

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

C202002

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202002

WBS 41456.3.1 IMS-026-1(78)50

T.I.P NO. I-5005B

COUNTY OF HENDERSON

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER I26 LENGTH 3.000 MILES

LOCATION I-26 FROM MM 50.3 TO MM 53.3.

CONTRACTOR APAC- ATLANTIC, INC. ASHEVILLE DIVISION

ADDRESS P.O. BOX 6939  
ASHEVILLE, NC 28816

BIDS OPENED MARCH 18, 2008

CONTRACT EXECUTION APR 17 2008

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

Vendor 2 of 2 Vendors for Call Order 015 (Proposal ID C202002).

County: HENDERSON  
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 Mar 18 12:10:33 2008

Bid Checksum: E32A00C9

Amendment Count: 0

Bidding Errors: This bid contains errors.

Bid Total: \$2,889,827.20 ✓

Bond ID: snc08588930

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$144,491.36

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 2/29/08

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 - 5.0%  
DBE GOAL OBT - 2.4%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
3404	HERITAGE GRADING & PAVING, INC. POST OFFICE BOX 1076 , BURNSVILLE, NC 28714		Sub 51,840.00
3765	STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sup 29,216.40
TOTAL:			\$69,369.84

2.40%

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	

Bid Bond Data Info - Contractor Responses:  
=====

BondID: snc08588930  
 Surety Registry Agency: surety2000  
 Verified?: Yes  
 Surety Agency: Marsh USA Risk & Insurance Services  
 Bond Execution Date: 2/29/08  
 Bond Amount: \$144,491.36 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 02-19-08  
Revised:

Contract ID: C202002  
Letting Date: 03-18-08 Call Order: 015  
Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Project(s): IMS-026-1(78)50

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP			205,000.00
0002	0036000000-E UNDERCUT EXCAVATION	1,000.000 CY	28.00000			28,000.00
0003	1121000000-E AGGREGATE BASE COURSE	1,958.000 TON	25.00000			48,950.00
0004	1245000000-E SHOULDER RECONSTRUCTION	9.600 SMI	5,000.00000			48,000.00
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (3")	53,286.000 SY	1.30000			69,271.80
0006	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (6")	4,463.000 SY	2.60000			11,603.80
0007	1508000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0D	10,644.000 TON	43.20000			459,820.80
0008	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	4,896.000 TON	44.50000			217,872.00
0009	1524200000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5D	8,360.000 TON	40.85000			341,506.00
0010	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	297.000 TON	472.00000			140,184.00
0011	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	501.000 TON	503.00000			252,003.00

State of NC  
Dept of Transportation

Date: 02-19-08  
Revised:

Contract ID: C202002 Project(s): IMS-026-1(78)50  
Letting Date: 03-18-08 Call Order: 015  
Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1570000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 76-22	763.000 TON	615.00000		469,245.00	
0013	1663000000-E OPEN-GRADED ASPHALT FRICTION COURSE, TYPE FC-2 MODIFIED	5,014.000 TON	61.00000		305,854.00	
0014	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	63,944.000 LF	0.07000		4,476.08	
0015	2619000000-E 4" CONCRETE PAVED DITCH	7.000 SY	315.00000		2,205.00	
0016	4405000000-E WORK ZONE SIGNS (PORTABLE)	1,028.000 SF	12.25000		12,593.00	
0017	4415000000-N FLASHING ARROW PANELS, TYPE C	2.000 EA	900.00000		1,800.00	
0018	4420000000-N CHANGEABLE MESSAGE SIGN	2.000 EA	3,200.00000		6,400.00	
0019	4430000000-N DRUMS	400.000 EA	21.00000		8,400.00	
0020	4480000000-N TMIA	2.000 EA	5,000.00000		10,000.00	
0021	4510000000-N POLICE	2,000.000 HR	35.00000		70,000.00	
0022	4810000000-E PAINT PAVEMENT MARKING LINES (4")	224,940.000 LF	0.32000		71,980.80	
0023	4847000000-E POLYUREA PAVEMENT MARKING LINES (4", *****) (STANDARD GLASS BEADS)	12,640.000 LF	0.79000		9,985.60	

State of NC  
Dept of Transportation

Date: 02-19-08  
Revised:

Contract ID: C202002 Project(s): IMS-026-1(78)50  
Letting Date: 03-18-08 Call Order: 015  
Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	4847100000-E POLYUREA PAVEMENT MARKING LINES (6", *****) (STANDARD GLASS BEADS)	72,174.000 LF	0.93000		67,121.82	
0025	4847120000-E POLYUREA PAVEMENT MARKING LINES (12", *****) (STANDARD GLASS BEADS)	1,800.000 LF	1.58000		2,844.00	
0026	4847220000-N POLYUREA PAVEMENT MARKING SYMBOL (*****) (STANDARD GLASS BEADS)	9.000 EA	157.50000		1,417.50	
0027	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	490.000 EA	4.20000		2,058.00	
0028	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	490.000 EA	31.50000		15,435.00	
0029	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		5,800.00	
Section 0001 Total						2,889,827.20
Bid Total						2,889,827.20

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	

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.



## Contract Item Sheets For C202002

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	205,000.00	205,000.00
0002	0036000000-E	225	UNDERCUT EXCAVATION	1,000 CY	28.00	28,000.00
0003	1121000000-E	520	AGGREGATE BASE COURSE	1,958 TON	25.00	48,950.00
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	9.6 SMI	5,000.00	48,000.00
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (3")	53,286 SY	1.30	69,271.80
0006	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (6")	4,463 SY	2.60	11,603.80
0007	1508000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0D	10,644 TON	43.20	459,820.80
0008	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	4,896 TON	44.50	217,872.00
0009	1524200000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5D	8,360 TON	40.85	341,506.00
0010	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	297 TON	472.00	140,184.00
0011	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	501 TON	503.00	252,003.00
0012	1570000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 76-22	763 TON	615.00	469,245.00
0013	1663000000-E	650	OPEN-GRADED ASPHALT FRICTION COURSE, TYPE FC-2 MODIFIED	5,014 TON	61.00	305,854.00
0014	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	63,944 LF	0.07	4,476.08
0015	2619000000-E	850	4" CONCRETE PAVED DITCH	7 SY	315.00	2,205.00
0016	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	1,028 SF	12.25	12,593.00
0017	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	2 EA	900.00	1,800.00
0018	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	2 EA	3,200.00	6,400.00

## Contract Item Sheets For C202002

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	4430000000-N	1130	DRUMS	400 EA	21.00	8,400.00
0020	4480000000-N	1165	TMIA	2 EA	5,000.00	10,000.00
0021	4510000000-N	SP	POLICE	2,000 HR	35.00	70,000.00
0022	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	224,940 LF	0.32	71,980.80
0023	4847000000-E	1205	POLYUREA PAVEMENT MARKING LINES (4", *****) (STANDARD GLASS BEADS)	12,640 LF	0.79	9,985.60
0024	4847100000-E	1205	POLYUREA PAVEMENT MARKING LINES (6", *****) (STANDARD GLASS BEADS)	72,174 LF	0.93	67,121.82
0025	4847120000-E	1205	POLYUREA PAVEMENT MARKING LINES (12", *****) (STANDARD GLASS BEADS)	1,800 LF	1.58	2,844.00
0026	4847220000-N	1205	POLYUREA PAVEMENT MARKING SYMBOL (***** (STANDARD GLASS BEADS)	9 EA	157.50	1,417.50
0027	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	490 EA	4.20	2,058.00
0028	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	490 EA	31.50	15,435.00
0029	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	5,800.00	5,800.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,889,827.20 ✓

Contract Number C202002  
County HENDERSON

Rev 02-17-04

**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 *John S. Caldwell, Jr.*  
~~Secretary~~/Assistant Secretary  
Delete inappropriate title

By *William H. Tomlinson*  
President/Vice President/~~Assistant Vice President~~  
Delete inappropriate title

John S. Caldwell, Jr.  
Print or type signer's name

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

14<sup>th</sup> day of April 2006

*Kimberly K. Sittom*  
Signature of Notary Public Kimberly K. Sittom

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**      **C202002**

**County (ies):**    **Henderson**

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION

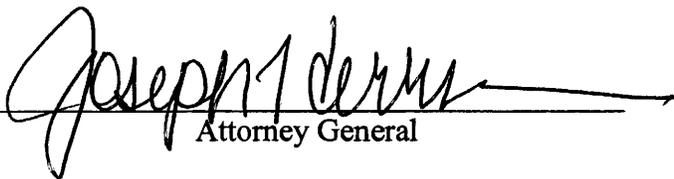


\_\_\_\_\_  
Contract Officer

4/17/08

\_\_\_\_\_  
Date

Execution of Contract and Bonds  
Approved as to Form:



\_\_\_\_\_  
Attorney General

### CONTRACT PAYMENT BOND

Date of Payment:  
Bond Execution: APRIL 7, 2008

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

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PO BOX 6939, ASHEVILLE, NC 28816

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Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY

---

BOSTON, MA

---

Name of Contracting Body: North Carolina Department of Transportation

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Raleigh, North Carolina

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Amount of Bond: \$2,889,827.20

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Contract ID No.: C202002

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County Name(s): HENDERSON

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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 No. C202002  
County HENDERSON

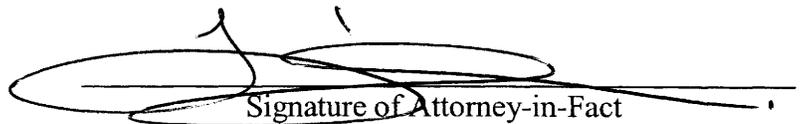
Rev 02-13-04

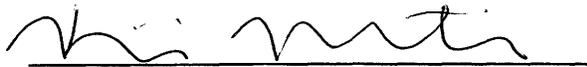
### CONTRACT PAYMENT BOND

*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 John S. Caldwell, Jr.  
Signature of ~~Secretary, Assistant Secretary~~  
*Delete inappropriate title*

John S. Caldwell, Jr.  
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, KIRIE MARTIN, 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 11th day of January 2008.

LIBERTY MUTUAL INSURANCE COMPANY

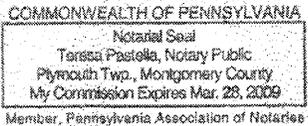
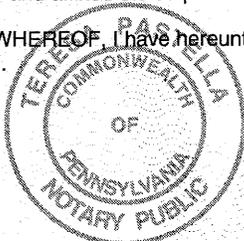
By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 11th day of January, 2008, 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 APRIL, 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:

APRIL 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:

\$2,889,827.20

Contract ID No.:

C202002

County Name(s):

HENDERSON

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.

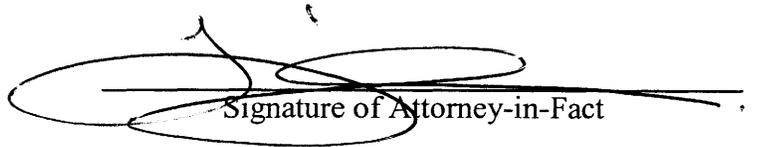
*Affix Seal of Surety Company*

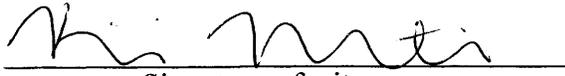
LIBERTY MUTUAL INSURANCE COMPANY

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 William H. Tomlinson

Signature of President, ~~Vice President, Assistant Vice President~~

Delete inappropriate title

WILLIAM H. TOMLINSON

Print or type signer's name

Attest

John S. Caldwell, Jr.

Signature of Secretary, Assistant Secretary

Delete inappropriate title

John S. Caldwell, Jr.

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, KIRIE MARTIN, 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 11th day of January 2008

LIBERTY MUTUAL INSURANCE COMPANY

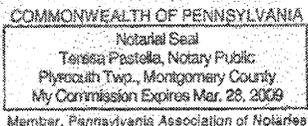
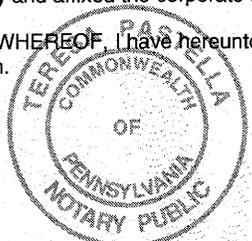
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By Teresa Pastella
Teresa Pastella, Notary Public

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David M. Carey, Assistant Secretary

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