

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

C202001

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202001

WBS 41456.3.GV1 IMS-026-1(77)40

T.I.P NO. I-5005A

COUNTY OF HENDERSON, BUNCOMBE  
THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER I 26 LENGTH 13.200 MILES  
LOCATION I-26 FROM MP-37.1 TO MP-50.3.

CONTRACTOR APAC- ATLANTIC, INC. ASHEVILLE DIVISION  
ADDRESS P.O. BOX 6939  
ASHEVILLE, NC 28816

BIDS OPENED APRIL 15, 2008  
CONTRACT EXECUTION MAY 1 2 2008

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

**Vendor 3 of 3 Vendors for Call Order 020 (Proposal ID C202001).**

County: HENDERSON

Address: PO Box 6939  
Asheville, NC 28816

Phone Number: 828-665-1180

Signature Check: This bid has been properly signed by David\_B\_Caldwell\_4317.

Time Bid Received: Tue Apr 15 13:51:29 2008

Bid Checksum: 8B015BCB

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$19,998,576.21 ✓

Bond ID: SNC08276423

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$999,928.81

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 4/3/2008

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 MET - 5.9%*

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
3080	CURTIN TRUCKING & DRAINAGE, INC POST OFFICE BOX 38220 , CHARLOTTE, NC 282781003		Sub 1,172,010.00 ✓
			TOTAL: \$1,172,010.00 5.86%

Miscellaneous Data Info - Contractor Responses:

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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: SNC08276423  
 Surety Registry Agency: surety2000  
 Verified?: Yes  
 Surety Agency: Marsh USA Risk & Insurance Services  
 Bond Execution Date: 4/3/2008  
 Bond Amount: \$999,928.81 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 03-18-08  
Revised:

Contract ID: C202001 Project(s): IMS-026-1(77)40  
Letting Date: 04-15-08 Call Order: 020  
Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
0001	0000100000-N MOBILIZATION	LUMP	LUMP			1,070,000.00
0002	0036000000-E UNDERCUT EXCAVATION	8,300.000 CY	16.70000			138,610.00
0003	0080000000-E CLASS IV SUBGRADE STABILIZATION	5,010.000 TON	67.85000			339,928.50
0004	0196000000-E FABRIC FOR SOIL STABILIZATION	13,175.000 SY	1.60000			21,080.00
0005	1245000000-E SHOULDER RECONSTRUCTION	20.510 SMI	5,360.00000			109,933.60
0006	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	116,360.000 SY	1.06000			123,341.60
0007	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	25,418.000 TON	69.50000			1,766,551.00
0008	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	28,348.000 TON	50.00000			1,417,400.00
0009	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	21,076.000 TON	55.50000			1,169,718.00
0010	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	4,008.000 TON	525.00000			2,104,200.00
0011	1737000000-E PATCHING CONCRETE PAVEMENT SPALLS	300.000 SF	450.00000			135,000.00

State of NC  
Dept of Transportation

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Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	279,074.000 LF	0.09000		25,116.66	
0013	1891000000-E GENERIC PAVING ITEM DIAMOND GRINDING PCC PAVEMENT	378,150.000 SY	3.08000		1,164,702.00	
0014	1891000000-E GENERIC PAVING ITEM REPAIR OF JOINTED CONCRETE PAVEMENT SLABS	26,831.000 SY	267.85000		7,186,683.35	
0015	1902000000-N SURFACE TESTING CONCRETE PAVE-MENT	LUMP	LUMP		12,000.00	
0016	2099000000-E SHOULDER DRAIN	223,240.000 LF	4.50000		1,004,580.00	
0017	2110000000-E 4" SHOULDER DRAIN PIPE	223,240.000 LF	1.75000		390,670.00	
0018	2121000000-E 4" OUTLET PIPE FOR SHOULDER DRAINS	11,324.000 LF	7.15000		80,966.60	
0019	2132000000-N CONCRETE PAD FOR SHOULDER DRAIN PIPE OUTLET	762.000 EA	137.00000		104,394.00	
0020	2365000000-N FRAME WITH TWO GRATES, STD 840.22	35.000 EA	625.00000		21,875.00	
0021	2619000000-E 4" CONCRETE PAVED DITCH	66.000 SY	119.00000		7,854.00	
0022	2752000000-E GENERIC PAVING ITEM SAWING & SEALING EXISTING CENTER LINE CONCRETE PAVEMENT JOINTS	159,790.000 LF	1.64000		262,055.60	

State of NC  
Dept of Transportation

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	2752000000-E GENERIC PAVING ITEM SAWING & SEALING EXISTING CONCRETE PAVEMENT JOINTS	122,461.000 LF	1.64000		200,836.04	
0024	2995000000-N GENERIC DRAINAGE ITEM CONVERT EXISTING OTCB TO DROP INLET	35.000 EA	2,143.00000		75,005.00	
0025	4025000000-E CONTRACTOR FURNISHED, TYPE ***SIGN (A)	2,245.100 SF	26.50000		59,495.15	
0026	4025000000-E CONTRACTOR FURNISHED, TYPE ***SIGN (E)	97.000 SF	9.80000		950.60	
0027	4048000000-E REINFORCED CONCRETE SIGN FOUNDATIONS	1.000 CY	1,185.00000		1,185.00	
0028	4060000000-E SUPPORTS, BREAKAWAY STEEL BEAM	338.000 LB	5.35000		1,808.30	
0029	4072000000-E SUPPORTS, 3-LB STEEL U-CHANNEL	186.000 LF	6.40000		1,190.40	
0030	4102000000-N SIGN ERECTION, TYPE E	5.000 EA	94.65000		473.25	
0031	4109000000-N SIGN ERECTION, TYPE *** (OVER-HEAD) (A)	2.000 EA	1,700.00000		3,400.00	
0032	4110000000-N SIGN ERECTION, TYPE *** (GROUND MOUNTED) (A)	14.000 EA	566.00000		7,924.00	
0033	4155000000-N DISPOSAL OF SIGN SYSTEM, U-CHANNEL	5.000 EA	1.20000		6.00	

State of NC  
Dept of Transportation

Date: 03-18-08  
Revised:

Contract ID: C202001      Project(s): IMS-026-1(77)40  
 Letting Date: 04-15-08    Call Order: 020  
 Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0034	4158000000-N DISPOSAL OF SIGN SYSTEM, WOOD	EA 1.000	1.20000		1.20	
0035	4234000000-N DISPOSAL OF SIGN, A OR B (OVERHEAD)	EA 2.000	1.20000		2.40	
0036	4236000000-N DISPOSAL OF SIGN, A OR B (GROUND MOUNTED)	EA 13.000	1.20000		15.60	
0037	4405000000-E WORK ZONE SIGNS (PORTABLE)	SF 2,056.000	13.15000		27,036.40	
0038	4415000000-N FLASHING ARROW PANELS, TYPE C	EA 4.000	2,550.00000		10,200.00	
0039	4420000000-N CHANGEABLE MESSAGE SIGN	EA 4.000	6,400.00000		25,600.00	
0040	4430000000-N DRUMS	EA 800.000	31.85000		25,480.00	
0041	4480000000-N TMIA	EA 4.000	6,370.00000		25,480.00	
0042	4510000000-N POLICE	HR 5,000.000	41.65000		208,250.00	
0043	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 365,938.000	0.36000		131,737.68	
0044	4847000000-E POLYUREA PAVEMENT MARKING LINES (4", *****) (STANDARD GLASS BEADS)	LF 40,094.000	0.77000		30,872.38	

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Dept of Transportation

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0045	4847100000-E POLYUREA PAVEMENT MARKING LINES (6", *****) (STANDARD GLASS BEADS)	319,244.000 LF	0.95000		303,281.80	
0046	4847120000-E POLYUREA PAVEMENT MARKING LINES (12", *****) (STANDARD GLASS BEADS)	8,800.000 LF	1.80000		15,840.00	
0047	4847220000-N POLYUREA PAVEMENT MARKING SYMBOL (*****) (STANDARD GLASS BEADS)	45.000 EA	180.00000		8,100.00	
0048	4890000000-E GENERIC PAVEMENT MARKING ITEM EPOXY PAVEMENT MARKING LINES, (BLACK) 6"	34,880.000 LF	1.00000		34,880.00	
0049	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	2,203.000 EA	5.95000		13,107.85	
0050	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	2,203.000 EA	35.75000		78,757.25	
0051	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		51,000.00	
Section 0001 Total					19,998,576.21	
Bid Total					19,998,576.21	



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.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
DBE COMMITMENT ITEMS

DATE: 03-18-08  
PAGE: 9

PROPOSAL: C202001  
LETTING: L080415 CALL: 020  
VENDOR: 4317 APAC-Atlantic, Inc. Asheville Division

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

DBE SUBCONTRACTOR: 3080 CURTIN TRUCKING & DRAINAGE, INC.  
Will Use Quote: Yes

0016 2099000000-E SHOULDER DRA LF        223240.000        3.80000        848312.00  
0017 2110000000-E 4" SHOULDER LF        223240.000        1.45000        323698.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:            1,172,010.00  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )        1,172,010.0 ✓

TOTAL DBE COMMITMENT FOR VENDOR:            Entered:        5.86% or        1172010.00 ✓  
   Required:        5.00% or        999928.81  
   <GOAL MET>

## Contract Item Sheets For C202001

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	1,070,000.00	1,070,000.00
0002	0036000000-E	225	UNDERCUT EXCAVATION	8,300 CY	16.70	138,610.00
0003	0080000000-E	SP	CLASS IV SUBGRADE STABILIZATION	5,010 TON	67.85	339,928.50
0004	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	13,175 SY	1.60	21,080.00
0005	1245000000-E	SP	SHOULDER RECONSTRUCTION	20.51 SMI	5,360.00	109,933.60
0006	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	116,360 SY	1.06	123,341.60
0007	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	25,418 TON	69.50	1,766,551.00
0008	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	28,348 TON	50.00	1,417,400.00
0009	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	21,076 TON	55.50	1,169,718.00
0010	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	4,008 TON	525.00	2,104,200.00
0011	1737000000-E	SP	PATCHING CONCRETE PAVEMENT SPALLS	300 SF	450.00	135,000.00
0012	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	279,074 LF	0.09	25,116.66
0013	1891000000-E	SP	GENERIC PAVING ITEM DIAMOND GRINDING PCC PAVEMENT	378,150 SY	3.08	1,164,702.00
0014	1891000000-E	SP	GENERIC PAVING ITEM REPAIR OF JOINTED CONCRETE PAVEMENT SLABS	26,831 SY	267.85	7,186,683.35
0015	1902000000-N	710	SURFACE TESTING CONCRETE PAVE- MENT	Lump Sum LS	12,000.00	12,000.00
0016	2099000000-E	816	SHOULDER DRAIN	223,240 LF	4.50	1,004,580.00
0017	2110000000-E	816	4" SHOULDER DRAIN PIPE	223,240 LF	1.75	390,670.00

## Contract Item Sheets For C202001

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	2121000000-E	816	4" OUTLET PIPE FOR SHOULDER DRAINS	11,324 LF	7.15	80,966.60
0019	2132000000-N	816	CONCRETE PAD FOR SHOULDER DRAIN PIPE OUTLET	762 EA	137.00	104,394.00
0020	2365000000-N	840	FRAME WITH TWO GRATES, STD 840.22	35 EA	625.00	21,875.00
0021	2619000000-E	850	4" CONCRETE PAVED DITCH	66 SY	119.00	7,854.00
0022	2752000000-E	SP	GENERIC PAVING ITEM SAWING & SEALING EXISTING CENTER LINE CONCRETE PAVEMENT JOINTS	159,790 LF	1.64	262,055.60
0023	2752000000-E	SP	GENERIC PAVING ITEM SAWING & SEALING EXISTING CONCRETE PAVEMENT JOINTS	122,461 LF	1.64	200,836.04
0024	2995000000-N	SP	GENERIC DRAINAGE ITEM CONVERT EXISTING OTCB TO DROP INLET	35 EA	2,143.00	75,005.00
0025	4025000000-E	901	CONTRACTOR FURNISHED, TYPE *** SIGN (A)	2,245.1 SF	26.50	59,495.15
0026	4025000000-E	901	CONTRACTOR FURNISHED, TYPE *** SIGN (E)	97 SF	9.80	950.60
0027	4048000000-E	902	REINFORCED CONCRETE SIGN FOUNDATIONS	1 CY	1,185.00	1,185.00
0028	4060000000-E	903	SUPPORTS, BREAKAWAY STEEL BEAM	338 LB	5.35	1,808.30
0029	4072000000-E	903	SUPPORTS, 3-LB STEEL U-CHANNEL	186 LF	6.40	1,190.40
0030	4102000000-N	904	SIGN ERECTION, TYPE E	5 EA	94.65	473.25
0031	4109000000-N	904	SIGN ERECTION, TYPE *** (OVERHEAD) (A)	2 EA	1,700.00	3,400.00
0032	4110000000-N	904	SIGN ERECTION, TYPE *** (GROUND MOUNTED) (A)	14 EA	566.00	7,924.00

## Contract Item Sheets For C202001

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0033	4155000000-N	907	DISPOSAL OF SIGN SYSTEM, U-CHANNEL	5 EA	1.20	6.00
0034	4158000000-N	907	DISPOSAL OF SIGN SYSTEM, WOOD	1 EA	1.20	1.20
0035	4234000000-N	907	DISPOSAL OF SIGN, A OR B (OVERHEAD)	2 EA	1.20	2.40
0036	4236000000-N	907	DISPOSAL OF SIGN, A OR B (GROUND MOUNTED)	13 EA	1.20	15.60
0037	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	2,056 SF	13.15	27,036.40
0038	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	4 EA	2,550.00	10,200.00
0039	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	4 EA	6,400.00	25,600.00
0040	4430000000-N	1130	DRUMS	800 EA	31.85	25,480.00
0041	4480000000-N	1165	TMIA	4 EA	6,370.00	25,480.00
0042	4510000000-N	SP	POLICE	5,000 HR	41.65	208,250.00
0043	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	365,938 LF	0.36	131,737.68
0044	4847000000-E	1205	POLYUREA PAVEMENT MARKING LINES (4", *****) (STANDARD GLASS BEADS)	40,094 LF	0.77	30,872.38
0045	4847100000-E	1205	POLYUREA PAVEMENT MARKING LINES (6", *****) (STANDARD GLASS BEADS)	319,244 LF	0.95	303,281.80
0046	4847120000-E	1205	POLYUREA PAVEMENT MARKING LINES (12", *****) (STANDARD GLASS BEADS)	8,800 LF	1.80	15,840.00
0047	4847220000-N	1205	POLYUREA PAVEMENT MARKING SYMBOL (*****) (STANDARD GLASS BEADS)	45 EA	180.00	8,100.00
0048	4890000000-E	SP	GENERIC PAVEMENT MARKING ITEM EPOXY PAVEMENT MARKING LINES, (BLACK) 6"	34,880 LF	1.00	34,880.00

## Contract Item Sheets For C202001

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0049	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	2,203 EA	5.95	13,107.85
0050	4905000000-N	1253	SNOWFLOWABLE PAVEMENT MARKERS	2,203 EA	35.75	78,757.25
0051	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	51,000.00	51,000.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$19,998,576.21

1455/May02/Q2431210.61/D160268540000/E51



Contract Number C202001  
County Henderson + Buncombe

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 Kelly R Cox  
~~Secretary~~/Assistant Secretary  
Delete inappropriate title

Kelly R Cox  
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

6<sup>th</sup> day of May 2008

Kimberly K. Sitton  
Signature of Notary Public Kimberly K. Sitton

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.

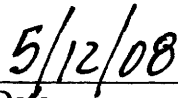
**Contract No**      **C202001**

**County (ies):**    **Henderson & Buncombe**

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION

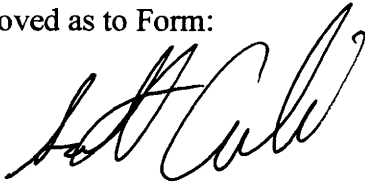


\_\_\_\_\_  
Contract Officer



\_\_\_\_\_  
Date

Execution of Contract and Bonds  
Approved as to Form:



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

**CONTRACT PAYMENT BOND**

Date of Payment:  
Bond Execution: MAY 2, 2008

Name of Principal:  
Contractor APAC - ATLANTIC, INC. - ASHVILLE DIVISION  
PO BOX 6939, ASHEVILLE, NC 28816 24540

Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY  
BOSTON, MA

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

Amount of Bond: \$19,998,576.21

Contract ID No.: C202001

County Name(s): HENDERSON & BUNCOMBE

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.

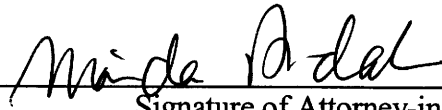
IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing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

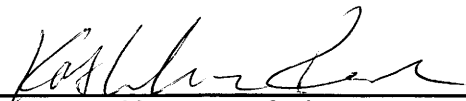
**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

LIBERTY MUTUAL INSURANCE COMPANY  
Print or type Surety Company Name

By MARCINDA DRYSDALE  
Print, stamp or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of witness

KATHLEEN RAMOS  
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. - ASHVILLE 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 Kelly R Cox  
Signature of ~~Secretary~~, Assistant Secretary  
*Delete inappropriate title*

Kelly R Cox  
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 2nd day of April, 2008.

LIBERTY MUTUAL INSURANCE COMPANY

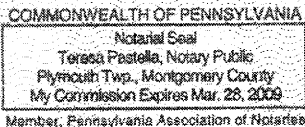
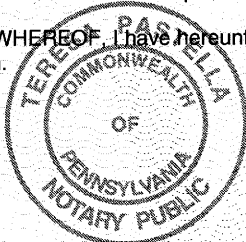
By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 2nd day of April, 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 2ND day of MAY, 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: MAY 2, 2008

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

Contractor PO BOX 6939, ASHVILLE, 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: \$19,998,576.21

Contract ID No.: C202001

County Name(s): HENDERSON & BUNCOMBE

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.

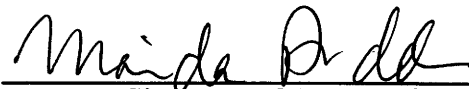
*Affix Seal of Surety Company*

LIBERTY MUTUAL INSURANCE COMPANY

Print or type Surety Company Name

By MARCINDA DRYSDALE

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



Signature of Attorney-in-Fact



Signature of witness

KATHLEEN RAMOS

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. – ASHVILLE DIVISION

\_\_\_\_\_  
Print full name of Corporation

PO BOX 6939, ASHVILLE, 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

Kelly R Cox

Signature of ~~Secretary~~, Assistant Secretary

*Delete inappropriate title*

Kelly R Cox

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 2nd day of April, 2008.

LIBERTY MUTUAL INSURANCE COMPANY

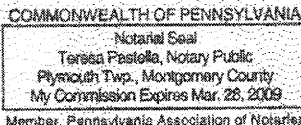
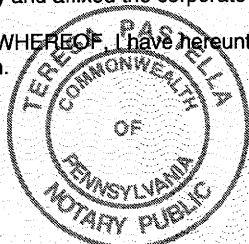
By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 2nd day of April, 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 2ND day of MAY, 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.

