

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

C201834

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C201834

WBS 33464.3.1 BRZ-1303(3)

T.I.P NO. B-4109

COUNTY OF DURHAM

THIS IS THE ROADWAY & STRUCTURE CONTRACT

ROUTE NUMBER SR 1303 LENGTH 0.078 MILES

LOCATION BRIDGE OVER MUD CREEK AND APPROACHES ON SR-1303 IN DURHAM.

CONTRACTOR KIRKMAN CONSTRUCTION, INC.

ADDRESS P.O. BOX 3026
HUNTERSVILLE, NC 28070

BIDS OPENED MAY 20, 2008

CONTRACT EXECUTION JUN 30 2008

Kirkman Construction, Inc. (6464).

Vendor 5 of 5 Vendors for Call Order 009 (Proposal ID C201834).

County: DURHAM
Address: P.O. Box 3026
Huntersville, NC 28070

Phone Number: (704) 464-3201

Signature Check: This bid has been properly signed by Richard_Dean_Kirkman_6464.

Time Bid Received: Tue May 20 13:55:27 2008

Bid Checksum: 72BC7C95

Amendment Count: 0

Bidding Errors: This bid contains errors.

Bid Total: \$1,102,441.20 ✓

Bond ID: SNC08773253

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$55,122.06

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 05/13/08

Surety Name: Edwards, Church, & Muse, Inc.

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET - 9.0%
DBE GOAL MET - 9.8%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
✓2814	WMB GARNER-MURPHY CONSTRUCTION, INC 130 CHUCK GARNER TRAIL , GRAHAM, NC 27253		Sub	108,114.37
			TOTAL:	\$108,114.37 9.81%

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. Yes

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of 1,500,000.00 for those projects indicated herein, for which bids will be opened on 05/20/08 (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
C201834	Durham
C201838	Ashe
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

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

BondID: SNC08773253
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Edwards, Church, & Muse, Inc.
Bond Execution Date: 05/13/08
Bond Amount: \$55,122.06 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 04-21-08
Revised:

Contract ID: C201834 Project(s): BRZ-1303(3)
Letting Date: 05-20-08 Call Order: 009
Bidder: 6464 - Kirkman Construction, Inc.

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			55,000.00
0002	0000400000-N CONSTRUCTION SURVEYING	LUMP	LUMP			11,000.00
0003	0029000000-N REINFORCED BRIDGE APPROACH FILL, STATION ***** (16+21 -L-)	LUMP	LUMP			10,500.00
0004	0043000000-N GRADING	LUMP	LUMP			55,000.00
0005	0050000000-E SUPPLEMENTARY CLEARING & GRUB-BING	ACR	1.000	1.00000		1.00
0006	0057000000-E UNDERCUT EXCAVATION	CY	250.000	15.00000		3,750.00
0007	0195000000-E SELECT GRANULAR MATERIAL	CY	250.000	15.00000		3,750.00
0008	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	250.000	2.00000		500.00
0009	0318000000-E FOUNDATION CONDITIONING MATERIAL, MINOR STRS	TON	30.000	34.00000		1,020.00
0010	0708000000-E 15" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	LF	52.000	35.00000		1,820.00
0011	0804000000-E *** BIT COAT CS PIPE ELBOWS, TYPE B ***** THICK (15", 0.064")	EA	1.000	500.00000		500.00

(Contains bid errors)

Check: 72BC7C95 Page 1

State of NC
Dept of Transportation

Date: 04-21-08
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Bidder: 6464 - Kirkman Construction, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1220000000-E INCIDENTAL STONE BASE	30.000 TON	36.00000		1,080.00	
0013	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	130.000 TON	85.00000		11,050.00	
0014	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	75.000 TON	85.00000		6,375.00	
0015	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	215.000 TON	75.00000		16,125.00	
0016	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	25.000 TON	520.00000		13,000.00	
0017	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	30.000 TON	200.00000		6,000.00	
0018	2000000000-N RIGHT OF WAY MARKERS	8.000 EA	200.00000		1,600.00	
0019	2286000000-N MASONRY DRAINAGE STRUCTURES	6.000 EA	1,800.00000		10,800.00	
0020	2354200000-N FRAME WITH GRATE, STD 840.24	2.000 EA	500.00000		1,000.00	
0021	2355000000-N FRAME WITH GRATE, STD 840.29	3.000 EA	500.00000		1,500.00	
0022	2396000000-N FRAME WITH COVER, STD 840.54	1.000 EA	650.00000		650.00	
0023	2556000000-E SHOULDER BERM GUTTER	145.000 LF	20.00000		2,900.00	

(Contains bid errors)

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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
0024	3030000000-E STEEL BM GUARDRAIL	250.000 LF	17.60000		4,400.00	
0025	3150000000-N ADDITIONAL GUARDRAIL POSTS	5.000 EA	39.00000		195.00	
0026	3215000000-N GUARDRAIL ANCHOR UNITS, TYPE III	4.000 EA	1,690.00000		6,760.00	
0027	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	4.000 EA	1,120.00000		4,480.00	
0028	3628000000-E RIP RAP, CLASS I	190.000 TON	45.00000		8,550.00	
0029	3649000000-E RIP RAP, CLASS B	2.000 TON	100.00000		200.00	
0030	3656000000-E FILTER FABRIC FOR DRAINAGE	630.000 SY	2.00000		1,260.00	
0031	4400000000-E WORK ZONE SIGNS (STATIONARY)	415.000 SF	8.00000		3,320.00	
0032	4405000000-E WORK ZONE SIGNS (PORTABLE)	112.000 SF	8.00000		896.00	
0033	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	94.000 SF	8.00000		752.00	
0034	4430000000-N DRUMS	15.000 EA	35.00000		525.00	
0035	4435000000-N CONES	15.000 EA	35.00000		525.00	

(Contains bid errors)

Check: 72BC7C95 Page 3

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Bidder: 6464 - Kirkman Construction, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0036	4445000000-E BARRICADES (TYPE III)	96.000 LF	30.00000		2,880.00	
0037	4450000000-N FLAGGER	80.000 HR	25.00000		2,000.00	
0038	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	1,050.000 LF	1.00000		1,050.00	
0039	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	1,050.000 LF	1.25000		1,312.50	
0040	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	80.000 LF	5.10000		408.00	
0041	4810000000-E PAINT PAVEMENT MARKING LINES (4")	4,200.000 LF	0.30000		1,260.00	
0042	4835000000-E PAINT PAVEMENT MARKING LINES (24")	160.000 LF	2.10000		336.00	
0043	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	10.000 EA	10.00000		100.00	
0044	5326600000-E 16" WATER LINE	408.000 LF	74.64000		30,453.12	
0045	5558600000-E 16" VALVE	1.000 EA	6,350.30000		6,350.30	
0046	5666000000-E FIRE HYDRANT	1.000 EA	3,535.68000		3,535.68	
0047	5691400000-E 10" SANITARY GRAVITY SEWER	704.000 LF	66.92000		47,111.68	

(Contains bid errors)

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Bidder: 6464 - Kirkman Construction, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0048	5775000000-E 4' DIA UTILITY MANHOLE	3.000 EA	1,473.73000		4,421.19	
0049	5871900000-E TRENCHLESS INSTALLATION OF 16"IN SOIL	80.000 LF	203.03000		16,242.40	
0050	5871910000-E TRENCHLESS INSTALLATION OF 16"NOT IN SOIL	80.000 LF	841.86000		67,348.80	
0051	5882000000-N GENERIC UTILITY ITEM 20" STEEL ENCASEMENT PIPE, 0.500" THICK & CONC COLLARS	1.000 EA	12,333.75000		12,333.75	
0052	5882000000-N GENERIC UTILITY ITEM 4' DIA PC CONC SEWER MANHOLE WITH A FLAT TOP, 0-6' DEPTH	1.000 EA	1,473.73000		1,473.73	
0053	5882000000-N GENERIC UTILITY ITEM 4' DIA PC CONC SEWER MANHOLE WITH FLAT TOP & VENT, 0-6' DEPTH	1.000 EA	1,536.98000		1,536.98	
0054	5888000000-E GENERIC UTILITY ITEM UTILITY MANHOLE WALL, 4' DIA	25.000 LF	196.08000		4,902.00	
0055	6000000000-E TEMPORARY SILT FENCE	960.000 LF	2.50000		2,400.00	
0056	6006000000-E STONE FOR EROSION CONTROL, CLASS A	75.000 TON	34.00000		2,550.00	
0057	6009000000-E STONE FOR EROSION CONTROL, CLASS B	75.000 TON	34.00000		2,550.00	
0058	6012000000-E SEDIMENT CONTROL STONE	170.000 TON	32.00000		5,440.00	

(Contains bid errors)

Check: 72BC7C95 Page 5

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Bidder: 6464 - Kirkman Construction, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0059	6015000000-E TEMPORARY MULCHING	0.500 ACR	3,500.00000		1,750.00	
0060	6018000000-E SEED FOR TEMPORARY SEEDING	50.000 LB	10.00000		500.00	
0061	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	0.250 TON	1,000.00000		250.00	
0062	6029000000-E SAFETY FENCE	200.000 LF	2.50000		500.00	
0063	6030000000-E SILT EXCAVATION	130.000 CY	17.00000		2,210.00	
0064	6036000000-E MATTING FOR EROSION CONTROL	240.000 SY	5.00000		1,200.00	
0065	6042000000-E 1/4" HARDWARE CLOTH	50.000 LF	8.00000		400.00	
0066	6070000000-N SPECIAL STILLING BASINS	6.000 EA	481.91000		2,891.46	
0067	6071030000-E COIR FIBER BAFFLES	30.000 LF	5.00000		150.00	
0068	6084000000-E SEEDING & MULCHING	0.500 ACR	4,000.00000		2,000.00	
0069	6087000000-E MOWING	0.500 ACR	200.00000		100.00	
0070	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	10.00000		500.00	

(Contains bid errors)

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0071	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	1,000.00000		250.00	
0072	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	50.000 LB	10.00000		500.00	
0073	6108000000-E FERTILIZER TOPDRESSING	0.500 TON	1,000.00000		500.00	
0074	6114000000-N SPECIALIZED HAND MOWING	2.000 HR	100.00000		200.00	
0075	6117000000-N RESPONSE FOR EROSION CONTROL	12.000 EA	350.00000		4,200.00	
0076	7060000000-E SIGNAL CABLE	540.000 LF	4.00000		2,160.00	
0077	7120000000-E VEHICLE SIGNAL HEAD (12", 3 SECTION)	9.000 EA	800.00000		7,200.00	
0078	7252000000-E MESSENGER CABLE (1/4")	2,700.000 LF	2.00000		5,400.00	
0079	7264000000-E MESSENGER CABLE (3/8")	340.000 LF	3.00000		1,020.00	
0080	7288000000-E PAVED TRENCHING (***** (1, 2"))	10.000 LF	30.00000		300.00	
0081	7300000000-E UNPAVED TRENCHING (***** (1, 2"))	380.000 LF	7.00000		2,660.00	
0082	7324000000-N JUNCTION BOX (STANDARD SIZE)	6.000 EA	250.00000		1,500.00	

(Contains bid errors)

Check: 72BC7C95 Page 7

State of NC
 Dept of Transportation

Date: 04-21-08
 Revised:

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 Letting Date: 05-20-08 Call Order: 009
 Bidder: 6464 - Kirkman Construction, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0083	7360000000-N WOOD POLE	3.000 EA	750.00000		2,250.00	
0084	7372000000-N GUY ASSEMBLY	17.000 EA	250.00000		4,250.00	
0085	7408000000-E 1" RISER WITH WEATHERHEAD	1.000 EA	800.00000		800.00	
0086	7420000000-E 2" RISER WITH WEATHERHEAD	4.000 EA	500.00000		2,000.00	
0087	7432000000-E 2" RISER WITH HEAT SHRINK TUBING	1.000 EA	600.00000		600.00	
0088	7444000000-E INDUCTIVE LOOP SAWCUT	400.000 LF	7.00000		2,800.00	
0089	7456000000-E LEAD-IN CABLE (***** (14-2)	1,110.000 LF	2.00000		2,220.00	
0090	7516000000-E COMMUNICATI ONS CABLE (**FIBER) (12)	2,920.000 LF	1.50000		4,380.00	
0091	7552000000-N INTERCONNEC T CENTER	1.000 EA	2,000.00000		2,000.00	
0092	7564000000-N FIBER-OPTIC TRANSCIEVER, DROP & REPEAT	1.000 EA	2,000.00000		2,000.00	
0093	7568000000-N FURNISH FIBER-OPTIC RESTORA- TION KIT	1.000 EA	2,000.00000		2,000.00	
0094	7574000000-N FURNISH FIBER-OPTIC TRANSCIEV-ER	1.000 EA	2,000.00000		2,000.00	

(Contains bid errors)

Check: 72BC7C95 Page 8

State of NC
Dept of Transportation

Date: 04-21-08
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Letting Date: 05-20-08 Call Order: 009
Bidder: 6464 - Kirkman Construction, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0095	7684000000-N SIGNAL CABINET FOUNDATION	EA 1.000	800.00000		800.00	
0096	7720000000-N CONTROLLER WITH CABINET (TYPE 170E, BASE MOUNTED)	EA 1.000	11,000.00000		11,000.00	
0097	7744000000-N DETECTOR CARD (TYPE 170)	EA 3.000	200.00000		600.00	
0098	7901010000-N CABINET BASE ADAPTER	EA 1.000	400.00000		400.00	
0099 AA1	0366000000-E 15" RC PIPE CULVERTS, CLASS III	LF 216.000	30.00000		6,480.00	
0100 AA2	0366000000-E 15" RC PIPE CULVERTS, CLASS III	LF 200.000	0.00000		0.00	
0101 AA2	0582000000-E 15" CS PIPE CULVERTS, 0.064" THICK	LF 16.000	0.00000		0.00	
0102 AA3	0366000000-E 15" RC PIPE CULVERTS, CLASS III	LF 200.000	0.00000		0.00	
0103 AA3	0536000000-E ***" HDPE PIPE CULVERTS (15")	LF 16.000	0.00000		0.00	
0104 AA4	0366000000-E 15" RC PIPE CULVERTS, CLASS III	LF 200.000	0.00000		0.00	
0105 AA4	0540000000-E ***" ALUMINIZED CORRUGATED STEEL PIPE CULVERTS, ****" THICK (15", 0.064")	LF 16.000	0.00000		0.00	
Section 0001 Total						549,701.59

(Contains bid errors)

Check: 72BC7C95 Page 9

State of NC
 Dept of Transportation

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			Dollars	Cts	Dollars	Ct
Section 0004 STRUCTURE ITEMS						
0106	8017000000-N CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP ACCESS AT STA ***** (16+21.00-L-)	LUMP	LUMP			15,500.00
0107	8035000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (16+21.00-L-)	LUMP	LUMP			20,625.21
0108	8105540000-E 3'-6" DIA DRILLED PIERS IN SOIL	59.000 LF	800.00000			47,200.00
0109	8105640000-E 3'-6" DIA DRILLED PIERS NOT IN SOIL	25.000 LF	900.00000			22,500.00
0110	8111400000-E PERMANENT STEEL CASING FOR 3'-6" DIA DRILLED PIER	54.000 LF	200.00000			10,800.00
0111	8113000000-N SID INSPECTION	1.000 EA	100.00000			100.00
0112	8115000000-N CROSSHOLE SONIC LOGGING	1.000 EA	1,800.00000			1,800.00
0113	8121000000-N UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (16+21.00-L-)	LUMP	LUMP			10,000.00
0114	8182000000-E CLASS A CONCRETE (BRIDGE)	61.800 CY	800.00000			49,440.00
0115	8210000000-N BRIDGE APPROACH SLABS, STATION***** (16+21.00-L-)	LUMP	LUMP			46,000.00

(Contains bid errors)

Check: 72BC7C95 Page 10

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			Dollars	Cts	Dollars	Ct
0116	8217000000-E REINFORCING STEEL (BRIDGE)	12,493.000 LB	1.10000		13,742.30	
0117	8238000000-E SPIRAL COLUMN REINFORCING STEEL (BRIDGE)	2,203.000 LB	1.60000		3,524.80	
0118	8364000000-E HP12X53 STEEL PILES	425.000 LF	87.00000		36,975.00	
0119	8475000000-E TWO BAR METAL RAIL	158.460 LF	146.00000		23,135.16	
0120	8517000000-E 1'-**"X ***** CONCRETE PARA- PET (1'-2" X 2'-9")	174.800 LF	100.00000		17,480.00	
0121	8608000000-E RIP RAP CLASS II (2'-0" THICK)	525.000 TON	52.00000		27,300.00	
0122	8622000000-E FILTER FABRIC FOR DRAINAGE	585.000 SY	3.50000		2,047.50	
0123	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP		2,650.00	
0124	8762000000-E 3'-0" X 1'-9" PRESTRESSED CONCCORED SLABS	1,134.380 LF	178.00000		201,919.64	
	Section 0004 Total				552,739.61	
	Bid Total				1,102,441.20	

(Contains bid errors)

Check: 72BC7C95 Page 11

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. Yes

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 1,500,000.00 for those projects indicated herein, for which bids will be opened on 05/20/08 (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
C201834	Durham
C201838	Ashe
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: 04-21-08
 PAGE: 15

PROPOSAL: C201834
 LETTING: L080520 CALL: 009
 VENDOR: 6464 Kirkman Construction, Inc.

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

DBE SUBCONTRACTOR: 12814 GARNER-MURPHY CONSTRUCTION, INC.						
Will Use Quote: Yes						
0044	5326600000-E	16" WATER LI	LF	408.000	74.64000	30453.12
0045	5558600000-E	16" VALVE	EA	1.000	6350.30000	6350.30
0046	5666000000-E	FIRE HYDRANT	EA	1.000	3535.68000	3535.68
0047	5691400000-E	10" SANITARY	LF	704.000	66.92000	47111.68
0048	5775000000-E	4' DIA UTILI	EA	3.000	1473.73000	4421.19
0049	5871900000-E	16" TRENCHLE	LF	80.000	203.03000	16242.40

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						108,114.37
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						108,114.37 ✓

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 9.81% or 108114.37
 Required: 9.00% or 99219.71
 <GOAL MET>

Contract Item Sheets For C201834

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	55,000.00	55,000.00
0002	0000400000-N	801	CONSTRUCTION SURVEYING	Lump Sum LS	11,000.00	11,000.00
0003	0029000000-N	SP	REINFORCED BRIDGE APPROACH FILL, STATION ***** (16 + 21 -L-)	Lump Sum LS	10,500.00	10,500.00
0004	0043000000-N	226	GRADING	Lump Sum LS	55,000.00	55,000.00
0005	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	1.00	1.00
0006	0057000000-E	226	UNDERCUT EXCAVATION	250 CY	15.00	3,750.00
0007	0195000000-E	265	SELECT GRANULAR MATERIAL	250 CY	15.00	3,750.00
0008	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	250 SY	2.00	500.00
0009	0318000000-E	300	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	30 TON	34.00	1,020.00
0010	0708000000-E	310	15" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	52 LF	35.00	1,820.00
0011	0804000000-E	310	*** BIT COAT CS PIPE ELBOWS, TYPE B ***** THICK (15", 0.064")	1 EA	500.00	500.00
0012	1220000000-E	545	INCIDENTAL STONE BASE	30 TON	36.00	1,080.00
0013	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	130 TON	85.00	11,050.00
0014	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	75 TON	85.00	6,375.00
0015	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	215 TON	75.00	16,125.00
0016	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	25 TON	520.00	13,000.00
0017	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	30 TON	200.00	6,000.00

Contract Item Sheets For C201834

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	2000000000-N	806	RIGHT OF WAY MARKERS	8 EA	200.00	1,600.00
0019	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	6 EA	1,800.00	10,800.00
0020	2354200000-N	840	FRAME WITH GRATE, STD 840.24	2 EA	500.00	1,000.00
0021	2355000000-N	840	FRAME WITH GRATE, STD 840.29	3 EA	500.00	1,500.00
0022	2396000000-N	840	FRAME WITH COVER, STD 840.54	1 EA	650.00	650.00
0023	2556000000-E	846	SHOULDER BERM GUTTER	145 LF	20.00	2,900.00
0024	3030000000-E	862	STEEL BM GUARDRAIL	250 LF	17.60	4,400.00
0025	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	39.00	195.00
0026	3215000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE III	4 EA	1,690.00	6,760.00
0027	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	4 EA	1,120.00	4,480.00
0028	3628000000-E	876	RIP RAP, CLASS I	190 TON	45.00	8,550.00
0029	3649000000-E	876	RIP RAP, CLASS B	2 TON	100.00	200.00
0030	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	630 SY	2.00	1,260.00
0031	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	415 SF	8.00	3,320.00
0032	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	112 SF	8.00	896.00
0033	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	94 SF	8.00	752.00
0034	4430000000-N	1130	DRUMS	15 EA	35.00	525.00
0035	4435000000-N	1135	CONES	15 EA	35.00	525.00
0036	4445000000-E	1145	BARRICADES (TYPE III)	96 LF	30.00	2,880.00
0037	4450000000-N	1150	FLAGGER	80 HR	25.00	2,000.00

Contract Item Sheets For C201834

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0038	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	1,050 LF	1.00	1,050.00
0039	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	1,050 LF	1.25	1,312.50
0040	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	80 LF	5.10	408.00
0041	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	4,200 LF	0.30	1,260.00
0042	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	160 LF	2.10	336.00
0043	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	10 EA	10.00	100.00
0044	5326600000-E	1510	16" WATER LINE	408 LF	74.64	30,453.12
0045	5558600000-E	1515	16" VALVE	1 EA	6,350.30	6,350.30
0046	5666000000-E	1515	FIRE HYDRANT	1 EA	3,535.68	3,535.68
0047	5691400000-E	1520	10" SANITARY GRAVITY SEWER	704 LF	66.92	47,111.68
0048	5775000000-E	1525	4' DIA UTILITY MANHOLE	3 EA	1,473.73	4,421.19
0049	5871900000-E	1550	TRENCHLESS INSTALLATION OF 16" IN SOIL	80 LF	203.03	16,242.40
0050	5871910000-E	1550	TRENCHLESS INSTALLATION OF 16" NOT IN SOIL	80 LF	841.86	67,348.80
0051	5882000000-N	SP	GENERIC UTILITY ITEM 20" STEEL ENCASEMENT PIPE, 0.500" THICK & CONC COLLARS	1 EA	12,333.75	12,333.75
0052	5882000000-N	SP	GENERIC UTILITY ITEM 4' DIA PC CONC SEWER MANHOLE WITH A FLAT TOP, 0-6' DEPTH	1 EA	1,473.73	1,473.73
0053	5882000000-N	SP	GENERIC UTILITY ITEM 4' DIA PC CONC SEWER MANHOLE WITH FLAT TOP & VENT, 0-6' DEPTH	1 EA	1,536.98	1,536.98

Contract Item Sheets For C201834

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0054	5888000000-E	SP	GENERIC UTILITY ITEM UTILITY MANHOLE WALL, 4' DIA	25 LF	196.08	4,902.00
0055	6000000000-E	1605	TEMPORARY SILT FENCE	960 LF	2.50	2,400.00
0056	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	75 TON	34.00	2,550.00
0057	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	75 TON	34.00	2,550.00
0058	6012000000-E	1610	SEDIMENT CONTROL STONE	170 TON	32.00	5,440.00
0059	6015000000-E	1615	TEMPORARY MULCHING	0.5 ACR	3,500.00	1,750.00
0060	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	50 LB	10.00	500.00
0061	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEED- ING	0.25 TON	1,000.00	250.00
0062	6029000000-E	SP	SAFETY FENCE	200 LF	2.50	500.00
0063	6030000000-E	1630	SILT EXCAVATION	130 CY	17.00	2,210.00
0064	6036000000-E	1631	MATTING FOR EROSION CONTROL	240 SY	5.00	1,200.00
0065	6042000000-E	1632	1/4" HARDWARE CLOTH	50 LF	8.00	400.00
0066	6070000000-N	SP	SPECIAL STILLING BASINS	6 EA	481.91	2,891.46
0067	6071030000-E	SP	COIR FIBER BAFFLES	30 LF	5.00	150.00
0068	6084000000-E	1660	SEEDING & MULCHING	0.5 ACR	4,000.00	2,000.00
0069	6087000000-E	1660	MOWING	0.5 ACR	200.00	100.00
0070	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	10.00	500.00
0071	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	1,000.00	250.00
0072	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	10.00	500.00

Contract Item Sheets For C201834

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0073	6108000000-E	1665	FERTILIZER TOPDRESSING	0.5 TON	1,000.00	500.00
0074	6114000000-N	SP	SPECIALIZED HAND MOWING	2 HR	100.00	200.00
0075	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12 EA	350.00	4,200.00
0076	7060000000-E	1705	SIGNAL CABLE	540 LF	4.00	2,160.00
0077	7120000000-E	1705	VEHICLE SIGNAL HEAD (12", 3 SECTION)	9 EA	800.00	7,200.00
0078	7252000000-E	1710	MESSENGER CABLE (1/4")	2,700 LF	2.00	5,400.00
0079	7264000000-E	1710	MESSENGER CABLE (3/8")	340 LF	3.00	1,020.00
0080	7288000000-E	1715	PAVED TRENCHING (*****) (1, 2")	10 LF	30.00	300.00
0081	7300000000-E	1715	UNPAVED TRENCHING (*****) (1, 2")	380 LF	7.00	2,660.00
0082	7324000000-N	1716	JUNCTION BOX (STANDARD SIZE)	6 EA	250.00	1,500.00
0083	7360000000-N	1720	WOOD POLE	3 EA	750.00	2,250.00
0084	7372000000-N	1721	GUY ASSEMBLY	17 EA	250.00	4,250.00
0085	7408000000-E	1722	1" RISER WITH WEATHERHEAD	1 EA	800.00	800.00
0086	7420000000-E	1722	2" RISER WITH WEATHERHEAD	4 EA	500.00	2,000.00
0087	7432000000-E	1722	2" RISER WITH HEAT SHRINK TUBING	1 EA	600.00	600.00
0088	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	400 LF	7.00	2,800.00
0089	7456000000-E	1726	LEAD-IN CABLE (*****) (14-2)	1,110 LF	2.00	2,220.00
0090	7516000000-E	1730	COMMUNICATIONS CABLE (**FIBER) (12)	2,920 LF	1.50	4,380.00
0091	7552000000-N	1731	INTERCONNECT CENTER	1 EA	2,000.00	2,000.00

Contract Item Sheets For C201834

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0092	7564000000-N	1732	FIBER-OPTIC TRANSCEIVER, DROP & REPEAT	1 EA	2,000.00	2,000.00
0093	7568000000-N	SP	FURNISH FIBER-OPTIC RESTORATION KIT	1 EA	2,000.00	2,000.00
0094	7574000000-N	SP	FURNISH FIBER-OPTIC TRANSCEIVER	1 EA	2,000.00	2,000.00
0095	7684000000-N	1750	SIGNAL CABINET FOUNDATION	1 EA	800.00	800.00
0096	7720000000-N	1751	CONTROLLER WITH CABINET (TYPE 170E, BASE MOUNTED)	1 EA	11,000.00	11,000.00
0097	7744000000-N	1751	DETECTOR CARD (TYPE 170)	3 EA	200.00	600.00
0098	7901010000-N	1753	CABINET BASE ADAPTER	1 EA	400.00	400.00
***** BEGIN SCHEDULE AA ***** ***** (4 ALTERNATES) *****						
0099 AA1	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	216 LF	30.00	6,480.00
*** OR ***						
0100 AA2	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	200 LF	0.00	0.00
0101 AA2	0582000000-E	310	15" CS PIPE CULVERTS, 0.064" THICK	16 LF	0.00	0.00
*** OR ***						
0102 AA3	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	200 LF	0.00	0.00
0103 AA3	0536000000-E	SP	**** HDPE PIPE CULVERTS (15")	16 LF	0.00	0.00
*** OR ***						
0104 AA4	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	200 LF	0.00	0.00
0105 AA4	0540000000-E	SP	**** ALUMINIZED CORRUGATED STEEL PIPE CULVERTS, **** THICK (15", 0.064")	16 LF	0.00	0.00

***** END SCHEDULE AA *****

Contract Item Sheets For C201834

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0106	8017000000-N	SP	CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP ACCESS AT STA ***** (16+21.00-L-)	Lump Sum LS	15,500.00	15,500.00
0107	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (16+21.00-L-)	Lump Sum LS	20,625.21	20,625.21
0108	8105540000-E	SP	3'-6" DIA DRILLED PIERS IN SOIL	59 LF	800.00	47,200.00
0109	8105640000-E	SP	3'-6" DIA DRILLED PIERS NOT IN SOIL	25 LF	900.00	22,500.00
0110	8111400000-E	SP	PERMANENT STEEL CASING FOR 3'-6" DIA DRILLED PIER	54 LF	200.00	10,800.00
0111	8113000000-N	SP	SID INSPECTION	1 EA	100.00	100.00
0112	8115000000-N	SP	CROSSHOLE SONIC LOGGING	1 EA	1,800.00	1,800.00
0113	8121000000-N	412	UNCLASSIFIED STRUCTURE EXCAVA- TION AT STATION ***** (16+21.00-L-)	Lump Sum LS	10,000.00	10,000.00
0114	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	61.8 CY	800.00	49,440.00
0115	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (16+21.00-L-)	Lump Sum LS	46,000.00	46,000.00
0116	8217000000-E	425	REINFORCING STEEL (BRIDGE)	12,493 LB	1.10	13,742.30
0117	8238000000-E	425	SPIRAL COLUMN REINFORCING STEEL (BRIDGE)	2,203 LB	1.60	3,524.80
0118	8364000000-E	450	HP12X53 STEEL PILES	425 LF	87.00	36,975.00
0119	8475000000-E	460	TWO BAR METAL RAIL	158.46 LF	146.00	23,135.16
0120	8517000000-E	460	1'-**X ***** CONCRETE PARA- PET (1'-2" X 2'-9")	174.8 LF	100.00	17,480.00
0121	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	525 TON	52.00	27,300.00

Contract Item Sheets For C201834

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0122	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	585 SY	3.50	2,047.50
0123	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	2,650.00	2,650.00
0124	8762000000-E	430	3'-0" X 1'-9" PRESTRESSED CONC CORED SLABS	1,134.38 LF	178.00	201,919.64
TOTAL AMOUNT OF BID FOR ENTIRE PROJECT						\$1,102,441.20

0815/Jun06/Q40597.94/D630989730000/E124

Contract Number C201834
County DURHAM

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

KIRKMAN CONSTRUCTION, INC.

Print or type full name of Corporation

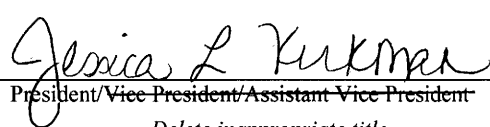
P.O. Box 3026, HUNTERSVILLE NC 28070

Address as Prequalified

Attest 
~~Secretary/Assistant Secretary~~
Delete inappropriate title

RICHARD D. KIRKMAN

Print or type signer's name

By 
President/Vice President/Assistant Vice President
Delete inappropriate title

Jessica L. Kirkman

Print or type signer's name

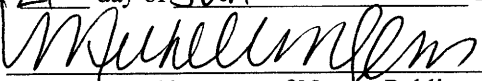
CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

21 day of June 2008


Signature of Notary Public

of Mecklenburg County

State of North Carolina

My Commission Expires: Oct 30 2010



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.

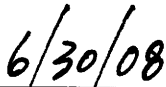
Contract No C201834

County (ies): Durham

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

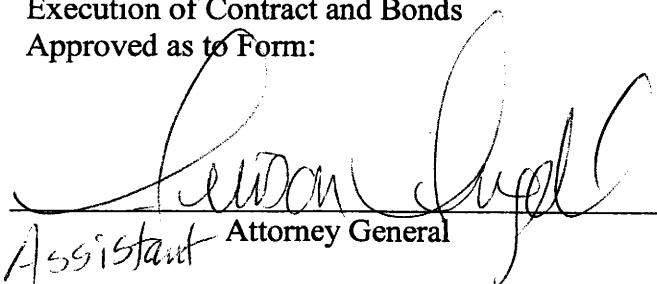


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Assistant Attorney General

Contract No. C201834
County Durham
Bond # 105073198

Rev 02-13-04

CONTRACT PAYMENT BOND

Date of Payment:
Bond Execution: June 5, 2008

Name of Principal:
Contractor Kirkman Construction, Inc.
Huntersville, NC

Name of Surety: Travelers Casualty and Surety
Company of America

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

Amount of Bond: \$1,102,441.20

Contract ID No.: C201834

County Name(s): Durham

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. C201834
County Durham
Bond # 105073198

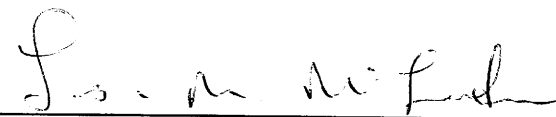
Rev 02-13-04

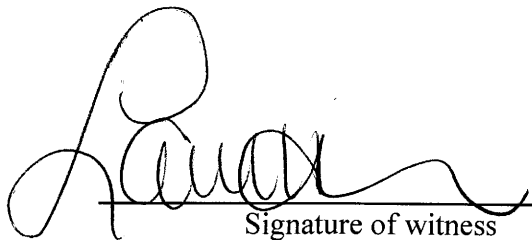
CONTRACT PAYMENT BOND

Affix Seal of Surety Company

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

By Lisa M. McLendon
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of witness

Laurie Hunter
Print or type witness' name

Po Box 12457 Charlotte, NC 28220
Address of Attorney-in-Fact

Contract No. C201834
County Durham
Bond # 105073198

Rev 02-13-04

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

KIRKMAN CONSTRUCTION, INC.

Print or type full name of Corporation

P.O. Box 3020, HUNTERSVILLE NC 28070

Address as prequalified

By

Jessica L. Kirkman

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

Delete inappropriate title

Jessica L. Kirkman

Print or type signer's name

Attest

[Signature]

Signature of Secretary, ~~Assistant Secretary~~

Delete inappropriate title

RICHARD D. KIRKMAN

Print or type signer's name

Affix Corporate Seal

Contract Number C201834
County Durham
Bond # 105073198

Rev 02-13-04

CONTRACT PERFORMANCE BOND

Date of Contract Performance

Bond Execution: June 5, 2008

Name of Principal: Kirkman Construction, Inc.

Contractor Huntersville, NC

Name of Surety: Travelers Casualty and Surety
Company of America

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

Amount of Bond: \$1,102,441.20

Contract ID No.: C201834

County Name(s): Durham

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 Number C201834
County Durham
Bond # 105073198

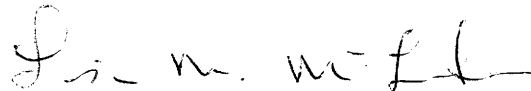
Rev 02-13-04

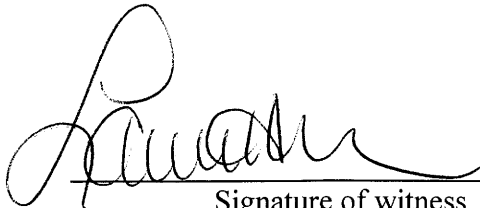
CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

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

By Lisa M. McLendon
Attorney-in-Fact
Print, stamp, or type name of Attorney-in Fact


Signature of Attorney-in-Fact


Signature of witness

Laurie Hunter
Print or type witness' name

PO Box 12457 Charlotte, NC 28220
Address of Attorney-in-Fact

Contract Number G201834
County Durham
Bond # 105073198

Rev 02-13-04

CONTRACT PERFORMANCE BOND
CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

KIRKMAN CONSTRUCTION, INC.

Print full name of Corporation

P.O. Box 3020, HUNTERSVILLE NC 28070

Address as prequalified

By

Jessica L Kirkman
Signature of President, ~~Vice President, Assistant Vice President~~
Delete inappropriate title

Jessica L Kirkman

Print or type signer's name

Attest

[Signature]
Signature of Secretary, ~~Assistant Secretary~~
Delete inappropriate title

RICHARD D. KIRKMAN

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

Attorney-In Fact No. 219429

Certificate No. 002112861

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

T. Arnold Edwards, James A. Muse, Jr., Lisa M. McLendon, Samuel A. Thompson, III, Jeffery H. Haney, and John H. Ketner, III

of the City of Charlotte, State of North Carolina, 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 20th day of December, 2007.

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 20th day of December, 2007, 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 M. 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 5th day of June, 2008.


Kori M. Johanson, Assistant Secretary

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.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.

