

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

C202613

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202613

WBS 45158.3.ST5 STM-0070(140)

T.I.P NO. R-5164E

COUNTY OF DURHAM
THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER LENGTH 7.590 MILES

LOCATION 1 SECTION OF US-70 BUS, 13 SECTIONS OF US-15/501 BUS, 1 SECTION OF NC-751 AND 4 SECTIONS OF SECONDARY ROADS.

CONTRACTOR FSC II LLC DBA FRED SMITH COMPANY

ADDRESS P.O. BOX 31768
RALEIGH, NC 27622

BIDS OPENED SEPTEMBER 21, 2010

CONTRACT EXECUTION OCT 13 2010

FSC II LLC DBA FRED SMITH COMPANY (5072).

Vendor 3 of 4 Vendors for Call Order 009 (Proposal ID C202613).

County: DURHAM
Address: PO Box 31768
Raleigh, NC 27622

Signature Check: This bid has been properly signed by Thomas_T_Johnson_Jr_5072.

Time Bid Received: Tue Sep 21 13:10:14 2010

Bid Checksum: 4AC8104A

DBE GOAL SET 10.0

Amendment Count: 0

Bidding Errors: No bidding errors

Bid Total: \$1,844,694.96 ✓

DBE GOAL MET 11.8

Bond ID: F41W-DKPM-DMUH-8LEN

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$92,234.75

Bid Security Maximum: \$2,200,000.00

Bond Agency Name:

Agency Execution Date:

Surety Name:

Surety State of Incorporation: CT

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	
4858	WB STATE CONTRACTING, INC. POST OFFICE BOX 91742 , RALEIGH, NC 27675		Sub	218,400.00	✓ arm
				TOTAL:	✓ arm
				\$218,400.00	
				11.84%	

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: F41W-DKPM-DMUH-8LEN
Surety Registry Agency: SurePathNetwork
Verified?: Yes
Surety Agency:
Bond Execution Date:
Bond Amount: \$92,234.75 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date: 08-24-10
 Revised:

Contract ID: C202613 Project(s): STM-0070(140)
 Letting Date: 09-21-10 Call Order: 009
 Bidder: 5072 - FSC II LLC DBA FRED SMITH COMPANY

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP		LUMP		57,000.00
0002	0106000000-E BORROW EXCAVATION	CY	32.000	57.00000		1,824.00
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI	1.600	5,160.00000		8,256.00
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	25,323.000	0.55000		13,927.65
0005	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (1-1/2" TO 3")	SY	121,543.000	0.55000		66,848.65
0006	1330000000-E INCIDENTAL MILLING	SY	167.000	21.00000		3,507.00
0007	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	13,137.000	35.10000		461,108.70
0008	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	789.000	512.00000		403,968.00
0009	1704000000-E PATCHING EXISTING PAVEMENT	TON	5,200.000	87.50000		455,000.00
0010	2605000000-N CONCRETE WHEELCHAIR RAMPS	EA	2.000	1,200.00000		2,400.00

State of NC
Dept of Transportation

Date: 08-24-10
Revised:

Contract ID: C202613 Project(s): STM-0070(140)
Letting Date: 09-21-10 Call Order: 009
Bidder: 5072 - FSC II LLC DBA FRED SMITH COMPANY

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	2830000000-N ADJUSTMENT OF MANHOLES	EA 224.000	422.00000		94,528.00	
0012	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	EA 28.000	422.00000		11,816.00	
0013	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		17,150.00	
0014	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	LF 33,722.000	0.45000		15,174.90	
0015	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	LF 89,748.000	0.53000		47,566.44	
0016	4695000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 90 MILS)	LF 1,155.000	1.75000		2,021.25	
0017	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	LF 5,234.000	2.25000		11,776.50	
0018	4705000000-E THERMOPLAST IC PAVEMENT MARKING LINES (16", 120 MILS)	LF 300.000	4.00000		1,200.00	
0019	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	LF 2,404.000	4.85000		11,659.40	
0020	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	EA 92.000	90.00000		8,280.00	
0021	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	EA 258.000	90.00000		23,220.00	

State of NC
 Dept of Transportation

Date: 08-24-10
 Revised:

Contract ID: C202613 Project(s): STM-0070(140)
 Letting Date: 09-21-10 Call Order: 009
 Bidder: 5072 - FSC II LLC DBA FRED SMITH COMPANY

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	4810000000-E PAINT PAVEMENT MARKING LINES (4")	113,973.000 LF	0.28000		31,912.44	
0023	4820000000-E PAINT PAVEMENT MARKING LINES (8")	6,720.000 LF	1.00000		6,720.00	
0024	4830000000-E PAINT PAVEMENT MARKING LINES (16")	300.000 LF	1.85000		555.00	
0025	4835000000-E PAINT PAVEMENT MARKING LINES (24")	2,551.000 LF	2.50000		6,377.50	
0026	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	76.000 EA	50.00000		3,800.00	
0027	4845000000-N PAINT PAVEMENT MARKING SYMBOL	189.000 EA	50.00000		9,450.00	
0028	4850000000-E REMOVAL OF PAVEMENT MARKING LINES (4")	6,168.000 LF	1.00000		6,168.00	
0029	4860000000-E REMOVAL OF PAVEMENT MARKING LINES (8")	260.000 LF	2.00000		520.00	
0030	4870000000-E REMOVAL OF PAVEMENT MARKING LINES (24")	102.000 LF	5.00000		510.00	
0031	4875000000-N REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	23.000 EA	59.00000		1,357.00	
0032	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	1,169.000 EA	5.00000		5,845.00	
0033	6084000000-E SEEDING & MULCHING	0.960 ACR	4,500.00000		4,320.00	

State of NC
Dept of Transportation

Date: 08-24-10
Revised:

Contract ID: C202613

Project(s): STM-0070(140)

Letting Date: 09-21-10 Call Order: 009

Bidder: 5072 - FSC II LLC DBA FRED SMITH COMPANY

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0034	7444000000-E INDUCTIVE LOOP SAWCUT	10,897.000 LF	4.49000		48,927.53	
Section 0001 Total					1,844,694.96	
Bid Total					1,844,694.96	

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: 7

PROPOSAL: C202613
 LETTING: L100921 CALL: 009
 VENDOR: 5072 FSC II LLC DBA FRED SMITH COMPANY

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

DBE SUBCONTRACTOR: 4858 STATE CONTRACTING, INC.
 Will Use Quote: Yes

0009 1704000000-E PATCHING EXI TON 5200.000 42.00000 218400.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 218,400.00 ✓ arm
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 218,400

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 11.84% or 218400.00 ✓ arm
 Required: 10.00% or 184469.50
 <GOAL MET>

Contract Item Sheets For C202613

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	57,000.00	57,000.00
0002	0106000000-E	230	BORROW EXCAVATION	32 CY	57.00	1,824.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	1.6 SMI	5,160.00	8,256.00
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	25,323 SY	0.55	13,927.65
0005	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (1-1/2" TO 3")	121,543 SY	0.55	66,848.65
0006	1330000000-E	607	INCIDENTAL MILLING	167 SY	21.00	3,507.00
0007	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	13,137 TON	35.10	461,108.70
0008	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	789 TON	512.00	403,968.00
0009	1704000000-E	SP	PATCHING EXISTING PAVEMENT	5,200 TON	87.50	455,000.00
0010	2605000000-N	848	CONCRETE WHEELCHAIR RAMPS	2 EA	1,200.00	2,400.00
0011	2830000000-N	858	ADJUSTMENT OF MANHOLES	224 EA	422.00	94,528.00
0012	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	28 EA	422.00	11,816.00
0013	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	17,150.00	17,150.00
0014	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	33,722 LF	0.45	15,174.90
0015	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	89,748 LF	0.53	47,566.44
0016	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	1,155 LF	1.75	2,021.25
0017	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	5,234 LF	2.25	11,776.50

Contract Item Sheets For C202613

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4705000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (16", 120 MILS)	300 LF	4.00	1,200.00
0019	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	2,404 LF	4.85	11,659.40
0020	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	92 EA	90.00	8,280.00
0021	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	258 EA	90.00	23,220.00
0022	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	113,973 LF	0.28	31,912.44
0023	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	6,720 LF	1.00	6,720.00
0024	4830000000-E	1205	PAINT PAVEMENT MARKING LINES (16")	300 LF	1.85	555.00
0025	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	2,551 LF	2.50	6,377.50
0026	4840000000-N	1205	PAINT PAVEMENT MARKING CHARACTER	76 EA	50.00	3,800.00
0027	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	189 EA	50.00	9,450.00
0028	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	6,168 LF	1.00	6,168.00
0029	4860000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (8")	260 LF	2.00	520.00
0030	4870000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (24")	102 LF	5.00	510.00
0031	4875000000-N	1205	REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	23 EA	59.00	1,357.00
0032	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	1,169 EA	5.00	5,845.00
0033	6084000000-E	1660	SEEDING & MULCHING	0.96 ACR	4,500.00	4,320.00

Contract Item Sheets For C202613

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0034	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	10,897 LF	4.49	48,927.53
TOTAL AMOUNT OF BID FOR ENTIRE PROJECT						\$1,844,694.96

1128/Sep30/Q441790.56/D127425100000/E34

Contract No. C202613
County Durham

Rev. 7-12-10

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN CERTIFICATION
LIMITED LIABILITY COMPANY**

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

FSC II LLC, dba, Fred Smith Company

Full Name of Firm

Post Office Box 31768 Raleigh, NC 27622

Address as Prequalified

Jay Vick
Signature of Witness

Jay Vick

Print or type Signer's name

Signature of Manager

AUTHORIZED
AGENT

Thomas Johnson, Jr.
Individually

Thomas Johnson, Jr.

Print or type Signer's Name

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

8 day of October 2010.

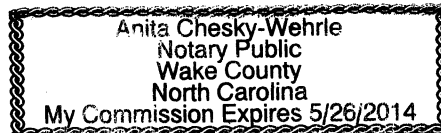
Anita Chesky-Wehrle
Signature of Notary Public

of Wake County

State of North Carolina

My Commission Expires: 5/26/14

NOTARY SEAL



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.

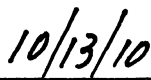
Contract No **C202613**

County (ies): **Durham**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

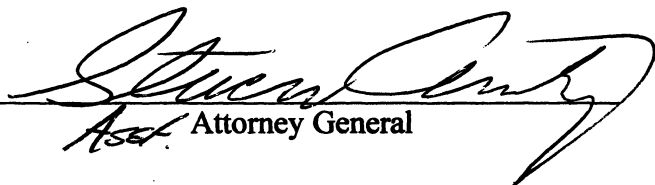


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Asst. Attorney General

Contract No. C202613
County Durham

Rev 2-1-10

Bond No. 105487306

CONTRACT PAYMENT BOND

Date of Payment Bond Execution September 30, 2010

Name of Principal Contractor FSC II, LLC dba Fred Smith Company

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: One Million Eight Hundred Forty Four
Thousand Six Hundred Ninety Four Dollars and 96/100 (\$1,844,694.96)

Contract ID No.: C202613

County Name: Durham

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. C202613
County Durham

Rev 2-1-10

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Travelers Casualty and Surety Company of America
Print or type Surety Company Name

By Bobbi D. Pendleton
Print, stamp or type name of Attorney-in-Fact



Bobbi D. Pendleton
Signature of Attorney-in-Fact

Cathy Bailey
Signature of Witness

Cathy Bailey
Print or type Signer's name

4000 CentreGreen Way Suite 250, Cary, NC 27513
Address of Attorney-in-Fact

Contract No. C202613
County Durham

Rev 2-1-10

CONTRACT PAYMENT BOND
LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor FSC II, LLC dba Fred Smith Company
Full name of Firm

P.O. Box 31768, Raleigh, NC 27622
Address as prequalified

Signature of Member/Manager 
Individually

Thomas Johnson, Jr.
Print or type Signer's name

Contract No. C202613
County Durham

Rev 2-1-10

Bond No. 105487306

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: September 30, 2010

Name of Principal Contractor: FSC II, LLC dba Fred Smith Company

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: One Million Eight Hundred Forty Four Thousand Six Hundred Ninety Four Dollars and 96/100 (\$1,844,694.96)

Contract ID No.: C202613

County Name: Durham

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. C202613
County Durham

Rev 2-1-10

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

Travelers Casualty and Surety Company of America
Print or type Surety Company Name

By Bobbi D. Pendleton
Print, stamp or type name of Attorney-in-Fact



Bobbi D. Pendleton
Signature of Attorney-in-Fact

Cathy Bailey
Signature of Witness

Cathy Bailey
Print or type Signer's name

4000 CentreGreen Way Suite 250, Cary, NC 27513
Address of Attorney-in-Fact

Contract No. C202613

Rev 2-1-10

County Durham


CONTRACT PERFORMANCE BOND

LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor FSC II, LLC dba Fred Smith Company
Full name of Firm

P.O. Box 31768, Raleigh, NC 27622
Address as prequalified

Signature of Member/Manager 
Individually

Thomas Johnson, Jr.
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

Surety Bond No. 105487306

Principal: FSC II, LLC dba Fred Smith Company

OR

Project Description: C202613 Durham County

Obligee: North Carolina Dept of Transportation

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 Bobbi D. Pendleton of the City of Cary, State of NC, 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 5th day of August, 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 5th day of August, 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 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 30th day of September, 2010.


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. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.