

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

C202965

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202965

WBS

17BP.9.P.2 STATE FUNDED

COUNTY OF DAVIDSON, ROWAN, DAVIE
THIS IS THE STRUCTURE CONTRACT
ROUTE NUMBER I 40 LENGTH 0.690 MILES
LOCATION BRIDGES #29, 32, 85, AND 86 ON I-40, #136 ON SR-1508 OVER
US-52, AND #94 ON SR-2664 OVER I-85/US-601.

CONTRACTOR AMERICAN CONTRACTING & SERVICES INC
ADDRESS 6200 EAST HIGHWAY 62, BUILDING 2501, SUI
TE 20
JEFFERSONVILLE, IN 47130

BIDS OPENED MARCH 20, 2012

CONTRACT EXECUTION APR 16 2012

**Vendor 3 of 3: AMERICAN CONTRACTING & SERVICES INC
(7877)
Call Order 021 (Proposal: C202965)**

Bid Information

County: ROWAN
Address: 6200 East Highway 62 Bldg. 2501 Suite 200
Jeffersonville , IN , 47130
Signature Check: Roy_Zimmerman_7877
Time Bid Received: March 20, 2012 11:41 AM
Amendment Count: 0

Bid Checksum: 0A40E8D4
Bid Total: \$3,151,794.15
Items Total: \$3,151,794.15 ✓
Time Total: \$0.00

Bidding Errors:
None.

MBE GOAL SET	0.0
MBE GOAL MET	0.0
WBE GOAL SET	0.0
WBE GOAL MET	0.0

**Vendor 3 of 3: AMERICAN CONTRACTING & SERVICES INC
(7877)
Call Order 021 (Proposal: C202965)**

Bid Bond Information

Projects:	Bond Maximum:
Counties:	State of Incorporation:
Bond ID: D88S-C6G9-9D78-3P7P	Agency Execution Date: 3/20/2012
Paid by Check: No	Surety Name: SurePathNetwork
Bond Percent: 5%	Bond Agency Name: Fidelity and Deposit Company of Maryland

Vendor 7877's Bid Information for Call 021, Letting L120320, 03/20/12

American Contracting & Services, Inc (7877)
Call Order 021 (Proposal ID C202965)

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: D88S-C6G9-9D78-3P7P
Surety Registry Agency: SurePathNetwork
Verified?: Yes
Surety Agency: Fidelity and Deposit Company of Maryland
Bond Execution Date: 3/20/2012
Bond Amount: \$157,589.71 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 02-20-12
Revised:

Contract ID: C202965 Project(s): STATE FUNDED
Letting Date: 03-20-12 Call Order: 021
Bidder: 7877 - American Contracting & Services, 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			157,589.70
0002	1330000000-E INCIDENTAL MILLING	230.000 SY	25.00000			5,750.00
0003	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	36.000 TON	1,000.00000			36,000.00
0004	1575000000-E ASPHALT BINDER FOR PLANT MIX	2.000 TON	975.00000			1,950.00
0005	4400000000-E WORK ZONE SIGNS (STATIONARY)	80.000 SF	6.00000			480.00
0006	4405000000-E WORK ZONE SIGNS (PORTABLE)	224.000 SF	9.00000			2,016.00
0007	4415000000-N FLASHING ARROW BOARD	3.000 EA	2,070.00000			6,210.00
0008	4420000000-N PORTABLE CHANGEABLE MESSAGE SIGN	1.000 EA	6,300.00000			6,300.00
0009	4430000000-N DRUMS	40.000 EA	15.00000			600.00
0010	4455000000-N FLAGGER	120.000 DAY	500.00000			60,000.00
0011	4480000000-N TMA	1.000 EA	11,100.00000			11,100.00

Dept of Transportation

Revised:

Contract ID: C202965

Project(s): STATE FUNDED

Letting Date: 03-20-12 Call Order: 021

Bidder: 7877 - American Contracting & Services, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	4510000000-N LAW ENFORCEMENT	400.000 HR	30.00000		12,000.00	
0013	4516000000-N SKINNY DRUM	42.000 EA	29.00000		1,218.00	
0014	4847000000-E POLYUREA PAVEMENT MARKING LINES (4", *****) (HIGHLY REFLECTIVE ELEMENTS)	8,595.000 LF	1.75000		15,041.25	
0015	4847110000-E POLYUREA PAVEMENT MARKING LINES (8", *****) (HIGHLY REFLECTIVE ELEMENTS)	180.000 LF	4.00000		720.00	
0016	8161000000-E GROOVING BRIDGE FLOORS	81,102.000 SF	0.70000		56,771.40	
0017	8664000000-E SHOTCRETE REPAIRS	48.000 CF	920.00000		44,160.00	
0018	8678000000-E EPOXY RESIN INJECTION	553.000 LF	73.00000		40,369.00	
0019	8692000000-N FOAM JOINT SEALS	LUMP	LUMP		249,000.00	
0020	8860000000-N GENERIC STRUCTURE ITEM BRIDGE JACKING	LUMP	LUMP		50,000.00	
0021	8860000000-N GENERIC STRUCTURE ITEM DRAIN TROUGH SYSTEM	LUMP	LUMP		30,000.00	
0022	8860000000-N GENERIC STRUCTURE ITEM UNDER STRUCTURE WORK PLATFORM	LUMP	LUMP		25,000.00	

Dept of Transportation

Revised:

Contract ID: C202965

Project(s): STATE FUNDED

Letting Date: 03-20-12 Call Order: 021

Bidder: 7877 - American Contracting & Services, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	8881000000-E GENERIC STRUCTURE ITEM LATEX MOD CONC OVERLAY - VERY EARLY STRENGTH	450.000 CY	1,100.00000		495,000.00	
0024	8892000000-E GENERIC STRUCTURE ITEM CLASS II CONC DECK REPAIRS FOR EPOXY OVERLAY	300.000 SF	75.00000		22,500.00	
0025	8892000000-E GENERIC STRUCTURE ITEM PLACEMENT OF EPOXY OVERLAY	29,694.000 SF	4.20000		124,714.80	
0026	8893000000-E GENERIC STRUCTURE ITEM HYDRO-DEMOLITION OF BRIDGE DECK	10,784.000 SY	71.00000		765,664.00	
0027	8893000000-E GENERIC STRUCTURE ITEM PLACING & FINISHING LATEX MOD CONC OVERLAY - VERY EARLY STRENGTH	10,784.000 SY	65.00000		700,960.00	
0028	8893000000-E GENERIC STRUCTURE ITEM SCARIFYING BRIDGE DECK	10,784.000 SY	20.00000		215,680.00	
0029	8897000000-N GENERIC STRUCTURE ITEM BOLT REMOVAL AND REPLACEMENT	200.000 EA	75.00000		15,000.00	
	Section 0001 Total				3,151,794.15	
	Bid Total				3,151,794.15	

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.

THIS PROPOSAL CONTAINS THE FOLLOWING ERRORS/WARNINGS (IF ANY)

This Bid contains 0 amendment files

Electronic Bid Submission

By submitting this bid electronically, I hereby acknowledge that all requirements included in the hard copy proposal, addendum, amendments, plans, standard specifications, supplemental specifications and special provisions are part of the bid and contract. Further, I acknowledge that I have read, understand, accept, acknowledge and agree to comply with all statements in this electronic bid.

I Hereby certify that I have the authority to submit this bid.

Signature

Agency

Date

Contract Item Sheets For C202965

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	157,589.70	157,589.70
0002	1330000000-E	607	INCIDENTAL MILLING	230 SY	25.00	5,750.00
0003	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	36 TON	1,000.00	36,000.00
0004	1575000000-E	620	ASPHALT BINDER FOR PLANT MIX	2 TON	975.00	1,950.00
0005	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	80 SF	6.00	480.00
0006	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	224 SF	9.00	2,016.00
0007	4415000000-N	1115	FLASHING ARROW BOARD	3 EA	2,070.00	6,210.00
0008	4420000000-N	1120	PORTABLE CHANGEABLE MESSAGE SIGN	1 EA	6,300.00	6,300.00
0009	4430000000-N	1130	DRUMS	40 EA	15.00	600.00
0010	4455000000-N	1150	FLAGGER	120 DAY	500.00	60,000.00
0011	4480000000-N	1165	TMA	1 EA	11,100.00	11,100.00
0012	4510000000-N	SP	LAW ENFORCEMENT	400 HR	30.00	12,000.00
0013	4516000000-N	1180	SKINNY DRUM	42 EA	29.00	1,218.00
0014	4847000000-E	1205	POLYUREA PAVEMENT MARKING LINES (4", *****) (HIGHLY REFLECTIVE ELEMENTS)	8,595 LF	1.75	15,041.25
0015	4847110000-E	1205	POLYUREA PAVEMENT MARKING LINES (8", *****) (HIGHLY REFLECTIVE ELEMENTS)	180 LF	4.00	720.00
0016	8161000000-E	420	GROOVING BRIDGE FLOORS	81,102 SF	0.70	56,771.40
0017	8664000000-E	SP	SHOTCRETE REPAIRS	48 CF	920.00	44,160.00
0018	8678000000-E	SP	EPOXY RESIN INJECTION	553 LF	73.00	40,369.00
0019	8692000000-N	SP	FOAM JOINT SEALS	Lump Sum LS	249,000.00	249,000.00

Contract Item Sheets For C202965

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0020	8860000000-N	SP	GENERIC STRUCTURE ITEM BRIDGE JACKING	Lump Sum LS	50,000.00	50,000.00
0021	8860000000-N	SP	GENERIC STRUCTURE ITEM DRAIN TROUGH SYSTEM	Lump Sum LS	30,000.00	30,000.00
0022	8860000000-N	SP	GENERIC STRUCTURE ITEM UNDER STRUCTURE WORK PLATFORM	Lump Sum LS	25,000.00	25,000.00
0023	8881000000-E	SP	GENERIC STRUCTURE ITEM LATEX MOD CONC OVERLAY - VERY EARLY STRENGTH	450 CY	1,100.00	495,000.00
0024	8892000000-E	SP	GENERIC STRUCTURE ITEM CLASS II CONC DECK REPAIRS FOR EPOXY OVERLAY	300 SF	75.00	22,500.00
0025	8892000000-E	SP	GENERIC STRUCTURE ITEM PLACEMENT OF EPOXY OVERLAY	29,694 SF	4.20	124,714.80
0026	8893000000-E	SP	GENERIC STRUCTURE ITEM HYDRO-DEMOLITION OF BRIDGE DECK	10,784 SY	71.00	765,664.00
0027	8893000000-E	SP	GENERIC STRUCTURE ITEM PLACING & FINISHING LATEX MOD CONC OVERLAY - VERY EARLY STRE NGTH	10,784 SY	65.00	700,960.00
0028	8893000000-E	SP	GENERIC STRUCTURE ITEM SCARIFYING BRIDGE DECK	10,784 SY	20.00	215,680.00
0029	8897000000-N	SP	GENERIC STRUCTURE ITEM BOLT REMOVAL AND REPLACEMENT	200 EA	75.00	15,000.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$3,151,794.15

Contract No. C202965

Rev. 5-19-11

County Davidson, Rowan, Davie

**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

American Contracting & Services, Inc.

Full name of Corporation

6200 East Highway 62, Building 2501, Suite 200, Jeffersonville, IN 47130

Address as Prequalified

Attest 
Secretary/Assistant Secretary
Select appropriate title

By 
President/Vice President/Assistant Vice President
Select appropriate title

Teresa Laswell
Print or type Signer's name

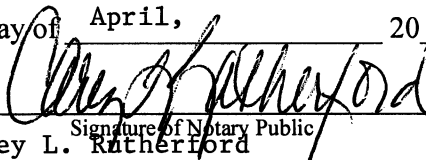
Roy A. Zimmerman
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

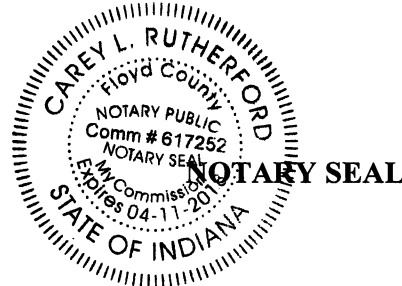
5th day of April, 2012


Signature of Notary Public
Carey L. Rutherford

of Clark County

State of Indiana

My Commission Expires: April 11, 2018



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. C202965

County (ies): Davie, Rowan, Davidson

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

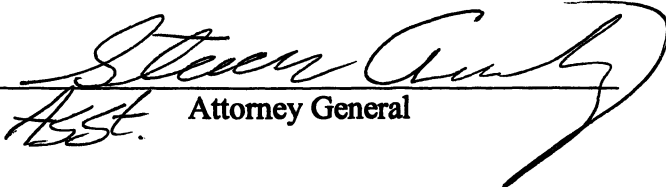


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Asst. Attorney General

Contract No. C202965
County Davidson, Rowan, Davie

Rev 5-17-11

Bond No. 7628776

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: April 5, 2012

Name of Principal Contractor: American Contracting & Services, 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: \$3,151,794.15

Contract ID No.: C202965

County Name: Davidson, Rowan, Davie

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. C202965
County Davidson, Rowan, Davie

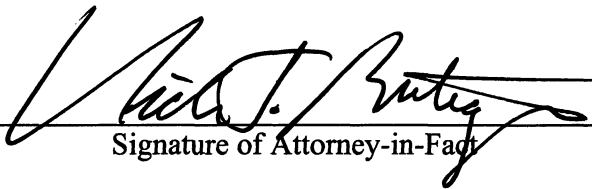
Rev 5-17-11


CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

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

By Nick J. Rutigliano
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

Terry Hurst
Print or type Signer's name

9247 N. Meridian St., Suite 300
Indianapolis, IN 46260
Address of Attorney-in-Fact

Contract No.
County

C202965
Davidson, Rowan, Davie

Rev 5-17-11

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

American Contracting & Services, Inc.

Full name of Corporation

6200 East Highway 62, Building 2501, Suite 200, Jeffersonville, IN 47130

Address as prequalified

By Roy A. Zimmerman
Signature of President, ~~Vice President, Assistant Vice President~~
Select appropriate title

Roy A. Zimmerman
Print or type Signer's name

Affix Corporate Seal

Attest Teresa Laswell
Signature of Secretary, ~~Assistant Secretary~~
Select appropriate title

Teresa Laswell
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 WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Nick J. RUTIGLIANO, Timothy J. TAYLOR and Robert M. RUTIGLIANO, all of Indianapolis, Indiana, EACH** 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: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Nick J. Rutigliano, Timothy J. Taylor, Robert M. Rutigliano, dated January 22, 2003.

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

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 27th day of March, A.D. 2003.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Eric D. Barnes

Eric D. Barnes Assistant Secretary

William J. Mills

By: *William J. Mills* Vice President

State of Maryland }
City of Baltimore } ss:

On this 27th day of March, A.D. 2003, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, 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.



Constance A. Dunn

Constance A. Dunn Notary Public
My Commission Expires: July 14, 2015

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

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

CERTIFICATE

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

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 5th day of April, 2012.

Gerrald F. Haley
Assistant Secretary

Contract No. C202965
County Davidson, Rowan, Davie

Rev 5-17-11

Bond No. 7628776

CONTRACT PAYMENT BOND

Date of Payment Bond Execution April 5, 2012

Name of Principal Contractor American Contracting & Services, 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: \$3,151,794.15

Contract ID No.: C202965

County Name: Davidson, Rowan, Davie

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. C202965
County Davidson, Rowan, Davie

Rev 5-17-11

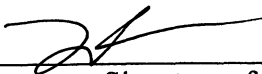
CONTRACT PAYMENT BOND

Affix Seal of Surety Company

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

By Nick J. Rutigliano
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

Terry Hurst
Print or type Signer's name

9247 N. Meridian St., Suite 300
Indianapolis, IN 46260
Address of Attorney-in-Fact

Contract No.
County

C202965
Davidson, Rowan, Davie

Rev 5-17-11

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

American Contracting & Services, Inc.

Full name of Corporation

6200 East Highway 62, Building 2501, Suite 200, Jeffersonville, IN 47130

Address as prequalified

By Roy A. Zimmerman
Signature of President, ~~Vice President, Assistant Vice President~~
Select appropriate title

Roy A. Zimmerman
Print or type Signer's name

Affix Corporate Seal

Attest Teresa Laswell
Signature of Secretary, ~~Assistant Secretary~~
Select appropriate title

Teresa Laswell
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 WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Nick J. RUTIGLIANO, Timothy J. TAYLOR and Robert M. RUTIGLIANO, all of Indianapolis, Indiana, EACH** 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: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Nick J. Rutigliano, Timothy J. Taylor, Robert M. Rutigliano, dated January 22, 2003.

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

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 27th day of March, A.D. 2003.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Eric D. Barnes

Eric D. Barnes

Assistant Secretary

William J. Mills

By:

William J. Mills

Vice President

State of Maryland } ss:
City of Baltimore }

On this 27th day of March, A.D. 2003, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, 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.



Constance A. Dunn

Constance A. Dunn

Notary Public

My Commission Expires: July 14, 2015

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

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

CERTIFICATE

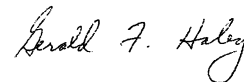
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was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

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 5th day of April, 2012.



Assistant Secretary