

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

C202607

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202607

WBS 46283.3.ST1 STM-0024(46)

T.I.P NO. R-5218

COUNTY OF DUPLIN

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER NC 24 LENGTH 17.200 MILES

LOCATION NC-24 FROM EAST OF NC-24 BUS TO THE ONSLOW CO LINE.

CONTRACTOR ROSE BROTHERS PAVING CO., INC.

ADDRESS P.O. BOX 806
AHOSKIE, NC 279100806

BIDS OPENED SEPTEMBER 21, 2010

CONTRACT EXECUTION OCT 11 2010

ROSE BROTHERS PAVING CO., INC. (3238).**Vendor 1 of 2 Vendors for Call Order 006 (Proposal ID C202607).**

County: DUPLIN
Address: P. O. BOX 806
AHOSKIE, NC 27910
Phone Number: 252/209-8144
Signature Check: This bid has been properly signed by EUGENE_T._ROSE_3238.
Time Bid Received: Mon Sep 20 08:05:46 2010
Bid Checksum: 5E001099
Amendment Count: 0 DBE GOAL SET 7.0
Bidding Errors: No bidding errors ✓
Bid Total: \$9,765,096.76 ✓
Bond ID: 2S2M-L6H3-M839-GBYP DBE GOAL MET 7.0
Bond was Verified: Yes.
Bond Required Percent: 5.00%
Minimum Check Amount: \$488,254.84
Bid Security Maximum: \$10,000,000.00
Bond Agency Name:
Agency Execution Date:
Surety Name:
Surety State of Incorporation: MD
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	
2299	WB EVELYN E. BAYSDEN TRUCKING POST OFFICE BOX 1398 , BEULAVILLE, NC 28518		Sub 683,611.50	✓ am
			TOTAL: \$683,611.50	✓ am
			7.00%	

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: 2S2M-L6H3-M839-GBYP
 Surety Registry Agency: SurePathNetwork
 Verified?: Yes
 Surety Agency:
 Bond Execution Date:
 Bond Amount: \$488,254.84 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date: 08-24-10
 Revised:

Contract ID: C202607 Project(s): STM-0024(46)
 Letting Date: 09-21-10 Call Order: 006
 Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct

Section 0001 ROADWAY ITEMS

Alt Group

0001	0000100000-N MOBILIZATIO N	LUMP		LUMP		487,500.00
0002	0106000000-E BORROW EXCAVATION	CY	19,642.000	6.30000		123,744.60
0003	1220000000-E INCIDENTAL STONE BASE	TON	1,205.000	20.00000		24,100.00
0004	1245000000-E SHOULDER RECONSTRUCTION	SMI	58.980	1,800.00000		106,164.00
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	45,714.000	1.00000		45,714.00
0006	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2-1/2")	SY	324,567.000	1.00000		324,567.00
0007	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (4")	SY	57,024.000	2.00000		114,048.00
0008	1330000000-E INCIDENTAL MILLING	SY	3,601.000	3.00000		10,803.00
0009	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	TON	61,690.000	35.00000		2,159,150.00
0010	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	65,850.000	35.00000		2,304,750.00
0011	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	2,898.000	470.00000		1,362,060.00

State of NC
Dept of Transportation

Date: 08-24-10
Revised:

Contract ID: C202607 Project(s): STM-0024(46)
Letting Date: 09-21-10 Call Order: 006
Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	3,950.000 TON	480.00000		1,896,000.00	
0013	1880000000-E GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (FULL DEPTH)	20.000 TON	160.00000		3,200.00	
0014	1880000000-E GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (MILL), S9.5C	1,440.000 TON	88.00000		126,720.00	
0015	1891000000-E GENERIC PAVING ITEM INCIDENTAL CONCRETE	55.000 SY	110.00000		6,050.00	
0016	2605000000-N CONCRETE WHEELCHAIR RAMPS	12.000 EA	1,400.00000		16,800.00	
0017	2752000000-E GENERIC PAVING ITEM 2'-6" CONCRETE CURB & GUTTER, REMOVE & REPLACE	140.000 LF	48.00000		6,720.00	
0018	2815000000-N ADJUSTMENT OF DROP INLETS	1.000 EA	800.00000		800.00	
0019	2830000000-N ADJUSTMENT OF MANHOLES	21.000 EA	580.00000		12,180.00	
0020	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	24.000 EA	380.00000		9,120.00	
0021	4415000000-N FLASHING ARROW PANELS, TYPE C	2.000 EA	5,000.00000		10,000.00	
0022	4420000000-N CHANGEABLE MESSAGE SIGN	2.000 EA	12,000.00000		24,000.00	

State of NC
Dept of Transportation

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	4480000000-N TMIA	EA 2.000	10,000.00000		20,000.00	
0024	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	LF 293,780.000	0.47000		138,076.60	
0025	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	LF 120,969.000	0.58000		70,162.02	
0026	4695000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 90 MILS)	LF 944.000	3.00000		2,832.00	
0027	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	LF 468.000	7.00000		3,276.00	
0028	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	EA 324.000	110.00000		35,640.00	
0029	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (II)	LF 2,260.000	3.00000		6,780.00	
0030	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 472,838.000	0.08000		37,827.04	
0031	4820000000-E PAINT PAVEMENT MARKING LINES (8")	LF 944.000	2.00000		1,888.00	
0032	4835000000-E PAINT PAVEMENT MARKING LINES (24")	LF 216.000	3.00000		648.00	
0033	4845000000-N PAINT PAVEMENT MARKING SYMBOL	EA 271.000	50.00000		13,550.00	

State of NC
Dept of Transportation

Date: 08-24-10
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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0034	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	EA 4,058.000	24.00000		97,392.00	
0035	6000000000-E TEMPORARY SILT FENCE	LF 1,893.000	2.50000		4,732.50	
0036	6009000000-E STONE FOR EROSION CONTROL, CLASS B	TON 474.000	40.00000		18,960.00	
0037	6012000000-E SEDIMENT CONTROL STONE	TON 873.000	35.00000		30,555.00	
0038	6015000000-E TEMPORARY MULCHING	ACR 19.690	500.00000		9,845.00	
0039	6018000000-E SEED FOR TEMPORARY SEEDING	LB 947.000	6.00000		5,682.00	
0040	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	TON 3.980	700.00000		2,786.00	
0041	6036000000-E MATTING FOR EROSION CONTROL	SY 300.000	1.50000		450.00	
0042	6042000000-E 1/4" HARDWARE CLOTH	LF 548.000	5.00000		2,740.00	
0043	6084000000-E SEEDING & MULCHING	ACR 44.240	1,600.00000		70,784.00	
0044	7300000000-E UNPAVED TRENCHING (*****)(1, 1")	LF 200.000	10.00000		2,000.00	
0045	7324000000-N JUNCTION BOX (STANDARD SIZE)	EA 1.000	500.00000		500.00	

State of NC
 Dept of Transportation

Date: 08-24-10
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Contract ID: C202607 Project(s): STM-0024(46)
 Letting Date: 09-21-10 Call Order: 006
 Bidder: 3238 - ROSE BROTHERS PAVING CO., INC.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0046	7444000000-E INDUCTIVE LOOP SAWCUT	2,100.000 LF	6.00000		12,600.00	
0047	7456000000-E LEAD-IN CABLE (***** (14-2)	300.000 LF	4.00000		1,200.00	
	Section 0001 Total				9,765,096.76	
	Bid Total				9,765,096.76	

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

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

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

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

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

The Award Limits shall apply to the following projects:

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

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

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 DBE COMMITMENT ITEMS

DATE: 08-24-10
 PAGE: 8

PROPOSAL: C202607
 LETTING: L100921 CALL: 006
 VENDOR: 3238 ROSE BROTHERS PAVING CO., INC.

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

DBE SUBCONTRACTOR: 2299 EVELYN E. BAYSDEN TRUCKING
 Will Use Quote: Yes

0009	1498000000-E	ASP CONC INT TON	45510.000	7.15000	325396.50
		HAULING MATERIALS ONLY			
0010	1523000000-E	ASP CONC SUR TON	50100.000	7.15000	358215.00
		HAULING MATERIAL ONLY			

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:	683,611.50	✓ arm
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)	683,611	

TOTAL DBE COMMITMENT FOR VENDOR:	Entered:	7.00% or	683611.50	✓ arm
	Required:	7.00% or	683556.77	
			<GOAL MET>	

Contract Item Sheets For C202607

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	487,500.00	487,500.00
0002	0106000000-E	230	BORROW EXCAVATION	19,642 CY	6.30	123,744.60
0003	1220000000-E	545	INCIDENTAL STONE BASE	1,205 TON	20.00	24,100.00
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	58.98 SMI	1,800.00	106,164.00
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	45,714 SY	1.00	45,714.00
0006	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2-1/2")	324,567 SY	1.00	324,567.00
0007	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (4")	57,024 SY	2.00	114,048.00
0008	1330000000-E	607	INCIDENTAL MILLING	3,601 SY	3.00	10,803.00
0009	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	61,690 TON	35.00	2,159,150.00
0010	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	65,850 TON	35.00	2,304,750.00
0011	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	2,898 TON	470.00	1,362,060.00
0012	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	3,950 TON	480.00	1,896,000.00
0013	1880000000-E	SP	GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (FULL DEPTH)	20 TON	160.00	3,200.00
0014	1880000000-E	SP	GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (MILL), S9.5C	1,440 TON	88.00	126,720.00
0015	1891000000-E	SP	GENERIC PAVING ITEM INCIDENTAL CONCRETE	55 SY	110.00	6,050.00
0016	2605000000-N	848	CONCRETE WHEELCHAIR RAMPS	12 EA	1,400.00	16,800.00

Contract Item Sheets For C202607

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	2752000000-E	SP	GENERIC PAVING ITEM 2'-6" CONCRETE CURB & GUTTER, REMOVE & REPLACE	140 LF	48.00	6,720.00
0018	2815000000-N	858	ADJUSTMENT OF DROP INLETS	1 EA	800.00	800.00
0019	2830000000-N	858	ADJUSTMENT OF MANHOLES	21 EA	580.00	12,180.00
0020	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	24 EA	380.00	9,120.00
0021	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	2 EA	5,000.00	10,000.00
0022	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	2 EA	12,000.00	24,000.00
0023	4480000000-N	1165	TMIA	2 EA	10,000.00	20,000.00
0024	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	293,780 LF	0.47	138,076.60
0025	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	120,969 LF	0.58	70,162.02
0026	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	944 LF	3.00	2,832.00
0027	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	468 LF	7.00	3,276.00
0028	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	324 EA	110.00	35,640.00
0029	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (II)	2,260 LF	3.00	6,780.00
0030	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	472,838 LF	0.08	37,827.04
0031	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	944 LF	2.00	1,888.00
0032	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	216 LF	3.00	648.00
0033	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	271 EA	50.00	13,550.00

Contract Item Sheets For C202607

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0034	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	4,058 EA	24.00	97,392.00
0035	6000000000-E	1605	TEMPORARY SILT FENCE	1,893 LF	2.50	4,732.50
0036	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	474 TON	40.00	18,960.00
0037	6012000000-E	1610	SEDIMENT CONTROL STONE	873 TON	35.00	30,555.00
0038	6015000000-E	1615	TEMPORARY MULCHING	19.69 ACR	500.00	9,845.00
0039	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	947 LB	6.00	5,682.00
0040	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	3.98 TON	700.00	2,786.00
0041	6036000000-E	1631	MATTING FOR EROSION CONTROL	300 SY	1.50	450.00
0042	6042000000-E	1632	1/4" HARDWARE CLOTH	548 LF	5.00	2,740.00
0043	6084000000-E	1660	SEEDING & MULCHING	44.24 ACR	1,600.00	70,784.00
0044	7300000000-E	1715	UNPAVED TRENCHING (*****) (1, 1")	200 LF	10.00	2,000.00
0045	7324000000-N	1716	JUNCTION BOX (STANDARD SIZE)	1 EA	500.00	500.00
0046	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	2,100 LF	6.00	12,600.00
0047	7456000000-E	1726	LEAD-IN CABLE (*****) (14-2)	300 LF	4.00	1,200.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$9,765,096.76

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN 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, that the Contractor has not been convicted of violating *N.C.G.S. § 133-24* within the last three years, and that the Contractor intends to do the work with its 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.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

SIGNATURE OF CONTRACTOR

Rose Brothers Paving Company, Incorporated

Full name of Corporation

Post Office Box 806, Ahoskie, North Carolina 27910

Address as Prequalified

Attest *Eugene T. Rose*
Secretary/Assistant Secretary
Select appropriate title

By *Walter F. Rose, Jr.*
~~President/Vice President/Assistant Vice President~~
Select appropriate title

Eugene T. Rose

Print or type Signer's name

Walter F. Rose, Jr.

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

4th day of October 2010

Genny Allen
Signature of Notary Public

NOTARY SEAL

of Northampton County

State of North Carolina

My Commission Expires: May 17, 2012

DEBARMENT CERTIFICATION

Conditions for certification:

1. The prequalified bidder shall provide immediate written notice to the Department if at any time the bidder learns that his certification was erroneous when he submitted his debarment certification or explanation filed 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 prequalified bidder 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 prequalified bidder 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 prequalified bidder 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 bidder 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 6 herein, the Department may terminate any contract if the bidder 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 prequalified 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.
- e. Will submit a revised Debarment Certification immediately if his status changes and will show in his bid proposal an explanation for the change in status.

If the prequalified bidder 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 prequalified bidder's bid being considered non-responsive.

Check here if an explanation is attached to this certification.

Contract No C202607

County (ies): Duplin

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

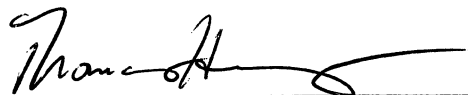


Contract Officer

10/11/10

Date

Execution of Contract and Bonds
Approved as to Form:



Assistant Attorney General

Contract No. C202607
County Duplin

Rev 2-1-10

Bond No. 09020892

CONTRACT PAYMENT BOND

Date of Payment Bond Execution September 30, 2010

Name of Principal Contractor Rose Brothers Paving Company, 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: Nine Million Seven Hundred Sixty Five Thousand Ninety Six Dollars and 76/100 (\$9,765,096.76)

Contract ID No.: C202607

County Name: Duplin

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. C202607
County Duplin

Rev 2-1-10

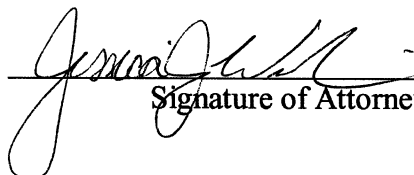
CONTRACT PAYMENT BOND

Affix Seal of Surety Company

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



By Jessica J. Winfree
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact

Debra S. Ritter
Signature of Witness

Debra S. Ritter, NC Resident Agent
Print or type Signer's name

1001 Haxall Point, Suite 800

Richmond, VA 23219
Address of Attorney-in-Fact

CONTRACT PAYMENT BOND
CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Rose Brothers Paving Company, Inc.
Full name of Corporation

P.O. Box 806, Ahoskie, NC 27910
Address as prequalified

By Walter F. Rose, Jr.
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

Walter F. Rose, Jr.
Print or type Signer's name

Affix Corporate Seal

Attest Eugene T. Rose
Signature of ~~Secretary, Assistant Secretary~~
Select appropriate title

Eugene T. Rose
Print or type Signer's name

Contract No. C202607
County Duplin

Rev 2-1-10

Bond No. 09020892

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: September 30, 2010

Name of Principal Contractor: Rose Brothers Paving Company, 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: Nine Million Seven Hundred Sixty Five Thousand Ninety Six Dollars and 76/100 (\$9,765,096.76)

Contract ID No.: C202607

County Name: Duplin

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.

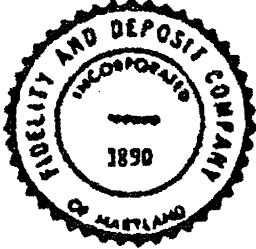
Contract No. C202607
County Duplin

Rev 2-1-10

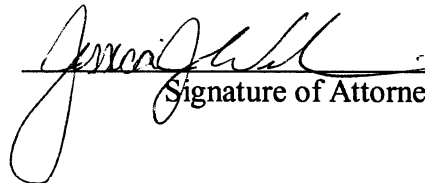
CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

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



By Jessica J. Winfree
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact

Debra S. Ritter
Signature of Witness

Debra S. Ritter, NC Resident Agent
Print or type Signer's name

1001 Haxall Point, Suite 800

Richmond, VA 23219
Address of Attorney-in-Fact

CONTRACT PERFORMANCE BOND
CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Rose Brothers Paving Company, Inc.
Full name of Corporation

P.O. Box 806, Ahoskie, NC 27910
Address as prequalified

By Walter F. Rose, Jr.
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

Walter F. Rose, Jr.
Print or type Signer's name

Affix Corporate Seal

Attest Eugene T. Rose
Signature of ~~Secretary, Assistant Secretary~~
Select appropriate title

Eugene T. Rose
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 Frank E. Martin, Jr., Vice President and Gerald F. Haley, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the next page hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint:

Jessica J. Winfree

of Richmond, VA, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: Bond or undertaking number 09020892, issued on behalf of Rose Brothers Paving Company, Inc., as Principal in a penalty not to exceed the sum of See Bond Form (\$See Bond Form) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, MD, in their own proper persons.

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

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

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley Assistant Secretary

Frank E. Martin Jr.

Frank E. Martin, Jr. Vice President

State of Maryland }
County of Baltimore } SS:

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

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



Connie A. Dunn

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

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

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

CERTIFICATE

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

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

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 30th day of September, 2010.



L.L. Goucher

Assistant Secretary

