

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

C201988

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C201988

WBS 13CR.10811.5, 13CR.20811.5, 41712.3 STATE FUNDED, STPNHS-0074(97)

T.I.P NO. SF-4913A

COUNTY OF RUTHERFORD

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER US 64 LENGTH 20.860 MILES

LOCATION 2 SECTIONS OF US-64/74A, 1 SECTION OF US-74, 1 SECTION OF
NC-9 & 8 SECTIONS OF SECONDARY ROADS.

CONTRACTOR APAC- ATLANTIC, INC. ASHEVILLE DIVISION

ADDRESS P.O. BOX 6939

ASHEVILLE, NC 28816

BIDS OPENED JANUARY 15, 2008

CONTRACT EXECUTION FEB 21 2008

APAC-Atlantic, Inc. Asheville Division (4317).

Vendor 2 of 2 Vendors for Call Order 029 (Proposal ID C201988).

County: RUTHERFORD

Address: P.O. Box 6939
Asheville, NC 28816

Phone Number: 828-665-1180

Signature Check: This bid has been properly signed by Daniel_B_Caldwell_4317.

Time Bid Received: Tue Jan 15 12:48:51 2008

Bid Checksum: 71343BD0

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$1,996,256.15

Bond ID: SNC08647239

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$99,812.81

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 1/3/08

Surety Name: Marsh USA Risk & Insurance Services

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET - 4.0%
DBE GOAL MET - 10.1%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
4761 ^{WB}	TRAFFIC CONTROL SAFETY SERVICES POST OFFICE BOX 24511 , WINSTON-SALEM, NC 27114		Sub	8,225.00
3404 ^{WB}	HERITAGE GRADING & PAVING, INC. POST OFFICE BOX 1076 , BURNSVILLE, NC 28714		Sub	148,938.02
2635 ^{MB}	ASPHALT UNLIMITED OF ASHEVILLE PO BOX 17772 , ASHEVILLE, NC 28816		Sub	44,820.00
			TOTAL:	\$201,983.02 10.12% ^J

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: SNC08647239
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Marsh USA Risk & Insurance Services
Bond Execution Date: 1/3/08
Bond Amount: \$99,812.81 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 12-18-07
Revised:

Contract ID: C201988 Project(s): STATE FUNDED
Letting Date: 01-15-08 Call Order: 029
Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
Section 0001 ROADWAY ITEMS						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP			70,100.00
0002	1220000000-E INCIDENTAL STONE BASE	TON	982.000	32.35000		31,767.70
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI	32.380	4,080.00000		132,110.40
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	3,802.000	2.55000		9,695.10
0005	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	16,475.000	45.40000		747,965.00
0006	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	TON	1,119.000	43.66000		48,855.54
0007	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	1,063.000	408.00000		433,704.00
0008	1567000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-28	TON	118.000	586.00000		69,148.00
0009	1704000000-E PATCHING EXISTING PAVEMENT	TON	717.000	122.00000		87,474.00
0010	1839110000-E ULTRATHIN HOT MIX ASPHALT, TYPE B	TON	2,257.000	43.46000		98,089.22
0011	1839200000-E APPLICATION OF ULTRATHIN HOT MIX ASPHALT	SY	61,952.000	2.20000		136,294.40

State of NC
Dept of Transportation

Date: 12-18-07
Revised:

Contract ID: C201988 Project(s): STATE FUNDED
Letting Date: 01-15-08 Call Order: 029
Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	2830000000-N ADJUSTMENT OF MANHOLES	EA 3.000	950.00000		2,850.00	
0013	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	EA 2.000	604.00000		1,208.00	
0014	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	LF 115,949.000	0.37000		42,901.13	
0015	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	LF 110,880.000	0.42000		46,569.60	
0016	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	LF 288.000	3.44000		990.72	
0017	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 405,926.000	0.09000		36,533.34	
Section 0001 Total						1,996,256.15
Bid Total						1,996,256.15

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.

Fuel Price Adjustment Opt-Out Clause

Bidders have the option to accept or reject Fuel Price Adjustments in accordance with the requirements of Article 109-8 Fuel Price Adjustments and the provisions in the contract. To indicate the choice, the bidder shall enter an X in one of the blocks below.

The bidder will not be permitted to change the option after the bid is accepted.

Enter X in one box only:

X Yes, the bidder accepts fuel price adjustments for this project in accordance with Article 109-8.

No, the bidder declines fuel price adjustments for this project.

In the event the bidder does not enter an X in either box, the bidder will receive fuel adjustments for the items shown in the contract.

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 C201988

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	70,100.00	70,100.00
0002	1220000000-E	545	INCIDENTAL STONE BASE	982 TON	32.35	31,767.70
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	32.38 SMI	4,080.00	132,110.40
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	3,802 SY	2.55	9,695.10
0005	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	16,475 TON	45.40	747,965.00
0006	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	1,119 TON	43.66	48,855.54
0007	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,063 TON	408.00	433,704.00
0008	1567000000-E	SP	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-28	118 TON	586.00	69,148.00
0009	1704000000-E	SP	PATCHING EXISTING PAVEMENT	717 TON	122.00	87,474.00
0010	1839110000-E	661	ULTRATHIN HOT MIX ASPHALT, TYPE B	2,257 TON	43.46	98,089.22
0011	1839200000-E	661	APPLICATION OF ULTRATHIN HOT MIX ASPHALT	61,952 SY	2.20	136,294.40
0012	2830000000-N	858	ADJUSTMENT OF MANHOLES	3 EA	950.00	2,850.00
0013	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	2 EA	604.00	1,208.00
0014	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	115,949 LF	0.37	42,901.13
0015	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	110,880 LF	0.42	46,569.60
0016	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	288 LF	3.44	990.72

Contract Item Sheets For C201988

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	405,926 LF	0.09	36,533.34

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,996,256.15/

1343/Feb11/Q721566.38/D39868410000/E17

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION
CORPORATION**

The Contractor being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this Contract, and that the Contractor intends to do the work with his own bonafide employees or subcontractors and did not bid for the benefit of another contractor.

By submitting this Execution of Contract, Non-Collusion affidavit and Debarment Certification, the Contractor is certifying his status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR

APAC - Atlantic, Inc. Asheville Division

Print or type full name of Corporation

PO BOX 6939 Asheville, NC 28816

Address as Prequalified

Attest

Daniel B. Caldwell

~~Secretary~~/Assistant Secretary

Delete inappropriate title

Daniel B. Caldwell

Print or type signer's name

By

William H. Tomlinson

President/~~Vice President~~/Assistant Vice President

Delete inappropriate title

William H. Tomlinson

Print or type signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

7th day of February 2008

Kimberly K. Sitten

Signature of Notary Public

Kimberly K. Sitten

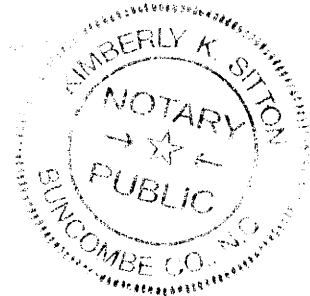
of Buncombe County

State of North Carolina

My Commission Expires: Nov. 23 2008

EXECUTION OF CONTRACT

NON-COLLUSION AFFIDAVIT, AND DEBARMENT CERTIFICATION



DEBARMENT CERTIFICATION OF CONTRACTOR

Conditions for certification:

1. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that his certification was erroneous when he submitted his debarment certification or explanation that is on file with the Department, or has become erroneous because of changed circumstances.
2. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this provision, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. A copy of the Federal Rules requiring this certification and detailing the definitions and coverages may be obtained from the Contract Officer of the Department.
3. The Contractor agrees by submitting this form, that he will not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in NCDOT contracts, unless authorized by the Department.
4. For Federal Aid projects, the Contractor further agrees that by submitting this form he will include the Federal-Aid Provision titled *Required Contract Provisions Federal-Aid Construction Contract (Form FHWA PR 1273)* provided by the Department, without subsequent modification, in all lower tier covered transactions.
5. The Contractor may rely upon a certification of a participant in a lower tier covered transaction that he is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless he knows that the certification is erroneous. The Contractor may decide the method and frequency by which he will determine the eligibility of his subcontractors.
6. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this provision. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
7. Except as authorized in paragraph 3 herein, the Department may terminate any contract if the Contractor knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available by the Federal Government.

DEBARMENT CERTIFICATION

The Contractor certifies to the best of his knowledge and belief, that he and his principals:

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

If the Contractor cannot certify that he is not debarred, he shall provide an explanation with this submittal. An explanation will not necessarily result in denial of participation in a contract.

Failure to submit a non-collusion affidavit and debarment certification will result in the Contractor's bid being considered non-responsive.

Check here if an explanation is attached to this certification.

Contract No: C201988

County: Rutherford

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

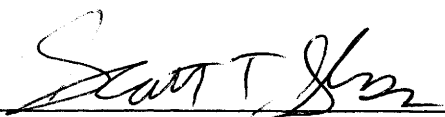


Contract Officer

2/21/08

Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

CONTRACT PAYMENT BOND

Date of Payment:
Bond Execution: FEBRUARY 7, 2008

Name of Principal:
Contractor APAC – ATLANTIC, INC. – ASHEVILLE DIVISION

PO BOX 6939, ASHEVILLE, NC 28816

Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY

BOSTON, MA

Name of Contracting Body: North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond: \$1,996,256.15

Contract ID No.: C201988

County Name(s): RUTHERFORD

KNOW ALL MEN BY THESE PRESENTS, That we, the 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.

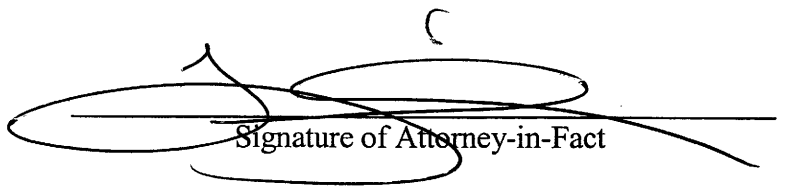
IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing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

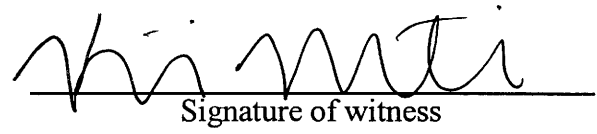
CONTRACT PAYMENT BOND

Affix Seal of Surety Company

LIBERTY MUTUAL INSURANCE COMPANY
Print or type Surety Company Name

By TINA DAVIS
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of witness

KIRIE MARTIN
Print or type witness' name

15 W. SOUTH TEMPLE, STE. 700
SALT LAKE CITY, UT 84101
Address of Attorney-in-Fact

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

APAC – ATLANTIC, INC. – ASHEVILLE DIVISION
Print or type full name of Corporation

PO BOX 6939, ASHEVILLE, NC 28816
Address as prequalified

By William H. Tomlinson
Signature of President, ~~Vice President, Assistant Vice President~~
Delete inappropriate title

WILLIAM H. TOMLINSON
Print or type signer's name

Attest Daniel B. Caldwell
Signature of ~~Secretary~~, Assistant Secretary
Delete inappropriate title

Daniel Brian Caldwell
Print or type signer's name

Affix Corporate Seal

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 **TINA DAVIS, MARCINDA DRYSDALE, DERIK STEVENSON, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH**

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 **SEVENTY FIVE MILLION AND 00/100** DOLLARS (\$ **75,000,000.00**) 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 22nd day of August, 2007.

LIBERTY MUTUAL INSURANCE COMPANY

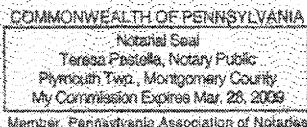
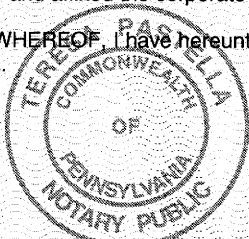
By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 22nd day of August, 2007, 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.



By Teresa Pastella
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 7TH day of FEBRUARY, 2008



By David M. Carey
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 PERFORMANCE BOND

Date of Contract Performance _____
Bond Execution: FEBRUARY 7, 2008
Name of Principal: APAC – ATLANTIC, INC. – ASHEVILLE DIVISION
Contractor PO BOX 6939, ASHEVILLE, NC 28816
Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MA
Name of Contracting Body: North Carolina Department of Transportation
Raleigh, North Carolina
Amount of Bond: \$1,996,256.15
Contract ID No.: C201988
County Name(s): RUTHERFORD

KNOW ALL MEN BY THESE PRESENTS, That we, the 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-bounden 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.

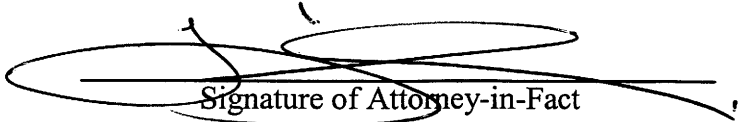
Affix Seal of Surety Company

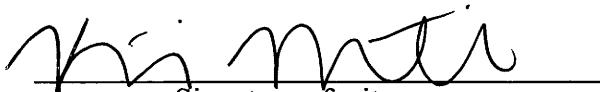
LIBERTY MUTUAL INSURANCE COMPANY

Print or type Surety Company Name

By TINA DAVIS

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


Signature of Attorney-in-Fact


Signature of witness

KIRIE MARTIN

Print or type witness' name

15 W. SOUTH TEMPLE, STE. 700
SALT LAKE CITY, UT 84101

Address of Attorney-in-Fact

CONTRACT PERFORMANCE BOND
CORPORATION


SIGNATURE OF CONTRACTOR (Principal)

APAC – ATLANTIC, INC. – ASHEVILLE DIVISION

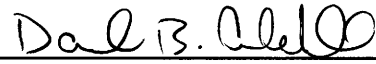
Print full name of Corporation

PO BOX 6939, ASHEVILLE, NC 28816

Address as prequalified

By 
Signature of President, ~~Vice President, Assistant Vice President~~
Delete inappropriate title

WILLIAM H. TOMLINSON
Print or type signer's name

Attest 
Signature of ~~Secretary~~, Assistant Secretary
Delete inappropriate title

Daniel B. Caldwell
Print or type signer's name

Affix Corporate Seal

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 **TINA DAVIS, MARCINDA DRYSDALE, DERIK STEVENSON, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH**

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 **SEVENTY FIVE MILLION AND 00/100******* DOLLARS (\$ **75,000,000.00*******) 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 22nd day of August, 2007.

LIBERTY MUTUAL INSURANCE COMPANY

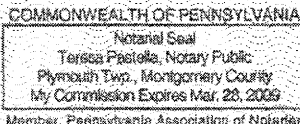
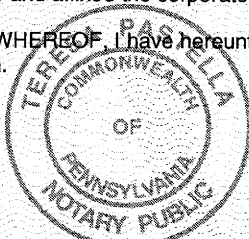
By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 22nd day of August, 2007, 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.



By Teresa Pastella
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 7TH day of FEBRUARY, 2008.



By David M. Carey
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.

