

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

C202528

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202528

WBS 5CR.10921.23 STATE FUNDED

COUNTY OF WAKE  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER US 64 LENGTH 7.110 MILES  
LOCATION US-64 FROM JT NEAR ASHVILLE AVE TO GREEN LEVEL RD PROJECT  
POINT, AND NC-55 FROM S OF PERRY RD TO JT N OF HUNTER ST.

CONTRACTOR BLYTHE CONSTRUCTION, INC.  
ADDRESS P.O. BOX 31635  
CHARLOTTE, NC 28231

BIDS OPENED JANUARY 19, 2010  
CONTRACT EXECUTION FEB 09 2010

**Blythe Construction (3655).**

**Vendor 1 of 4 Vendors for Call Order 017 (Proposal ID C202528).**

County:	WAKE		
Address:	PO Box 31635		
	Charlotte, NC 28231		
Phone Number:	704-375-8474		
Signature Check:	This bid has been properly signed by JAMES_PAUL_McBRYDE_3655.		
Time Bid Received:	Tue Jan 19 12:31:00 2010		
Bid Checksum:	452BA11F		
Amendment Count:	0	MBE GOAL SET	3.0
Bidding Errors:	No bidding errors.		
Bid Total:	\$3,179,776.39 ✓	MBE GOAL MET	3.0
Bond ID:	SNC10738467		
Bond was Verified:	Yes.		
Bond Required Percent:	5.00%		
Minimum Check Amount:	\$158,988.82	WBE GOAL SET	4.0
Bid Security Maximum:	\$		
Bond Agency Name:			
Agency Execution Date:	1/14/2010 2:02:50 PM	WBE GOAL MET	4.0
Surety Name:	Travelers Casualty and Surety Company of Ame		
Surety State of Incorporation:			
Bond Company:			
Bond Type:			
Bond Appr Flag:			
Bond Affirm:			
Bond was Paid by Check:	No.		

LIST OF MBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT	
1496 MB	HOLDING TRUCKING INC. 603 14TH STREET , BUTNER, NC 27509		Sub 96,000.00	✓ am
			TOTAL: \$96,000.00	✓ am
			3.02%	

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT	
2446 WB	HAROLD A. PURYEAR TRUCKING CO. 5844 LEASE LANE , RALEIGH, NC 27617		Sub 128,000.00	✓ am
			TOTAL: \$128,000.00	✓ am
			4.03%	

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:  
=====

NCDOT/berc

Vendor 3655's Load Output for Call 017, Letting L100119, 2010-01-19

BondID: SNC10738467  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Travelers Casualty and Surety Company of America  
Bond Execution Date: 1/14/2010 2:02:50 PM  
Bond Amount: \$158,988.82 (Five Percent of Bid)

State of NC  
 Dept of Transportation  
 Contract ID: C202528  
 Letting Date: 01-19-10  
 Bidder: 3655 - Blythe Construction

Date: 12-22-09  
 Revised:

Project(s): STATE FUNDED

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			4,550.00
0002	0106000000-E BORROW EXCAVATION	CY	165.000	12.00000		1,980.00
0003	1220000000-E INCIDENTAL STONE BASE	TON	384.000	33.00000		12,672.00
0004	1245000000-E SHOULDER RECONSTRUCTION	SMI	8.250	1,800.00000		14,850.00
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2")	SY	285,518.000	1.05000		299,793.90
0006	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (4")	SY	37,754.000	1.40000		52,855.60
0007	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	TON	5,527.000	31.20000		172,442.40
0008	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	36,594.000	33.00000		1,207,602.00
0009	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	259.000	439.00000		113,701.00
0010	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON	2,195.000	439.00000		963,605.00
0011	1704000000-E PATCHING EXISTING PAVEMENT	TON	561.000	86.00000		48,246.00

State of NC  
Dept of Transportation

Date: 12-22-09  
Revised:

Contract ID: C202528 Project(s): STATE FUNDED  
Letting Date: 01-19-10 Call Order: 017  
Bidder: 3655 - Blythe Construction

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP			47,733.00
0013	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	156,374.000 LF	0.37000			57,858.38
0014	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	47,844.000 LF	0.40000			19,137.60
0015	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	7,055.000 LF	1.10000			7,760.50
0016	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	1,400.000 LF	4.50000			6,300.00
0017	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	136.000 EA	45.00000			6,120.00
0018	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	337.000 EA	65.00000			21,905.00
0019	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (III)	1,559.000 LF	2.75000			4,287.25
0020	4810000000-E PAINT PAVEMENT MARKING LINES (4")	204,218.000 LF	0.12000			24,506.16
0021	4820000000-E PAINT PAVEMENT MARKING LINES (8")	7,055.000 LF	0.16000			1,128.80
0022	4835000000-E PAINT PAVEMENT MARKING LINES (24")	1,400.000 LF	2.00000			2,800.00

State of NC  
 Dept of Transportation

Date: 12-22-09  
 Revised:

Contract ID: C202528 Project(s): STATE FUNDED  
 Letting Date: 01-19-10 Call Order: 017  
 Bidder: 3655 - Blythe Construction

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	EA 130.000	12.50000		1,625.00	
0024	4845000000-N PAINT PAVEMENT MARKING SYMBOL	EA 337.000	15.00000		5,055.00	
0025	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	EA 373.000	3.50000		1,305.50	
0026	4905000000-N SNOWPLOWABL E PAVEMENT MARKERS	EA 2,158.000	17.50000		37,765.00	
0027	6084000000-E SEEDING & MULCHING	ACR 5.570	1,600.00000		8,912.00	
0028	7444000000-E INDUCTIVE LOOP SAWCUT	LF 9,270.000	3.59000		33,279.30	
	Section 0001 Total				3,179,776.39	
	Bid Total				3,179,776.39	✓

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED

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

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



AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of NOT ANSWERED for those

projects indicated herein, for which bids will be opened on (MM/DD/YY)

The Award Limits shall apply to the following projects:

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

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

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
 MBE COMMITMENT ITEMS

DATE: 12-22-09  
 PAGE: 6

PROPOSAL: C202528  
 LETTING: L100119 CALL: 017  
 VENDOR: 3655 Blythe Construction

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT	
MBE SUBCONTRACTOR: 1496 HOLDING TRUCKING INC.							
Will Use Quote: Yes							
0008	1523000000-E	ASP CONC SUR	TON	2909.091	33.00000	96000.00	✓ arm
		HAUL ONLY					
MBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						96,000.00	✓ arm
TOTAL MBE COMMITMENT FOR VENDOR:				Entered:	3.02% or	96000.00	✓ arm
				Required:	3.00% or	95393.29	
				<GOAL MET>			

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
 WBE COMMITMENT ITEMS

DATE: 12-22-09  
 PAGE: 7

PROPOSAL: C202528  
 LETTING: L100119 CALL: 017  
 VENDOR: 3655 Blythe Construction

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 LINE ITEM            ITEM            UNIT SUBCONTRACTOR    SUBCONTRACTOR    EXTENDED  
 NO.    NO.            DESC.            TYPE QUANTITY            UNIT PRICE            AMOUNT  
 -----

WBE SUBCONTRACTOR: 2446 HAROLD A. PURYEAR TRUCKING CO.  
 Will Use Quote: Yes

0008	1523000000-E	ASP CONC SUR TON	3878.788	33.00000	128000.00	✓	am
		HAUL ONLY					

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:					128,000.00	✓	am
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TOTAL WBE COMMITMENT FOR VENDOR:	Entered:	4.03% or	128000.00	✓	am
	Required:	4.00% or	127191.06		
			<GOAL MET>		

## Contract Item Sheets For C202528

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	4,550.00	4,550.00
0002	0106000000-E	230	BORROW EXCAVATION	165 CY	12.00	1,980.00
0003	1220000000-E	545	INCIDENTAL STONE BASE	384 TON	33.00	12,672.00
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	8.25 SMI	1,800.00	14,850.00
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2")	285,518 SY	1.05	299,793.90
0006	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (4")	37,754 SY	1.40	52,855.60
0007	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	5,527 TON	31.20	172,442.40
0008	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	36,594 TON	33.00	1,207,602.00
0009	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	259 TON	439.00	113,701.00
0010	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	2,195 TON	439.00	963,605.00
0011	1704000000-E	SP	PATCHING EXISTING PAVEMENT	561 TON	86.00	48,246.00
0012	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	47,733.00	47,733.00
0013	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	156,374 LF	0.37	57,858.38
0014	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	47,844 LF	0.40	19,137.60
0015	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	7,055 LF	1.10	7,760.50
0016	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	1,400 LF	4.50	6,300.00
0017	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	136 EA	45.00	6,120.00

## Contract Item Sheets For C202528

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	337 EA	65.00	21,905.00
0019	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (III)	1,559 LF	2.75	4,287.25
0020	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	204,218 LF	0.12	24,506.16
0021	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	7,055 LF	0.16	1,128.80
0022	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	1,400 LF	2.00	2,800.00
0023	4840000000-N	1205	PAINT PAVEMENT MARKING CHARACTER	130 EA	12.50	1,625.00
0024	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	337 EA	15.00	5,055.00
0025	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	373 EA	3.50	1,305.50
0026	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	2,158 EA	17.50	37,765.00
0027	6084000000-E	1660	SEEDING & MULCHING	5.57 ACR	1,600.00	8,912.00
0028	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	9,270 LF	3.59	33,279.30

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$3,179,776.39 ✓

Contract Number C202528  
County Wake

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**

Blythe Construction, Inc.

Full name of Corporation

P.O. Box 31635, Charlotte, North Carolina 28231

Address as Prequalified

Attest

*Lawrence C. Schmidt, II*  
~~Secretary~~ Assistant Secretary

Select appropriate title

By

*William J. Capehart*  
President/Vice President/Assistant Vice President

Select appropriate title

William J. Capehart, President & CEO

Print or type Signer's name

Lawrence C. Schmidt, II, Asst. Sec.  
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

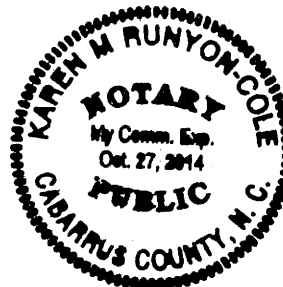
2<sup>nd</sup> day of February 2010

Karen M. Runyon-Cole  
Signature of Notary Public

of Cabarrus County

State of North Carolina

My Commission Expires: Oct. 27, 2014



## 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.



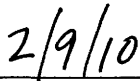
**Contract No**     C202528

**County (ies):**   Wake

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION



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



\_\_\_\_\_  
Date

Execution of Contract and Bonds  
Approved as to Form:



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

Contract No. C202528  
County Wake

(Rev 7-10-08)

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution January 29, 2010

Name of Principal Contractor Blythe Construction, Inc.

Name of Surety: Travelers Casualty and Surety Company of America

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

Amount of Bond: \$3,179,776.39

Contract ID No.: C202528

County Name: Wake

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall promptly make payment to all persons supplying labor and material in the prosecution of the work provided for in said contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Contract No. C202528  
County Wake

(Rev 7-10-08)

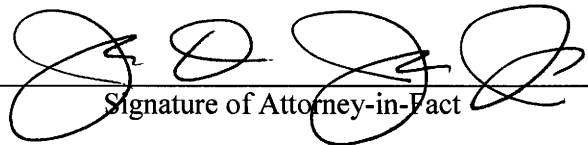
**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

Travelers Casualty and Surety Company of America

\_\_\_\_\_  
Print or type Surety Company Name

By Joseph D. Johnson, Jr., Attorney-in-Fact  
\_\_\_\_\_  
Print, stamp or type name of Attorney-in-Fact

  
\_\_\_\_\_  
Signature of Attorney-in-Fact

  
\_\_\_\_\_  
Signature of Witness

JoAnn H. Bebout  
\_\_\_\_\_  
Print or type Witness's name

801 N. Orange Ave., Suite 510 Orlando, Florida 32801  
\_\_\_\_\_  
Address of Attorney-in-Fact

Contract No. C202528  
County Wake

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**

**CORPORATION**

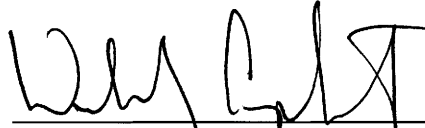
SIGNATURE OF CONTRACTOR (Principal)

Blythe Construction, Inc.

\_\_\_\_\_  
Full name of Corporation

P. O. Box 31635, Charlotte, NC 28231

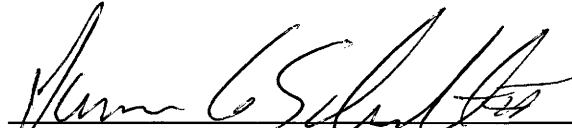
\_\_\_\_\_  
Address as prequalified

By   
\_\_\_\_\_  
Signature of ~~President, Vice President, Assistant Vice President.~~  
*Select appropriate title*

**William J. Capehart, President & CEO**

\_\_\_\_\_  
Print or type Signer's name

*Affix Corporate Seal*

Attest   
\_\_\_\_\_  
Signature of ~~Secretary, Assistant Secretary~~  
*Select appropriate title*

Lawrence C. Schmidt, II, Asst. Sec.

\_\_\_\_\_  
Print or type Signer's name



POWER OF ATTORNEY

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

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

Attorney-In Fact No. 216556

Certificate No. 003315256

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

Todd L. Johnson, Joseph D. Johnson Jr., and Francis T. O'Reardon

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

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 29th day of October, 2009

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

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



State of Connecticut
City of Hartford ss.

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

On this the 29th day of October, 2009, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

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



[Signature]
Marie C. Tetreault, Notary Public

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

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

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

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

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 29<sup>th</sup> day of January, 2010.

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

*Kori M. Johanson*  
Kori M. Johanson, Assistant Secretary



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

Contract No. C202528  
County Wake

(Rev 7-10-08)

### CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: January 29, 2010

Name of Principal Contractor: Blythe Construction, Inc.

Name of Surety: Travelers Casualty and Surety Company of America

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

Amount of Bond: \$3,179,776.39

Contract ID No.: C202528

County Name: Wake

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Contract No. C202528  
County Wake

(Rev 7-10-08)

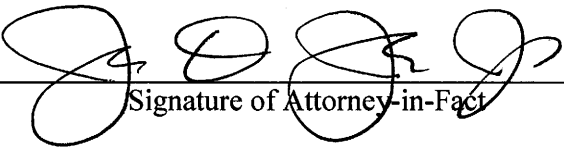
**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

Travelers Casualty and Surety Company of America

Print or type Surety Company Name

By Joseph D. Johnson, Jr., Attorney-in-Fact  
Print, stamp or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

JoAnn H. Bebout  
Print or type Witness's name

801 N. Orange Ave., Suite 510 Orlando, FL 32801  
Address of Attorney-in-Fact



Contract No. C202528  
County Wake

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**

**CORPORATION**

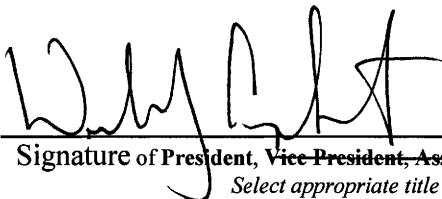
SIGNATURE OF CONTRACTOR (Principal)

Blythe Construction, Inc.

\_\_\_\_\_  
Full name of Corporation

P. O. Box 31635, Charlotte, NC 28231

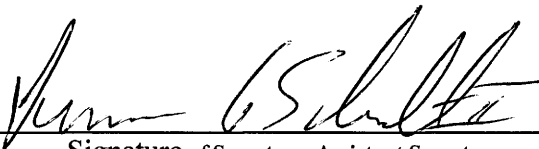
\_\_\_\_\_  
Address as prequalified

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

**William J. Capehart, President & CEO**

\_\_\_\_\_  
Print or type Signer's name

*Affix Corporate Seal*

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

**Lawrence C. Schmidt, II, Asst. Sec.**

\_\_\_\_\_  
Print or type Signer's name



POWER OF ATTORNEY

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

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

Attorney-In Fact No. 216556

Certificate No. 003315251

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

Todd L. Johnson, Joseph D. Johnson Jr., and Francis T. O'Reardon

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

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 29th day of October, 2009.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
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St. Paul Guardian Insurance Company

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



State of Connecticut
City of Hartford ss.

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

On this the 29th day of October, 2009, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

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



[Signature]
Marie C. Tetreault, Notary Public

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

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

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

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

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 29<sup>th</sup> day of January, 20 10.

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*Kori M. Johanson*  
Kori M. Johanson, Assistant Secretary



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