

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

C202734

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202734

WBS 33828.3.1 BRZ-1728(2)

T.I.P NO. B-4673

COUNTY OF WAYNE
THIS IS THE ROADWAY & STRUCTURE CONTRACT
ROUTE NUMBER SR 1728 LENGTH 0.089 MILES
LOCATION BRIDGE OVER WALNUT CREEK AND APPROACHES ON SR-1728.

CONTRACTOR **FSC II LLC DBA FRED SMITH COMPANY**
ADDRESS **6105 Chapel Hill Road**
Raleigh. N.C 27607

BIDS OPENED NOVEMBER 15, 2011
CONTRACT EXECUTION DEC 07 2011

NCDOT/berc

Vendor 5072's Bid Information for Call 008, Letting L111115, 2011-11-15

FSC II LLC, dba, Fred Smith Company (5072).

Vendor 8 of 9 Vendors for Call Order 008 (Proposal ID C202734).

County: WAYNE

Address: 6105 Chapel Hill Road
Raleigh, NC 27607

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

Time Bid Received: Tue Nov 15 12:35:30 2011

Bid Checksum: 907508E6

Amendment Count: 0

Bidding Errors: This bid contains errors.

DBE GOAL SET 10.0

Bid Total: \$649,000.00 ✓

DBE GOAL MET

Bond ID: SNC11339828

10.0

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$32,450.00

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 11/14/2011 10:09:06 AM

Surety Name: Western Surety Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT		
2855	WB BOSS CONSTRUCTION CO., INC. 229 BOXWOOD CHURCH ROAD , MOCKSVILLE, NC 27028		Sub 10,411.63	✓	arm
4898	WB BULLINGTON CONSTRUCTION INC 417 FOXGLOVE LANE , INDIAN TRAIL, NC 28079		Sub 18,665.00	✓	arm
3251	WB NARRON CONTRACTING INC. PO BOX 909, CLAYTON NC 27528		Sub 38,060.00	✓	arm
			TOTAL: \$67,136.63	✓	arm
			10.34%		

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: SNC11339828
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Western Surety Company
Bond Execution Date: 11/14/2011 10:09:06 AM
Bond Amount: \$32,450.00 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 10-17-11
Revised:

Contract ID: C202734 Project(s): BRZ-1728(2)
Letting Date: 11-15-11 Call Order: 008
Bidder: 5072 - FSC II LLC, dba, Fred Smith Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars Cts	Bid Amount Dollars Ct
Section 0001 ROADWAY ITEMS				
Alt Group				
0001	0000100000-N MOBILIZATION	LUMP	LUMP	32,000.00
0002	0029000000-N REINFORCED BRIDGE APPROACH FILL, STATION ***** (18+49)	LUMP	LUMP	9,000.00
0003	0043000000-N GRADING	LUMP	LUMP	40,000.00
0004	0050000000-E SUPPLEMENTARY CLEARING & GRUB-BING	1.000 ACR	1.00000	1.00
0005	0057000000-E UNDERCUT EXCAVATION	300.000 CY	20.00000	6,000.00
0006	0134000000-E DRAINAGE DITCH EXCAVATION	75.000 CY	20.00000	1,500.00
0007	0195000000-E SELECT GRANULAR MATERIAL	300.000 CY	1.00000	300.00
0008	0196000000-E FABRIC FOR SOIL STABILIZATION	300.000 SY	0.50000	150.00
0009	0318000000-E FOUNDATION CONDITIONING MATERIAL, MINOR STRS	12.000 TON	45.00000	540.00
0010	0320000000-E FOUNDATION CONDITIONING FABRIC	38.000 SY	2.00000	76.00

State of NC
Dept of Transportation

Date: 10-17-11
Revised:

Contract ID: C202734 Project(s): BRZ-1728(2)
Letting Date: 11-15-11 Call Order: 008
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	0335200000-E 15" DRAINAGE PIPE	16.000 LF	40.00000		640.00	
0012	0448200000-E 15" RC PIPE CULVERTS, CLASS IV	88.000 LF	40.00000		3,520.00	
0013	1220000000-E INCIDENTAL STONE BASE	200.000 TON	12.00000		2,400.00	
0014	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 3")	250.000 SY	10.00000		2,500.00	
0015	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	200.000 TON	50.00000		10,000.00	
0016	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	185.000 TON	100.00000		18,500.00	
0017	1575000000-E ASPHALT BINDER FOR PLANT MIX	25.000 TON	630.00000		15,750.00	
0018	2000000000-N RIGHT OF WAY MARKERS	10.000 EA	200.00000		2,000.00	
0019	2022000000-E SUBDRAIN EXCAVATION	23.000 CY	6.00000		138.00	
0020	2033000000-E SUBDRAIN FINE AGGREGATE	17.000 CY	20.00000		340.00	
0021	2044000000-E 6" PERFORATED SUBDRAIN PIPE	100.000 LF	5.00000		500.00	
0022	2070000000-N SUBDRAIN PIPE OUTLETS	1.000 EA	200.00000		200.00	

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Date: 10-17-11
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Contract ID: C202734 Project(s): BRZ-1728(2)
Letting Date: 11-15-11 Call Order: 008
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
0023	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	6.000 LF	8.00000		48.00	
0024	2286000000-N MASONRY DRAINAGE STRUCTURES	3.000 EA	1,800.00000		5,400.00	
0025	2367000000-N FRAME WITH TWO GRATES, STD 840.29	3.000 EA	500.00000		1,500.00	
0026	2556000000-E SHOULDER BERM GUTTER	160.000 LF	40.00000		6,400.00	
0027	3030000000-E STEEL BM GUARDRAIL	175.000 LF	16.00000		2,800.00	
0028	3150000000-N ADDITIONAL GUARDRAIL POSTS	5.000 EA	13.00000		65.00	
0029	3215000000-N GUARDRAIL ANCHOR UNITS, TYPE III	4.000 EA	1,400.00000		5,600.00	
0030	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	4.000 EA	1,900.00000		7,600.00	
0031	3574000000-E GENERIC FENCING ITEM 48" WOOD FENCE RESET	260.000 LF	10.00000		2,600.00	
0032	3656000000-E FILTER FABRIC FOR DRAINAGE	500.000 SY	0.50000		250.00	
0033	3659000000-N PREFORMED SCOUR HOLES WITH LEVEL SPREADER APRON	1.000 EA	2,400.00000		2,400.00	
0034	4072000000-E SUPPORTS, 3-LB STEEL U-CHANNEL	26.000 LF	4.00000		104.00	

State of NC
Dept of Transportation

Date: 10-17-11
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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0035	4102000000-N SIGN ERECTION, TYPE E	EA 2.000	95.00000		190.00	
0036	4155000000-N DISPOSAL OF SIGN SYSTEM, U- CHANNEL	EA 5.000	1.00000		5.00	
0037	4158000000-N DISPOSAL OF SIGN SYSTEM, WOOD	EA 1.000	1.00000		1.00	
0038	4400000000-E WORK ZONE SIGNS (STATIONARY)	SF 565.000	5.00000		2,825.00	
0039	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	SF 94.000	4.50000		423.00	
0040	4445000000-E BARRICADES (TYPE III)	LF 96.000	18.00000		1,728.00	
0041	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (II)	LF 1,884.000	2.00000		3,768.00	
0042	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	EA 6.000	10.00000		60.00	
0043	6000000000-E TEMPORARY SILT FENCE	LF 1,050.000	3.00000		3,150.00	
0044	6006000000-E STONE FOR EROSION CONTROL, CLASS A	TON 225.000	1.00000		225.00	
0045	6009000000-E STONE FOR EROSION CONTROL, CLASS B	TON 245.000	20.00000		4,900.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0046	6012000000-E SEDIMENT CONTROL STONE	175.000 TON	20.00000		3,500.00	
0047	6015000000-E TEMPORARY MULCHING	2.000 ACR	400.00000		800.00	
0048	6018000000-E SEED FOR TEMPORARY SEEDING	100.000 LB	3.90000		390.00	
0049	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	0.250 TON	1,200.00000		300.00	
0050	6024000000-E TEMPORARY SLOPE DRAINS	200.000 LF	1.00000		200.00	
0051	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4.000 EA	100.00000		400.00	
0052	6029000000-E SAFETY FENCE	800.000 LF	2.00000		1,600.00	
0053	6030000000-E SILT EXCAVATION	300.000 CY	4.00000		1,200.00	
0054	6036000000-E MATTING FOR EROSION CONTROL	1,800.000 SY	0.80000		1,440.00	
0055	6042000000-E 1/4" HARDWARE CLOTH	600.000 LF	2.00000		1,200.00	
0056	6071020000-E POLYACRYLAMIDE (PAM)	20.000 LB	15.00000		300.00	
0057	6084000000-E SEEDING & MULCHING	2.000 ACR	950.00000		1,900.00	

Letting Date: 11-15-11 Call Order: 008
 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
0058	6087000000-E MOWING	2.000 ACR	125.00000		250.00	
0059	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	3.90000		195.00	
0060	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	1,200.00000		300.00	
0061	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	50.000 LB	3.90000		195.00	
0062	6108000000-E FERTILIZER TOPDRESSING	1.250 TON	400.00000		500.00	
0063	6114500000-N SPECIALIZED HAND MOWING	10.000 MHR	30.00000		300.00	
0064	6117000000-N RESPONSE FOR EROSION CONTROL	16.000 EA	50.00000		800.00	
0065	6123000000-E REFORESTATION	0.250 ACR	400.00000		100.00	
Section 0001 Total						213,967.00

Section 0004 STRUCTURE ITEMS

Alt Group

0066	8035000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (18+49.00-L-)	LUMP	LUMP		35,000.00	
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State of NC
Dept of Transportation

Date: 10-17-11
Revised:

Contract ID: C202734 Project(s): BRZ-1728(2)
Letting Date: 11-15-11 Call Order: 008
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
0067	8121000000-N UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (18+49.00-L-)	LUMP	LUMP			18,000.00
0068	8182000000-E CLASS A CONCRETE (BRIDGE)	CY 49.100	1,500.00000			73,650.00
0069	8210000000-N BRIDGE APPROACH SLABS, STATION***** (18+49.00-L-)	LUMP	LUMP			20,000.00
0070	8217000000-E REINFORCING STEEL (BRIDGE)	LB 8,484.000	2.50000			21,210.00
0071	8364000000-E HP12X53 STEEL PILES	LF 450.000	36.00000			16,200.00
0072	8384200000-E HP14X73 GALVANIZED STEEL PILES	LF 840.000	52.00000			43,680.00
0073	8393000000-N PILE REDRIVES	EA 14.000	40.00000			560.00
0074	8475000000-E TWO BAR METAL RAIL	LF 240.500	120.00000			28,860.00
0075	8517000000-E 1'-***X ***** CONCRETE PARAPET (1'-2" X 2'-7 1/2")	LF 255.500	70.00000			17,885.00
0076	8608000000-E RIP RAP CLASS II (2'-0" THICK)	TON 235.000	50.00000			11,750.00
0077	8622000000-E FILTER FABRIC FOR DRAINAGE	SY 262.000	2.00000			524.00

State of NC
 Dept of Transportation

Date: 10-17-11
 Revised:

Contract ID: C202734 Project(s): BRZ-1728(2)
 Letting Date: 11-15-11 Call Order: 008
 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
0078	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP			7,464.00
0079	8762000000-E 3'-0" X 1'-9" PRESTRESSED CONCCORED SLABS	1,402.500 LF	100.00000			140,250.00
Section 0004 Total						435,033.00
Bid Total						649,000.00

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: 10-17-11
PAGE: 11

PROPOSAL: C202734
LETTING: L111115 CALL: 008
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: 2855 BOSS CONSTRUCTION CO., INC.
Will Use Quote: Yes

0075	8517000000-E	1'-***"X***** LF	255.500	40.75000	10411.63	
					-----	✓ arm
		DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:			10,411.63	
		DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)			10,411.	

DBE SUBCONTRACTOR: 4898 BULLINGTON CONSTRUCTION INC
Will Use Quote: Yes

0027	3030000000-E	STL BM GUARD LF	175.000	16.00000	2800.00	
0028	3150000000-N	ADDIT GUARDR EA	5.000	13.00000	65.00	
0029	3215000000-N	GR ANCHOR TY EA	4.000	1400.00000	5600.00	
0030	3270000000-N	GR ANCHOR TY EA	4.000	1900.00000	7600.00	
0031	3574000000-E	GENERIC FENC LF	260.000	10.00000	2600.00	
					-----	✓ arm
		DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:			18,665.00	
		DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)			18,665.	

DBE SUBCONTRACTOR: 3251 NARRON CONTRACTING INC.
Will Use Quote: Yes

0001	0000100000-N	MOBILIZATION LS	1.000	7000.00000	7000.00	
		NARRON MOB. FOR GRADING ITEMS				
0003	0043000000-N	GRADING LS	1.000	20000.00000	20000.00	
0011	0335200000-E	15" DRAINAGE LF	16.000	40.00000	640.00	
0012	0448200000-E	15" RCP CULV LF	88.000	40.00000	3520.00	
0024	2286000000-N	MASNRY DRAIN EA	3.000	1800.00000	5400.00	
0025	2367000000-N	FRAME W/2GRT EA	3.000	500.00000	1500.00	
					-----	✓ arm
		DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:			38,060.00	
		DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)			38,060.	

TOTAL DBE COMMITMENT FOR VENDOR:	Entered:	10.34% or	67136.63	✓ arm
	Required:	10.00% or	64900.00	
			<GOAL MET>	

Contract Item Sheets For C202734

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	32,000.00	32,000.00
0002	0029000000-N	SP	REINFORCED BRIDGE APPROACH FILL, STATION ***** (18 + 49)	Lump Sum LS	9,000.00	9,000.00
0003	0043000000-N	226	GRADING	Lump Sum LS	40,000.00	40,000.00
0004	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	1.00	1.00
0005	0057000000-E	226	UNDERCUT EXCAVATION	300 CY	20.00	6,000.00
0006	0134000000-E	240	DRAINAGE DITCH EXCAVATION	75 CY	20.00	1,500.00
0007	0195000000-E	SP	SELECT GRANULAR MATERIAL	300 CY	1.00	300.00
0008	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	300 SY	0.50	150.00
0009	0318000000-E	SP	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	12 TON	45.00	540.00
0010	0320000000-E	SP	FOUNDATION CONDITIONING FABRIC	38 SY	2.00	76.00
0011	0335200000-E	SP	15" DRAINAGE PIPE	16 LF	40.00	640.00
0012	0448200000-E	SP	15" RC PIPE CULVERTS, CLASS IV	88 LF	40.00	3,520.00
0013	1220000000-E	545	INCIDENTAL STONE BASE	200 TON	12.00	2,400.00
0014	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 3")	250 SY	10.00	2,500.00
0015	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	200 TON	50.00	10,000.00
0016	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	185 TON	100.00	18,500.00
0017	1575000000-E	SP	ASPHALT BINDER FOR PLANT MIX	25 TON	630.00	15,750.00
0018	2000000000-N	806	RIGHT OF WAY MARKERS	10 EA	200.00	2,000.00

Contract Item Sheets For C202734

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	2022000000-E	SP	SUBDRAIN EXCAVATION	23 CY	6.00	138.00
0020	2033000000-E	SP	SUBDRAIN FINE AGGREGATE	17 CY	20.00	340.00
0021	2044000000-E	SP	6" PERFORATED SUBDRAIN PIPE	100 LF	5.00	500.00
0022	2070000000-N	SP	SUBDRAIN PIPE OUTLETS	1 EA	200.00	200.00
0023	2077000000-E	SP	6" OUTLET PIPE (SUBDRAINS)	6 LF	8.00	48.00
0024	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	3 EA	1,800.00	5,400.00
0025	2367000000-N	840	FRAME WITH TWO GRATES, STD 840.29	3 EA	500.00	1,500.00
0026	2556000000-E	846	SHOULDER BERM GUTTER	160 LF	40.00	6,400.00
0027	3030000000-E	862	STEEL BM GUARDRAIL	175 LF	16.00	2,800.00
0028	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	13.00	65.00
0029	3215000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE III	4 EA	1,400.00	5,600.00
0030	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	4 EA	1,900.00	7,600.00
0031	3574000000-E	867	GENERIC FENCING ITEM 48" WOOD FENCE RESET	260 LF	10.00	2,600.00
0032	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	500 SY	0.50	250.00
0033	3659000000-N	SP	PREFORMED SCOUR HOLES WITH LEVEL SPREADER APRON	1 EA	2,400.00	2,400.00
0034	4072000000-E	903	SUPPORTS, 3-LB STEEL U-CHANNEL	26 LF	4.00	104.00
0035	4102000000-N	904	SIGN ERECTION, TYPE E	2 EA	95.00	190.00
0036	4155000000-N	907	DISPOSAL OF SIGN SYSTEM, U- CHANNEL	5 EA	1.00	5.00
0037	4158000000-N	907	DISPOSAL OF SIGN SYSTEM, WOOD	1 EA	1.00	1.00

Contract Item Sheets For C202734

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0038	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	565 SF	5.00	2,825.00
0039	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	94 SF	4.50	423.00
0040	4445000000-E	1145	BARRICADES (TYPE III)	96 LF	18.00	1,728.00
0041	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (II)	1,884 LF	2.00	3,768.00
0042	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	6 EA	10.00	60.00
0043	6000000000-E	1605	TEMPORARY SILT FENCE	1,050 LF	3.00	3,150.00
0044	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	225 TON	1.00	225.00
0045	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	245 TON	20.00	4,900.00
0046	6012000000-E	1610	SEDIMENT CONTROL STONE	175 TON	20.00	3,500.00
0047	6015000000-E	1615	TEMPORARY MULCHING	2 ACR	400.00	800.00
0048	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	100 LB	3.90	390.00
0049	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	0.25 TON	1,200.00	300.00
0050	6024000000-E	1622	TEMPORARY SLOPE DRAINS	200 LF	1.00	200.00
0051	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4 EA	100.00	400.00
0052	6029000000-E	SP	SAFETY FENCE	800 LF	2.00	1,600.00
0053	6030000000-E	1630	SILT EXCAVATION	300 CY	4.00	1,200.00
0054	6036000000-E	1631	MATTING FOR EROSION CONTROL	1,800 SY	0.80	1,440.00
0055	6042000000-E	1632	1/4" HARDWARE CLOTH	600 LF	2.00	1,200.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0056	6071020000-E	SP	POLYACRYLAMIDE (PAM)	20 LB	15.00	300.00
0057	6084000000-E	1660	SEEDING & MULCHING	2 ACR	950.00	1,900.00
0058	6087000000-E	1660	MOWING	2 ACR	125.00	250.00
0059	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	3.90	195.00
0060	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	1,200.00	300.00
0061	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	3.90	195.00
0062	6108000000-E	1665	FERTILIZER TOPDRESSING	1.25 TON	400.00	500.00
0063	6114500000-N	SP	SPECIALIZED HAND MOWING	10 MHR	30.00	300.00
0064	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	16 EA	50.00	800.00
0065	6123000000-E	1670	REFORESTATION	0.25 ACR	400.00	100.00

Contract Item Sheets For C202734

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0066	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (18 + 49.00-L-)	Lump Sum LS	35,000.00	35,000.00
0067	8121000000-N	412	UNCLASSIFIED STRUCTURE EXCAVA- TION AT STATION ***** (18 + 49.00-L-)	Lump Sum LS	18,000.00	18,000.00
0068	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	49.1 CY	1,500.00	73,650.00
0069	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (18 + 49.00-L-)	Lump Sum LS	20,000.00	20,000.00
0070	8217000000-E	425	REINFORCING STEEL (BRIDGE)	8,484 LB	2.50	21,210.00
0071	8364000000-E	SP	HP12X53 STEEL PILES	450 LF	36.00	16,200.00
0072	8384200000-E	SP	HP14X73 GALVANIZED STEEL PILES	840 LF	52.00	43,680.00
0073	8393000000-N	SP	PILE REDRIVES	14 EA	40.00	560.00
0074	8475000000-E	460	TWO BAR METAL RAIL	240.5 LF	120.00	28,860.00
0075	8517000000-E	460	1'-***"X *****" CONCRETE PARA- PET (1'-2" X 2'-7 1/2")	255.5 LF	70.00	17,885.00
0076	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	235 TON	50.00	11,750.00
0077	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	262 SY	2.00	524.00
0078	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	7,464.00	7,464.00
0079	8762000000-E	430	3'-0" X 1'-9" PRESTRESSED CONC CORED SLABS	1,402.5 LF	100.00	140,250.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$649,000.00

Contract No. C202734
County Wayne

Rev. 5-19-11

**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

6105 Chapel Hill Road, Raleigh, NC 27607

Address as Prequalified



[Signature]
Signature of Witness

[Signature]
Signature of ~~Member~~ Manager/Authorized Agent
Select appropriate title

Adam Kingsley

Print or type Signer's name

Thomas T. Johnson, Jr.

Print or type Signer's Name

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

23rd day of November 2011.

Adina L. Durham
Signature of Notary Public

of Wake County

State of North Carolina

My Commission Expires: 12-08-2015

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.

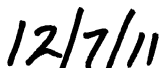
Contract No C202734

County (ies): Wayne

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

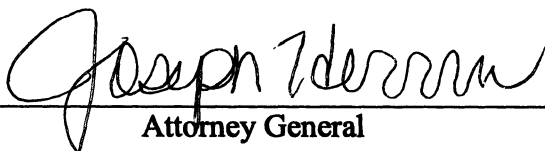


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No.
County

C202734

Wayne

Rev 5-17-11

CONTRACT PAYMENT BOND

Date of Payment Bond Execution	November 23, 2011
Name of Principal Contractor	FSC II, LLC dba Fred Smith Company
Name of Surety:	Western Surety Company and Liberty Mutual Insurance Company
Name of Contracting Body:	North Carolina Department of Transportation
	Raleigh, North Carolina
Amount of Bond:	\$649,000.00
Contract ID No.:	C202734
County Name:	Wayne

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.
County

C202734

Wayne

Rev 5-17-11

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Western Surety Company and Liberty Mutual Insurance Company

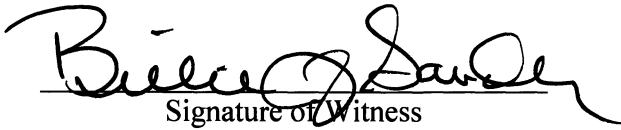
Print or type Surety Company Name

By **Renee Ellis**

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



Signature of Attorney-in-Fact



Signature of Witness

Billie Jo Sanders

Print or type Signer's name

2601 Bell Road, Montgomery, Alabama 36117

Address of Attorney-in-Fact

Contract No.
County

C202734

Wayne

Rev 5-17-11

CONTRACT PAYMENT BOND

LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor

FSC II, LLC dba Fred Smith Company

Full name of Firm

6105 Chapel Hill Road, Raleigh, NC 27607

Address as prequalified

By:



Signature of ~~Member~~, ~~Manager~~, Authorized Agent
Select appropriate title

Thomas T. Johnson, Jr.

Print or type Signer's name

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Thomas J. Gentile, Billie Jo Sanders, Renee Ellis, Paul B Scott Jr., David J Durden, Individually

of Montgomery, AL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 5th day of May, 2011.



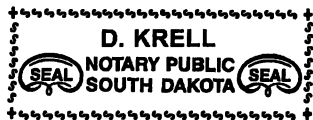
WESTERN SURETY COMPANY

Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 5th day of May, 2011, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires
November 30, 2012



D. Krell
D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 23rd day of November, 2011.



WESTERN SURETY COMPANY

L. Nelson
L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint THOMAS J. GENTILE, RENEE ELLIS, BILLIE JO SANDERS, DAVID J. DURDEN, PAUL B. SCOTT JR., ALL OF THE CITY OF MONTGOMERY, STATE OF ALABAMA.....

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding ONE HUNDRED MILLION AND 00/100..... DOLLARS (\$ 100,000,000.....) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 5th day of November, 2010.

LIBERTY MUTUAL INSURANCE COMPANY

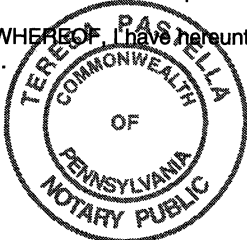
By Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 5th day of November, 2010, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, 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 officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, 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 23rd day of November, 2011.



By David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Contract No. C202734
County Wayne

Rev 5-17-11

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: November 23, 2011

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

Name of Surety: Western Surety Company and Liberty Mutual Insurance Company

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

Amount of Bond: \$649,000.00

Contract ID No.: C202734

County Name: Wayne

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. C202734
County Wayne

Rev 5-17-11

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

Western Surety Company and Liberty Mutual Insurance Company

Print or type Surety Company Name

By Renee Ellis
Print, stamp or type name of Attorney-in-Fact

Renee Ellis
Signature of Attorney-in-Fact

Billie Jo Sanders
Signature of Witness

Billie Jo Sanders
Print or type Signer's name

2601 Bell Road, Montgomery, Alabama 36117
Address of Attorney-in-Fact

Contract No.
County

C202734

Wayne

Rev 5-17-11

CONTRACT PERFORMANCE BOND

LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor

FSC II, LLC dba Fred Smith Company

Full name of Firm

6105 Chapel Hill Road, Raleigh, NC 27607

Address as prequalified

By:



Signature of ~~Member, Manager~~ Authorized Agent

Select appropriate title

Thomas T. Johnson, Jr.

Print or type Signer's name

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Thomas J. Gentile, Billie Jo Sanders, Renee Ellis, Paul B Scott Jr., David J Durden, Individually

of Montgomery, AL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 5th day of May, 2011.



WESTERN SURETY COMPANY

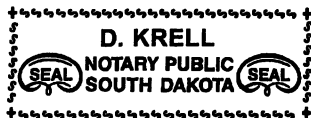
Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 5th day of May, 2011, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell
D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 23rd day of November, 2011.



WESTERN SURETY COMPANY

L. Nelson
L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint THOMAS J. GENTILE, RENEE ELLIS, BILLIE JO SANDERS, DAVID J. DURDEN, PAUL B. SCOTT JR., ALL OF THE CITY OF MONTGOMERY, STATE OF ALABAMA.....

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding ONE HUNDRED MILLION AND 00/100***** DOLLARS (\$ 100,000,000.00*****) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 5th day of November, 2010.

LIBERTY MUTUAL INSURANCE COMPANY

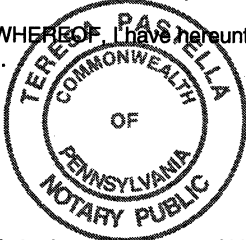
By Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 5th day of November, 2010, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, 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 officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, 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 23rd day of November, 2011.



By David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.