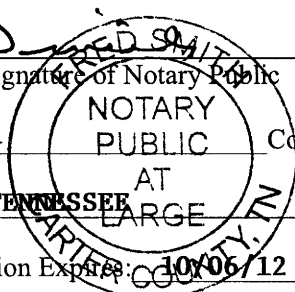
AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

3RD day of FEBRUARY 20 10


Signature of Notary Public
of CARTER County
State of TENNESSEE
My Commission Expires: 10/06/12



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.

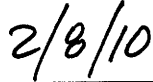
Contract No **C202269**

County (ies): **Buncombe**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Assistant Attorney General

Contract No. C202269
County BUNCOMBE

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Date of Payment Bond Execution FEBRUARY 2, 2010

Name of Principal Contractor SUMMERS-TAYLOR, 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: \$645,679.90

Contract ID No.: C202269

County Name: BUNCOMBE

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. C202269
County BUNCOMBE

(Rev 7-10-08)

CONTRACT PAYMENT BOND

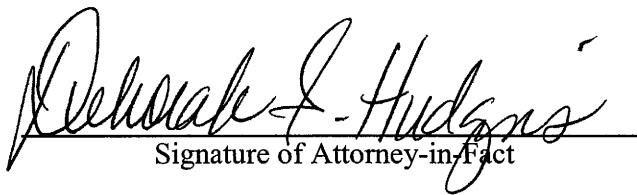
Affix Seal of Surety Company

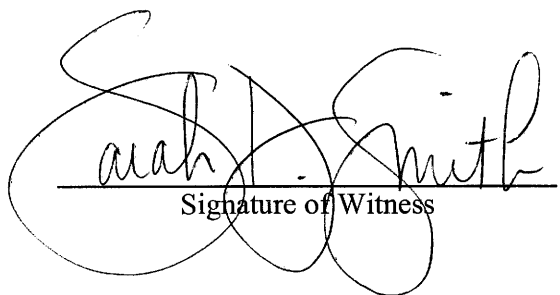
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Print or type Surety Company Name

By DEBORAH S. HUDGINS

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


Signature of Attorney-in-Fact


Signature of Witness

SARAH D. SMITH

Print or type Witness's name

MARSH USA, Inc.
1801 West End Ave. Ste. 1500
Nashville, TN 37203
(615) 340-2400 (P)
(615) 340-2437 (F)

Address of Attorney-in-Fact

Contract No. C202269
County BUNCOMBE

(Rev 7-10-08)

CONTRACT PAYMENT BOND
CORPORATION


SIGNATURE OF CONTRACTOR (Principal)

SUMMERS-TAYLOR, INC.

Full name of Corporation

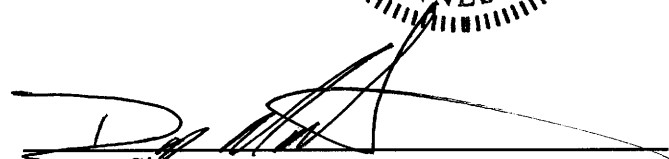
P. O. BOX 1628, ELIZABETHTON, TN 37644-1628

Address as prequalified

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

B. E. Chandler
Print or type Signer's name



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

Danny Matthews
Print or type Signer's name

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 **E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY and Elizabeth A. HARTZBERG, all of Nashville, Tennessee, EACH** as 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 E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY, dated September 14, 2005.

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 4th day of May, 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 }
City of Baltimore } ss:

On this 4th day of May, 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.



Constance A. Dunn

Constance 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 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

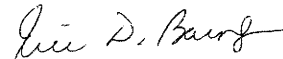
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was 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 2 day of FEBRUARY, 2010.



Assistant Secretary

Contract No. C202269
County BUNCOMBE

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: FEBRUARY 2, 2010
Name of Principal Contractor: SUMMERS-TAYLOR, 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: \$645,679.90
Contract ID No.: C202269
County Name: BUNCOMBE

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. C202269
County BUNCOMBE

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

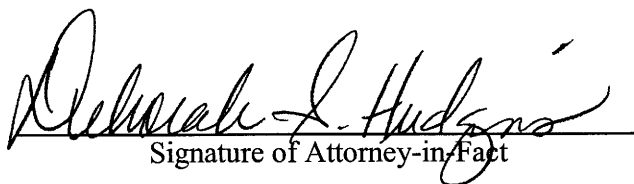
Affix Seal of Surety Company

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

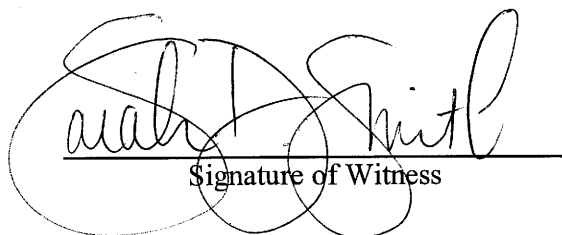
Print or type Surety Company Name

By DEBORAH S. HUDGINS

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



Signature of Attorney-in-Fact



Signature of Witness

SARAH D. SMITH

Print or type Witness's name

MARSH USA, Inc.
1801 West End Ave. Ste. 1500
Nashville, TN 37203
(615) 340-2400 (P)
(615) 340-2437 (F)

Address of Attorney-in-Fact

Contract No. C202269
County BUNCOMBE

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND
CORPORATION


SIGNATURE OF CONTRACTOR (Principal)

SUMMERS-TAYLOR, INC.

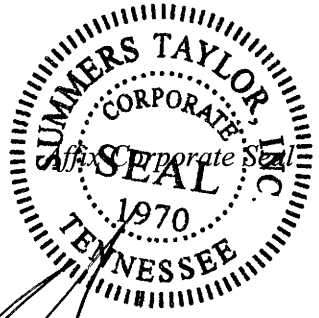
Full name of Corporation

P. O. BOX 1628, ELIZABETHTON, TN 37644-1628

Address as prequalified

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

B. E. Chandler
Print or type Signer's name



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

Danny Matthews
Print or type Signer's name

**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 **E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY and Elizabeth A. HARTZBERG, all of Nashville, Tennessee, EACH** as 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 E. J. PENNISI, JR., Deborah S. HUDGINS, Tim J. BRANDT, John A. GOLEY, dated September 14, 2005.

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 4th day of May, 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 }
City of Baltimore } ss:

On this 4th day of May, 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.



Constance A. Dunn

Constance 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 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

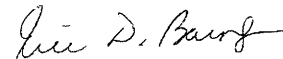
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was 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 2 day of FEBRUARY, 2010.



Assistant Secretary