

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

C202054

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202054

WBS 3CR.10671.51 STATE FUNDED

COUNTY OF ONSLow  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER US 258 LENGTH 7.800 MILES  
LOCATION US-258 FROM NC-24 TO JONES COUNTY LINE AND US-17 BUS FROM  
800FT EAST OF NEW RIVER BRIDGE TO US-17 BYPASS.

CONTRACTOR BARNHILL CONTRACTING COMPANY  
ADDRESS P.O. BOX 1529  
TARBORO, NC 278861529

BIDS OPENED APRIL 15, 2008  
CONTRACT EXECUTION MAY 15 2008

**Barnhill Contracting Company (3516).**

**Vendor 2 of 2 Vendors for Call Order 009 (Proposal ID C202054).**

County: ONSLOW  
Address: PO Box 399  
Kinston, NC 28502

Phone Number: 252-527-8021

Signature Check: This bid has been properly signed by CAREY\_M.\_SWANN\_III\_3516.

Time Bid Received: Tue Apr 15 12:33:02 2008

Bid Checksum: BD7B5525

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$2,959,832.88 ✓

Bond ID: UVXG-7PD2-61HT-FQLT

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$147,991.64

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 4-15-2008

Surety Name: Travelers Casualty and Surety Company of Ame

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

*MBE GOAL SET - 3.0 %  
WBE GOAL SET 4.0 %*

*MBE GOAL MET - 3.0 %  
WBE GOAL MET - 4.0 %*

LIST OF MBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
2981	MB BEA'S CONSTRUCTION CO. POST OFFICE BOX 5 , MAYSVILLE, NC 28555		Sub 89,115.00
			TOTAL: \$89,115.00 ✓ 3.01%

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
6418	WB MORE TONS LLC 6594 NEW BERN HWY , MAYSVILLE, NC 28555		Sub 118,490.00
			TOTAL: \$118,490.00 ✓ 4.00%

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	

Bid Bond Data Info - Contractor Responses:

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NCDOT/berc

Vendor 3516's Load Output for Call 009, Letting L080415, 2008-04-15

BondID: UVXG-7PD2-61HT-FQLT  
Surety Registry Agency: SurePathNetwork  
Verified?: Yes  
Surety Agency: Travelers Casualty and Surety Company of America  
Bond Execution Date: 4-15-2008  
Bond Amount: \$147,991.64 (Five Percent of Bid)

State of NC  
 Dept of Transportation

Date: 03-18-08  
 Revised:

Contract ID: C202054 Project(s): STATE FUNDED  
 Letting Date: 04-15-08 Call Order: 009  
 Bidder: 3516 - Barnhill Contracting Company

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			43,860.00
0002	0106000000-E BORROW EXCAVATION	3,498.000 CY	10.00000			34,980.00
0003	1220000000-E INCIDENTAL STONE BASE	459.000 TON	32.30000			14,825.70
0004	1245000000-E SHOULDER RECONSTRUCTION	12.620 SMI	2,165.00000			27,322.30
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	27,132.000 SY	2.15000			58,333.80
0006	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2-1/2")	7,696.000 SY	2.55000			19,624.80
0007	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (3")	37,967.000 SY	2.45000			93,019.15
0008	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (3-1/4")	20,990.000 SY	2.50000			52,475.00
0009	1330000000-E INCIDENTAL MILLING	2,350.000 SY	14.00000			32,900.00
0010	1491000000-E ASPHALT CONC BASE COURSE, TYPE B25.0C	136.000 TON	70.50000			9,588.00
0011	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	60.000 TON	76.50000			4,590.00

State of NC  
Dept of Transportation

Date: 03-18-08  
Revised:

Contract ID: C202054 Project(s): STATE FUNDED  
Letting Date: 04-15-08 Call Order: 009  
Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	18,858.000 TON	42.70000		805,236.60	
0013	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	9,111.000 TON	45.75000		416,828.25	
0014	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,139.000 TON	391.00000		445,349.00	
0015	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	547.000 TON	428.60000		234,444.20	
0016	1880000000-E GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (FULL DEPTH)	325.000 TON	140.00000		45,500.00	
0017	1880000000-E GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (MILL)	1,500.000 TON	125.00000		187,500.00	
0018	1880000000-E GENERIC PAVING ITEM WEDGING EXISTING PAVEMENT	169.000 TON	82.50000		13,942.50	
0019	2605000000-N CONCRETE WHEELCHAIR RAMPS	27.000 EA	1,525.00000		41,175.00	
0020	2738000000-E GENERIC PAVING ITEM INCIDENTAL CONCRETE	250.000 SY	41.50000		10,375.00	
0021	2752000000-E GENERIC PAVING ITEM 2' 6" CURB & GUTTER, REMOVE AND REPLACE	250.000 LF	45.00000		11,250.00	
0022	2800000000-N ADJUSTMENT OF CATCH BASINS	2.000 EA	450.00000		900.00	

State of NC  
Dept of Transportation

Date: 03-18-08  
Revised:

Contract ID: C202054      Project(s): STATE FUNDED  
 Letting Date: 04-15-08    Call Order: 009  
 Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	2830000000-N ADJUSTMENT OF MANHOLES	EA 31.000	450.00000		13,950.00	
0024	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	EA 40.000	450.00000		18,000.00	
0025	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	LF 67,649.000	0.47000		31,795.03	
0026	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	LF 90,854.000	0.55000		49,969.70	
0027	4695000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 90 MILS)	LF 709.000	2.25000		1,595.25	
0028	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	LF 1,100.000	5.55000		6,105.00	
0029	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	EA 8.000	50.00000		400.00	
0030	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	EA 213.000	110.00000		23,430.00	
0031	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 90,854.000	0.15000		13,628.10	
0032	4820000000-E PAINT PAVEMENT MARKING LINES (8")	LF 180.000	0.45000		81.00	
0033	4835000000-E PAINT PAVEMENT MARKING LINES (24")	LF 1,100.000	2.00000		2,200.00	
0034	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	EA 8.000	34.00000		272.00	

State of NC  
Dept of Transportation

Date: 03-18-08  
Revised:

Contract ID: C202054  
Letting Date: 04-15-08 Call Order: 009  
Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0035	4845000000-N PAINT PAVEMENT MARKING SYMBOL	EA 213.000	38.00000		8,094.00	
0036	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	EA 1,504.000	22.85000		34,366.40	
0037	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		12,000.00	
0038	6000000000-E TEMPORARY SILT FENCE	LF 616.000	3.35000		2,063.60	
0039	6009000000-E STONE FOR EROSION CONTROL, CLASS B	TON 155.000	43.65000		6,765.75	
0040	6012000000-E SEDIMENT CONTROL STONE	TON 154.500	40.00000		6,180.00	
0041	6015000000-E TEMPORARY MULCHING	ACR 6.660	1,400.00000		9,324.00	
0042	6018000000-E SEED FOR TEMPORARY SEEDING	LB 308.000	7.00000		2,156.00	
0043	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	TON 1.170	1,055.00000		1,234.35	
0044	6042000000-E 1/4" HARDWARE CLOTH	LF 308.000	6.05000		1,863.40	
0045	6084000000-E SEEDING & MULCHING	ACR 6.720	3,250.00000		21,840.00	
0046	7444000000-E INDUCTIVE LOOP SAWCUT	LF 15,000.000	5.75000		86,250.00	

State of NC  
 Dept of Transportation

Date: 03-18-08  
 Revised:

Contract ID: C202054 Project(s): STATE FUNDED  
 Letting Date: 04-15-08 Call Order: 009  
 Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0047	7456000000-E LEAD-IN CABLE (***** (18-4)	1,500.000 LF	1.50000		2,250.00	
Section 0001 Total						2,959,832.88
Bid Total						2,959,832.88

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.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
 MBE COMMITMENT ITEMS

DATE: 03-18-08  
 PAGE: 9

PROPOSAL: C202054  
 LETTING: L080415 CALL: 009  
 VENDOR: 3516 Barnhill Contracting Company

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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MBE SUBCONTRACTOR: 2981 BEA'S CONSTRUCTION CO.  
 Will Use Quote: Yes

0005	1297000000-E	MILL ASP PVM SY		461.000	65.00000	29965.00
		HAUL BY THE HOUR				
0007	1297000000-E	MILL ASP PVM SY		600.000	65.00000	39000.00
		HAUL BY THE HOUR				
0008	1297000000-E	MILL ASP PVM SY		310.000	65.00000	20150.00
		HAUL BY THE HOUR				

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR:	89,115.00
MBE COMMITMENT TOTAL FOR VENDOR (SubContractor )	89,115.00 ✓

TOTAL MBE COMMITMENT FOR VENDOR:	Entered:	3.01% or	89115.00
	Required:	3.00% or	88794.99
			<GOAL MET>

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
WBE COMMITMENT ITEMS

DATE: 03-18-08  
PAGE: 10

PROPOSAL: C202054  
LETTING: L080415                      CALL: 009  
VENDOR: 3516      Barnhill Contracting Company

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

WBE SUBCONTRACTOR: 6418 MORE TONS LLC  
Will Use Quote: Yes

0012 1519000000-E ASP CONC SUR TON                      13940.000                      8.50000                      118490.00  
HAUL BY THE TON

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WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:                      118,490.00  
WBE COMMITMENT TOTAL FOR VENDOR (SubContractor )                      118,490.00 ✓

TOTAL WBE COMMITMENT FOR VENDOR:                      Entered:                      4.00% or                      118490.00  
   Required:                      4.00% or                      118393.32  
   <GOAL MET>

## Contract Item Sheets For C202054

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	43,860.00	43,860.00
0002	0106000000-E	230	BORROW EXCAVATION	3,498 CY	10.00	34,980.00
0003	1220000000-E	545	INCIDENTAL STONE BASE	459 TON	32.30	14,825.70
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	12.62 SMI	2,165.00	27,322.30
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	27,132 SY	2.15	58,333.80
0006	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2-1/2")	7,696 SY	2.55	19,624.80
0007	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (3")	37,967 SY	2.45	93,019.15
0008	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (3-1/4")	20,990 SY	2.50	52,475.00
0009	1330000000-E	607	INCIDENTAL MILLING	2,350 SY	14.00	32,900.00
0010	1491000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0C	136 TON	70.50	9,588.00
0011	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	60 TON	76.50	4,590.00
0012	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	18,858 TON	42.70	805,236.60
0013	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	9,111 TON	45.75	416,828.25
0014	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,139 TON	391.00	445,349.00
0015	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	547 TON	428.60	234,444.20
0016	1880000000-E	SP	GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (FULL DEPTH)	325 TON	140.00	45,500.00

## Contract Item Sheets For C202054

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	1880000000-E	SP	GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (MILL)	1,500 TON	125.00	187,500.00
0018	1880000000-E	SP	GENERIC PAVING ITEM WEDGING EXISTING PAVEMENT	169 TON	82.50	13,942.50
0019	2605000000-N	848	CONCRETE WHEELCHAIR RAMPS	27 EA	1,525.00	41,175.00
0020	2738000000-E	SP	GENERIC PAVING ITEM INCIDENTAL CONCRETE	250 SY	41.50	10,375.00
0021	2752000000-E	SP	GENERIC PAVING ITEM 2' 6" CURB & GUTTER, REMOVE AND REPLACE	250 LF	45.00	11,250.00
0022	2800000000-N	858	ADJUSTMENT OF CATCH BASINS	2 EA	450.00	900.00
0023	2830000000-N	858	ADJUSTMENT OF MANHOLES	31 EA	450.00	13,950.00
0024	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	40 EA	450.00	18,000.00
0025	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	67,649 LF	0.47	31,795.03
0026	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	90,854 LF	0.55	49,969.70
0027	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	709 LF	2.25	1,595.25
0028	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	1,100 LF	5.55	6,105.00
0029	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	8 EA	50.00	400.00
0030	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	213 EA	110.00	23,430.00
0031	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	90,854 LF	0.15	13,628.10
0032	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	180 LF	0.45	81.00

## Contract Item Sheets For C202054

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0033	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	1,100 LF	2.00	2,200.00
0034	4840000000-N	1205	PAINT PAVEMENT MARKING CHARACTER	8 EA	34.00	272.00
0035	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	213 EA	38.00	8,094.00
0036	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	1,504 EA	22.85	34,366.40
0037	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	12,000.00	12,000.00
0038	6000000000-E	1605	TEMPORARY SILT FENCE	616 LF	3.35	2,063.60
0039	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	155 TON	43.65	6,765.75
0040	6012000000-E	1610	SEDIMENT CONTROL STONE	154.5 TON	40.00	6,180.00
0041	6015000000-E	1615	TEMPORARY MULCHING	6.66 ACR	1,400.00	9,324.00
0042	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	308 LB	7.00	2,156.00
0043	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	1.17 TON	1,055.00	1,234.35
0044	6042000000-E	1632	1/4" HARDWARE CLOTH	308 LF	6.05	1,863.40
0045	6084000000-E	1660	SEEDING & MULCHING	6.72 ACR	3,250.00	21,840.00
0046	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	15,000 LF	5.75	86,250.00
0047	7456000000-E	1726	LEAD-IN CABLE (*****) (18-4)	1,500 LF	1.50	2,250.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,959,832.88

**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**

Barnhill Contracting Company

Print or type full name of Corporation

PO Box 1529, Tarboro, NC 27886

Address as Prequalified

Attest Charlie E. Gates  
Secretary/Assistant Secretary  
*Delete inappropriate title*

Charlie E. Gates  
Print or type signer's name

By Carey M. Swann, III  
President/Vice President/Assistant Vice President  
*Delete inappropriate title*

Carey M. Swann, III  
Print or type signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

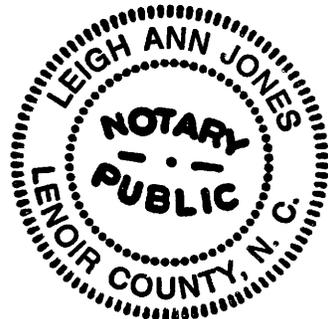
9 day of May 2008

Leigh Ann Jones  
Signature of Notary Public

of Lenoir County

State of NC

My Commission Expires: 10/26/09



## 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 12540. 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**     C202054

**County (ies):**   Onslow

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION



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



\_\_\_\_\_  
Date

Execution of Contract and Bonds  
Approved as to Form:



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

Contract No. C202054  
County Onslow

Rev 02-13-04

Bond No. 105074867

### CONTRACT PAYMENT BOND

Date of Payment:  
Bond Execution: May 8, 2008

Name of Principal:  
Contractor Barnhill Contracting Company  
Post Office Box 1529 Tarboro, NC 27886

Name of Surety: Travelers Casualty and Surety Company of America  
11440 Carmel Commons Blvd. Charlotte, NC 28226

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

Amount of Bond: Two Million Nine Hundred Fifty Nine Thousand Eight Hundred Thirty Two Dollars and 88/100 ( \$2,959,832.88 )

Contract ID No.: C202054

County Name(s): Onslow

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. C202054  
County Onslow

Rev 02-13-04

### CONTRACT PAYMENT BOND

*Affix Seal of Surety Company*

Travelers Casualty and Surety Company of America  
Print or type Surety Company Name

By Bobbi D. Pendleton  
Print, stamp or type name of Attorney-in-Fact

Bobbi D. Pendleton  
Signature of Attorney-in-Fact

Brian P. Clair  
Signature of witness

Brian P. Clair  
Print or type witness' name



4000 CentreGreen Way Suite 250, Cary, NC 27513  
Address of Attorney-in-Fact

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Barnhill Contracting Company  
Print or type full name of Corporation

Post Office Box 1529, Tarboro, NC 27886  
Address as prequalified

By Carey M. Swann III  
Signature of ~~President, Vice President, Assistant Vice President~~  
*Delete inappropriate title*

Carey M. Swann III  
Print or type signer's name

Attest Charlie E. Gates  
Signature of ~~Secretary, Assistant Secretary~~  
*Delete inappropriate title*

Charlie E. Gates  
Print or type signer's name

*Affix Corporate Seal*

Contract Number C202054  
County Onslow

Rev 02-13-04

Bond No. 105074867

## CONTRACT PERFORMANCE BOND

Date of Contract Performance

Bond Execution:

May 8, 2008

Name of Principal:

Barnhill Contracting Company

Contractor

Post Office Box 1529 Tarboro, NC 27886

Name of Surety:

Travelers Casualty and Surety Company of America

11440 Carmel Commons Blvd. Charlotte, NC 28226

Name of Contracting Body:

North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond:

Two Million Nine Hundred Fifty Nine Thousand Eight Hundred Thirty Two Dollars and 88/100 ( \$2,959,832.88 )

Contract ID No.:

C202054

County Name(s):

Onslow

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.

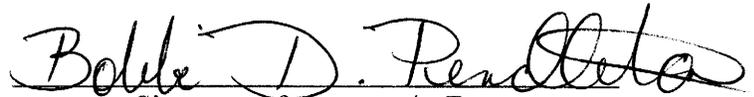
IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing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

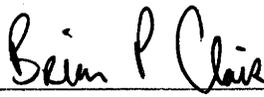
## CONTRACT PERFORMANCE BOND

*Affix Seal of Surety Company*

Travelers Casualty and Surety Company of America  
Print or type Surety Company Name

By Bobbi D. Pendleton  
Attorney-in-Fact  
Print, stamp, or type name of Attorney-in Fact

  
Signature of Attorney-in-Fact

  
Signature of witness

Brian P. Clair  
Print or type witness' name



4000 CentreGreen Way Suite 250, Cary, NC 27513  
Address of Attorney-in-Fact

**CONTRACT PERFORMANCE BOND**  
**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Barnhill Contracting Company  
Print full name of Corporation

Post Office Box 1529, Tarboro, NC 27886  
Address as prequalified

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

Carey M. Swann III  
Print or type signer's name

Attest   
Signature of Secretary Assistant Secretary  
*Delete inappropriate title*

Charlie E. Gates  
Print or type signer's name

*Affix Corporate Seal*



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Surety Bond No. 105074867

Principal: Barnhill Contracting Company

OR

Project Description: NC DOT Corporation Contract Performance and
Payment Bond Rev 2-13-04 (Class A-1
Contract)C202054 Onslow County

Obligee: North Carolina Department of Transportation

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint Bobbi D. Pendleton of the City of Cary, State of NC, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 11th day of August, 2006.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut

City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 11th day of August, 2006, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2011.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

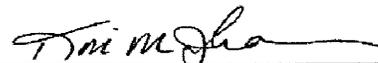
**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seals of said Companies this 8th day of May, 2008.



Kori M. Johanson, Assistant Secretary



**To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [stpaultravelersbond.com](http://stpaultravelersbond.com). Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.**

