

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

C201897

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C201897

WBS 33637.3.1 BRSTP-1007(8)

T.I.P NO. B-4300

COUNTY OF WAKE

THIS IS THE ROADWAY & STRUCTURE CONTRACT

ROUTE NUMBER SR 1007 LENGTH 0.152 MILES

LOCATION BRIDGE OVER CLARK'S CREEK AND APPROACHES ON SR-1007.

CONTRACTOR MOUNTAIN CREEK CONTRACTORS, INC.

ADDRESS P.O. BOX D
CATAWBA, NC 28609

BIDS OPENED AUGUST 19, 2008

CONTRACT EXECUTION SEP 24 2008

Mountain Creek Contractors, LLC (1983).

Vendor 2 of 5 Vendors for Call Order 010 (Proposal ID C201897).

County: WAKE
Address: P. O. Box D
205 E. Central Avenue
Catawba, NC 28609

Phone Number: (828) 241-2047

Signature Check: This bid has been properly signed by Donovan_R._Phillips_1983.

Time Bid Received: Tue Aug 19 13:39:51 2008

Bid Checksum: D6B2A09B

Amendment Count: 1

Bidding Errors: No bidding errors.

Bid Total: \$987,316.32 ✓

Bond ID: 6bgj-hkjy-qg6y-5g62

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$49,365.82

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 8/19/2008

Surety Name: International Fidelity Insurance Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET - 10.0%
DBE GOAL MET - 10.6%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
4898	WB BULLINGTON CONSTRUCTION INC 417 FOXGLOVE LANE , INDIAN TRAIL, NC 28079		Sub	25,340.63
5266	WB NORTH STATE ENVIRONMENTAL, INC 2889 LOWERY ST SUITE B , WINSTON-SALEM, NC 27101		Sub	9,393.00
3765	WB STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub	11,620.44
2432	WB ACE STEEL, INC. POST OFFICE BOX 296 , MT. AIRY, NC 27030		Sub	21,498.36
1991	MS MCCAIN STRIPING SERVICE, INC. 5711 CRAVEN ROAD , BROWNS SUMMIT, NC 27214		Sub	9,989.50
11468	MS HINES TRUCKING INC 241 STALLINGS MILL ROAD , LOUISBURG, NC 27549		Sub	26,565.25
			TOTAL:	\$104,407.18 10.57%

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 1983's Load Output for Call 010, Letting L080819, 2008-08-19

BondID: 6bgj-hkjj-qq6y-5g62
Surety Registry Agency: SurePathNetwork
Verified?: Yes
Surety Agency: International Fidelity Insurance Company
Bond Execution Date: 8/19/2008
Bond Amount: \$49,365.82 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date: 07-22-08
 Revised: 08-07-08

Contract ID: C201897 Project(s): BRSTP-1007(8)
 Letting Date: 08-19-08 Call Order: 010
 Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP		50,000.00	
0002	0043000000-N GRADING	LUMP	LUMP		155,000.00	
0003	0050000000-E SUPPLEMENTA RY CLEARING & GRUB-BING	ACR	1.000	100.00000	100.00	
0004	0057000000-E UNDERCUT EXCAVATION	CY	100.000	20.00000	2,000.00	
0005	0134000000-E DRAINAGE DITCH EXCAVATION	CY	1,235.000	15.00000	18,525.00	
0006	0195000000-E SELECT GRANULAR MATERIAL	CY	200.000	25.00000	5,000.00	
0007	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	200.000	10.00000	2,000.00	
0008	0199000000-E TEMPORARY SHORING	SF	610.000	50.00000	30,500.00	
0009	0241000000-E GENERIC GRADING ITEM ROCK PLATING	SY	250.000	50.00000	12,500.00	
0010	0318000000-E FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	TON	40.000	75.00000	3,000.00	
0011	0342000000-E *** SIDE DRAIN PIPE (30")	LF	40.000	50.00000	2,000.00	

State of NC
Dept of Transportation

Date: 07-22-08
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Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	0408000000-E 54" RC PIPE CULVERTS, CLASS III	128.000 LF	200.00000		25,600.00	
0013	0576000000-E *** CS PIPE CULVERTS, ***** THICK (84", 0.168")	156.000 LF	275.00000		42,900.00	
0014	0594000000-E 24" CS PIPE CULVERTS, 0.064" THICK	20.000 LF	50.00000		1,000.00	
0015	0600000000-E 30" CS PIPE CULVERTS, 0.079" THICK	24.000 LF	60.00000		1,440.00	
0016	0995000000-E PIPE REMOVAL	240.000 LF	20.00000		4,800.00	
0017	1077000000-E #57 STONE	25.000 TON	75.00000		1,875.00	
0018	1220000000-E INCIDENTAL STONE BASE	100.000 TON	25.00000		2,500.00	
0019	1330000000-E INCIDENTAL MILLING	260.000 SY	20.00000		5,200.00	
0020	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	1,300.000 TON	65.00000		84,500.00	
0021	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	425.000 TON	65.00000		27,625.00	
0022	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	875.000 TON	70.00000		61,250.00	
0023	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	125.000 TON	570.00000		71,250.00	

State of NC
Dept of Transportation

Date: 07-22-08
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Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	2000000000-N RIGHT OF WAY MARKERS	EA 13.000	240.00000		3,120.00	
0025	2022000000-E SUBDRAIN EXCAVATION	CY 45.000	20.00000		900.00	
0026	2033000000-E SUBDRAIN FINE AGGREGATE	CY 34.000	60.00000		2,040.00	
0027	2044000000-E 6" PERFORATED SUBDRAIN PIPE	LF 200.000	7.50000		1,500.00	
0028	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	EA 6.000	1.00000		6.00	
0029	2066000000-N CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	EA 1.000	300.00000		300.00	
0030	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	LF 6.000	25.00000		150.00	
0031	2220000000-E REINFORCED ENDWALLS	CY 10.500	650.00000		6,825.00	
0032	3030000000-E STEEL BM GUARDRAIL	LF 612.500	19.25000		11,790.63	
0033	3150000000-N ADDITIONAL GUARDRAIL POSTS	EA 5.000	10.00000		50.00	
0034	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	EA 4.000	2,200.00000		8,800.00	
0035	3380000000-E TEMPORARY STEEL BM GUARDRAIL	LF 300.000	5.00000		1,500.00	

State of NC
 Dept of Transportation

Date: 07-22-08
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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0036	3389100000-N GUARDRAIL ANCHOR UNITS, TYPE 350 TEMPORARY	4.000 EA	800.00000		3,200.00	
0037	3628000000-E RIP RAP, CLASS I	464.000 TON	45.00000		20,880.00	
0038	3649000000-E RIP RAP, CLASS B	718.000 TON	45.00000		32,310.00	
0039	3651000000-E BOULDERS	80.000 TON	100.00000		8,000.00	
0040	3656000000-E FILTER FABRIC FOR DRAINAGE	3,086.000 SY	2.00000		6,172.00	
0041	4400000000-E WORK ZONE SIGNS (STATIONARY)	128.000 SF	7.88000		1,008.64	
0042	4405000000-E WORK ZONE SIGNS (PORTABLE)	96.000 SF	8.65000		830.40	
0043	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	36.000 SF	6.95000		250.20	
0044	4430000000-N DRUMS	40.000 EA	60.00000		2,400.00	
0045	4445000000-E BARRICADES (TYPE III)	32.000 LF	29.10000		931.20	
0046	4450000000-N FLAGGER	480.000 HR	15.00000		7,200.00	
0047	4480000000-N TMIA	1.000 EA	10,000.00000		10,000.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0048	4650000000-N TEMPORARY RAISED PAVEMENT MARKERS	30.000 EA	7.50000		225.00	
0049	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	2,200.000 LF	0.85000		1,870.00	
0050	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	2,200.000 LF	0.95000		2,090.00	
0051	4810000000-E PAINT PAVEMENT MARKING LINES (4")	25,200.000 LF	0.21000		5,292.00	
0052	4850000000-E REMOVAL OF PAVEMENT MARKING LINES (4")	400.000 LF	1.00000		400.00	
0053	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	15.000 EA	7.50000		112.50	
0054	6000000000-E TEMPORARY SILT FENCE	1,500.000 LF	2.05000		3,075.00	
0055	6006000000-E STONE FOR EROSION CONTROL, CLASS A	150.000 TON	35.00000		5,250.00	
0056	6009000000-E STONE FOR EROSION CONTROL, CLASS B	325.000 TON	40.00000		13,000.00	
0057	6012000000-E SEDIMENT CONTROL STONE	200.000 TON	50.00000		10,000.00	
0058	6015000000-E TEMPORARY MULCHING	2.500 ACR	800.00000		2,000.00	
0059	6018000000-E SEED FOR TEMPORARY SEEDING	100.000 LB	7.00000		700.00	

State of NC
 Dept of Transportation

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 Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0060	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	1.500 TON	1,250.00000		1,875.00	
0061	6029000000-E SAFETY FENCE	1,200.000 LF	1.99000		2,388.00	
0062	6030000000-E SILT EXCAVATION	840.000 CY	5.00000		4,200.00	
0063	6036000000-E MATTING FOR EROSION CONTROL	925.000 SY	2.25000		2,081.25	
0064	6037000000-E COIR FIBER MAT	25.000 SY	10.00000		250.00	
0065	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	850.000 SY	6.00000		5,100.00	
0066	6042000000-E 1/4" HARDWARE CLOTH	25.000 LF	15.00000		375.00	
0067	6045000000-E *** TEMPORARY PIPE (15")	100.000 LF	25.00000		2,500.00	
0068	6045000000-E *** TEMPORARY PIPE (18")	210.000 LF	30.00000		6,300.00	
0069	6070000000-N SPECIAL STILLING BASINS	5.000 EA	500.00000		2,500.00	
0070	6071030000-E COIR FIBER BAFFLES	135.000 LF	6.00000		810.00	
0071	6071050000-E *** SKIMMER (1-1/2")	3.000 EA	1,250.00000		3,750.00	

State of NC
 Dept of Transportation

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0072	6084000000-E SEEDING & MULCHING	3.500 ACR	1,950.00000		6,825.00	
0073	6087000000-E MOWING	2.000 ACR	75.00000		150.00	
0074	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	8.00000		400.00	
0075	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	1,500.00000		375.00	
0076	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	75.000 LB	4.00000		300.00	
0077	6108000000-E FERTILIZER TOPDRESSING	2.000 TON	1,050.00000		2,100.00	
0078	6111000000-E IMPERVIOUS DIKE	160.000 LF	50.00000		8,000.00	
0079	6114000000-N SPECIALIZED HAND MOWING	3.000 HR	35.00000		105.00	
0080	6117000000-N RESPONSE FOR EROSION CONTROL	12.000 EA	250.00000		3,000.00	
0081	6123000000-E REFORESTATION	0.600 ACR	1,900.00000		1,140.00	
Section 0001 Total						839,267.82

Section 0002 CULVERT ITEMS

Alt Group

State of NC
 Dept of Transportation

Date: 07-22-08
 Revised: 08-07-08

Contract ID: C201897 Project(s): BRSTP-1007(8)
 Letting Date: 08-19-08 Call Order: 010
 Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0082	8056000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (20+04.00-L-)	LUMP	LUMP			12,500.00
0083	8126000000-N CULVERT EXCAVATION, STA ***** (20+04.00-L-)	LUMP	LUMP			25,000.00
0084	8133000000-E FOUNDATION CONDITIONING MATER-IAL, BOX CULVERT	82.000 TON	50.00000			4,100.00
0085	8196000000-E CLASS A CONCRETE (CULVERT)	175.600 CY	410.00000			71,996.00
0086	8245000000-E REINFORCING STEEL (CULVERT)	27,562.000 LB	1.25000			34,452.50
Section 0002 Total						148,048.50
Bid Total						987,316.32 ✓

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:

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

X 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:07-22-08
PAGE: 12

PROPOSAL: C201897
LETTING: L080819 CALL: 010
VENDOR: 1983 Mountain Creek Contractors, LLC

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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DBE SUBCONTRACTOR: 4898 BULLINGTON CONSTRUCTION INC
Will Use Quote: Yes

0032	30300000000-E	STL BM GUARD	LF	612.500	19.25000	11790.63
0033	31500000000-N	ADDIT GUARDR	EA	5.000	10.00000	50.00
0034	32700000000-N	GR ANCHOR TY	EA	4.000	2200.00000	8800.00
0035	33800000000-E	TEMP STL BM	LF	300.000	5.00000	1500.00
0036	33891000000-N	GDRL ANCH UN	EA	4.000	800.00000	3200.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 25,340.63 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 25,340.

DBE SUBCONTRACTOR: 5266 NORTH STATE ENVIRONMENTAL, INC
Will Use Quote: Yes

0024	20000000000-N	RIGHT OF WAY	EA	13.000	240.00000	3120.00
0054	60000000000-E	TEMPORARY SI	LF	1500.000	2.05000	3075.00
0061	60290000000-E	SAFETY FENCE	LF	1200.000	1.99000	2388.00
0070	60710300000-E	COIR FIBER B	LF	135.000	6.00000	810.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 9,393.00 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 9,393.0

DBE SUBCONTRACTOR: 3765 STAY ALERT SAFETY SERVICES INC
Will Use Quote: Yes

0041	44000000000-E	WORK ZONE SI	SF	128.000	7.88000	1008.64
0042	44050000000-E	WORK ZONE SI	SF	96.000	8.65000	830.40
0043	44100000000-E	WORK ZONE SI	SF	36.000	6.95000	250.20
0045	44450000000-E	BARRICADES (LF	32.000	29.10000	931.20
0047	44800000000-N	TMIA	EA	1.000	8600.00000	8600.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 11,620.44 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 11,620.

DBE SUBCONTRACTOR: 2432 ACE STEEL, INC.
Will Use Quote: Yes

0086	82450000000-E	REINF STEEL	LB	27562.000	0.78000	21498.36
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Furnish and install reinforcing steel

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 21,498.36 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 21,498.

DBE SUBCONTRACTOR: 1991 MCCAIN STRIPING SERVICE, INC.
Will Use Quote: Yes

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT ITEMS

DATE: 07-22-08
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LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
0049	4685000000-E	THERMO PVT M LF		2200.000	0.85000	1870.00
0050	4686000000-E	THERMO PVT M LF		2200.000	0.95000	2090.00
0051	4810000000-E	PAINT PVMT M LF		25200.000	0.21000	5292.00
0053	4900000000-N	PERM RAISED EA		15.000	7.50000	112.50
0052	4850000000-E	LINE REMOVAL LF		400.000	1.00000	400.00
0048	4650000000-N	TEMP RAISED EA		30.000	7.50000	225.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 9,989.50 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 9,989.5

DBE SUBCONTRACTOR: 11468 HINES TRUCKING INC
Will Use Quote: Yes

0037	3628000000-E	RIP RAP, CLA TON		464.000	5.75000	2668.00
		Haul Aggregates by the ton				
0038	3649000000-E	RIP RAP, CLA TON		718.000	5.75000	4128.50
		Haul aggregates by the ton				
0055	6006000000-E	EROS CONTRL TON		150.000	4.75000	712.50
		Haul aggregates by the ton				
0056	6009000000-E	EROS CONTRL TON		325.000	5.75000	1868.75
		Haul aggs by the ton				
0057	6012000000-E	SEDIMENT CON TON		200.000	3.75000	750.00
		Haul aggs by the ton				
0009	0241000000-E	GENERIC GRAD SY		250.000	5.75000	1437.50
		Haul aggs by the ton				
0002	0043000000-N	GRADING LS		1.000	15000.00000	15000.00
		Haul earth by the hour				

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 26,565.25 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 26,565.

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 10.57% or 104407.18 ✓
Required: 10.00% or 98731.63
<GOAL MET>

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	50,000.00	50,000.00
0002	0043000000-N	226	GRADING	Lump Sum LS	155,000.00	155,000.00
0003	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	100.00	100.00
0004	0057000000-E	226	UNDERCUT EXCAVATION	100 CY	20.00	2,000.00
0005	0134000000-E	240	DRAINAGE DITCH EXCAVATION	1,235 CY	15.00	18,525.00
0006	0195000000-E	265	SELECT GRANULAR MATERIAL	200 CY	25.00	5,000.00
0007	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	200 SY	10.00	2,000.00
0008	0199000000-E	SP	TEMPORARY SHORING	610 SF	50.00	30,500.00
0009	0241000000-E	SP	GENERIC GRADING ITEM ROCK PLATING	250 SY	50.00	12,500.00
0010	0318000000-E	300	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	40 TON	75.00	3,000.00
0011	0342000000-E	310	*** SIDE DRAIN PIPE (30")	40 LF	50.00	2,000.00
0012	0408000000-E	310	54" RC PIPE CULVERTS, CLASS III	128 LF	200.00	25,600.00
0013	0576000000-E	310	*** CS PIPE CULVERTS, ***** THICK (84", 0.168")	156 LF	275.00	42,900.00
0014	0594000000-E	310	24" CS PIPE CULVERTS, 0.064" THICK	20 LF	50.00	1,000.00
0015	0600000000-E	310	30" CS PIPE CULVERTS, 0.079" THICK	24 LF	60.00	1,440.00
0016	0995000000-E	340	PIPE REMOVAL	240 LF	20.00	4,800.00
0017	1077000000-E	SP	#57 STONE	25 TON	75.00	1,875.00
0018	1220000000-E	545	INCIDENTAL STONE BASE	100 TON	25.00	2,500.00

Contract Item Sheets For C201897

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	1330000000-E	607	INCIDENTAL MILLING	260 SY	20.00	5,200.00
0020	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	1,300 TON	65.00	84,500.00
0021	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	425 TON	65.00	27,625.00
0022	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	875 TON	70.00	61,250.00
0023	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	125 TON	570.00	71,250.00
0024	2000000000-N	806	RIGHT OF WAY MARKERS	13 EA	240.00	3,120.00
0025	2022000000-E	815	SUBDRAIN EXCAVATION	45 CY	20.00	900.00
0026	2033000000-E	815	SUBDRAIN FINE AGGREGATE	34 CY	60.00	2,040.00
0027	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	200 LF	7.50	1,500.00
0028	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	6 EA	1.00	6.00
0029	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA	300.00	300.00
0030	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF	25.00	150.00
0031	2220000000-E	838	REINFORCED ENDWALLS	10.5 CY	650.00	6,825.00
0032	3030000000-E	862	STEEL BM GUARDRAIL	612.5 LF	19.25	11,790.63
0033	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	10.00	50.00
0034	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	4 EA	2,200.00	8,800.00
0035	3380000000-E	862	TEMPORARY STEEL BM GUARDRAIL	300 LF	5.00	1,500.00
0036	3389100000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350 TEMPORARY	4 EA	800.00	3,200.00

Contract Item Sheets For C201897

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0037	3628000000-E	876	RIP RAP, CLASS I	464 TON	45.00	20,880.00
0038	3649000000-E	876	RIP RAP, CLASS B	718 TON	45.00	32,310.00
0039	3651000000-E	SP	BOULDERS	80 TON	100.00	8,000.00
0040	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	3,086 SY	2.00	6,172.00
0041	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	128 SF	7.88	1,008.64
0042	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	96 SF	8.65	830.40
0043	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	36 SF	6.95	250.20
0044	4430000000-N	1130	DRUMS	40 EA	60.00	2,400.00
0045	4445000000-E	1145	BARRICADES (TYPE III)	32 LF	29.10	931.20
0046	4450000000-N	1150	FLAGGER	480 HR	15.00	7,200.00
0047	4480000000-N	1165	TMIA	1 EA	10,000.00	10,000.00
0048	4650000000-N	1251	TEMPORARY RAISED PAVEMENT MARKERS	30 EA	7.50	225.00
0049	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	2,200 LF	0.85	1,870.00
0050	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	2,200 LF	0.95	2,090.00
0051	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	25,200 LF	0.21	5,292.00
0052	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	400 LF	1.00	400.00
0053	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	15 EA	7.50	112.50
0054	6000000000-E	1605	TEMPORARY SILT FENCE	1,500 LF	2.05	3,075.00

Contract Item Sheets For C201897

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0055	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	150 TON	35.00	5,250.00
0056	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	325 TON	40.00	13,000.00
0057	6012000000-E	1610	SEDIMENT CONTROL STONE	200 TON	50.00	10,000.00
0058	6015000000-E	1615	TEMPORARY MULCHING	2.5 ACR	800.00	2,000.00
0059	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	100 LB	7.00	700.00
0060	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEED- ING	1.5 TON	1,250.00	1,875.00
0061	6029000000-E	SP	SAFETY FENCE	1,200 LF	1.99	2,388.00
0062	6030000000-E	1630	SILT EXCAVATION	840 CY	5.00	4,200.00
0063	6036000000-E	1631	MATTING FOR EROSION CONTROL	925 SY	2.25	2,081.25
0064	6037000000-E	SP	COIR FIBER MAT	25 SY	10.00	250.00
0065	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	850 SY	6.00	5,100.00
0066	6042000000-E	1632	1/4" HARDWARE CLOTH	25 LF	15.00	375.00
0067	6045000000-E	SP	*** TEMPORARY PIPE (15")	100 LF	25.00	2,500.00
0068	6045000000-E	SP	*** TEMPORARY PIPE (18")	210 LF	30.00	6,300.00
0069	6070000000-N	SP	SPECIAL STILLING BASINS	5 EA	500.00	2,500.00
0070	6071030000-E	SP	COIR FIBER BAFFLES	135 LF	6.00	810.00
0071	6071050000-E	SP	*** SKIMMER (1-1/2")	3 EA	1,250.00	3,750.00
0072	6084000000-E	1660	SEEDING & MULCHING	3.5 ACR	1,950.00	6,825.00
0073	6087000000-E	1660	MOWING	2 ACR	75.00	150.00

Contract Item Sheets For C201897

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0074	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	8.00	400.00
0075	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	1,500.00	375.00
0076	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	75 LB	4.00	300.00
0077	6108000000-E	1665	FERTILIZER TOPDRESSING	2 TON	1,050.00	2,100.00
0078	6111000000-E	SP	IMPERVIOUS DIKE	160 LF	50.00	8,000.00
0079	6114000000-N	SP	SPECIALIZED HAND MOWING	3 HR	35.00	105.00
0080	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12 EA	250.00	3,000.00
0081	6123000000-E	1670	REFORESTATION	0.6 ACR	1,900.00	1,140.00

Contract Item Sheets For C201897

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0082	8056000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (20+04.00-L-)	Lump Sum LS	12,500.00	12,500.00
0083	8126000000-N	414	CULVERT EXCAVATION, STA ***** (20+04.00-L-)	Lump Sum LS	25,000.00	25,000.00
0084	8133000000-E	414	FOUNDATION CONDITIONING MATER- IAL, BOX CULVERT	82 TON	50.00	4,100.00
0085	8196000000-E	420	CLASS A CONCRETE (CULVERT)	175.6 CY	410.00	71,996.00
0086	8245000000-E	425	REINFORCING STEEL (CULVERT)	27,562 LB	1.25	34,452.50

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$987,316.32 ✓

Contract Number C201897
County WAKE

Rev 7-20-08

**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

MOUNTAIN CREEK CONTRACTORS, INCORPORATED

Full name of Corporation

PO Box D, Catawba NC 28609

Address as Prequalified

Attest

Michael W Angus
Secretary/Assistant Secretary

Select appropriate title

By

Joseph E Coleman
President/Vice President/Assistant Vice President

Select appropriate title

MICHAEL W ANGUS

Print or type Signer's name

JOSEPH E COLEMAN

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

12 day of September 2008

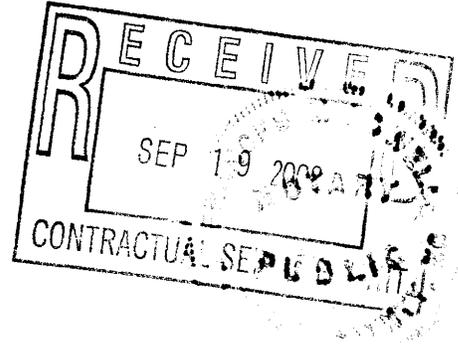
Frances M. Powell

Signature of Notary Public

of Catawba County

State of NC

My Commission Expires: 5/29/11



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 C201897

County (ies): Wake

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Assistant Attorney General

Contract No. C201897
County Wake

(Rev 7-10-08)

Bond No. 0476972

CONTRACT PAYMENT BOND

Date of Payment Bond Execution September 11, 2008

Name of Principal Contractor Mountain Creek Contractors, Inc.

Name of Surety: International Fidelity Insurance Company

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

Amount of Bond: Nine Hundred Eighty Seven Thousand Three Hundred Sixteen Dollars and 32/100 (\$987,316.32)

Contract ID No.: C201897

County Name: Wake

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, 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-bound 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. C201897
County Wake

(Rev 7-10-08)

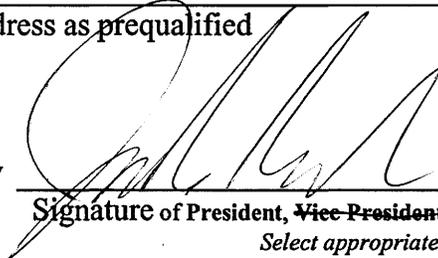
CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Mountain Creek Contractors, Inc.
Full name of Corporation

P. O. Box D, Catawba, NC 28609
Address as prequalified

By 
~~Signature of President, Vice President, Assistant Vice President~~
Select appropriate title

Joseph E. Coleman
Print or type Signer's name

Affix Corporate Seal

Attest 
Signature of ~~Secretary, Assistant Secretary~~
Select appropriate title

MICHAEL W. ANGUS
Print or type Signer's name

Contract No. C201897
County Wake

(Rev 7-10-08)

Bond No. 0476972

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: September 11, 2008

Name of Principal Contractor: Mountain Creek Contractors, Inc.

Name of Surety: International Fidelity Insurance Company

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

Amount of Bond: Nine Hundred Eighty Seven Thousand
Three Hundred Sixteen Dollars and 32/100 (\$987,316.32)

Contract ID No.: C201897

County Name: Wake

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, 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-bound 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. C201897
County Wake

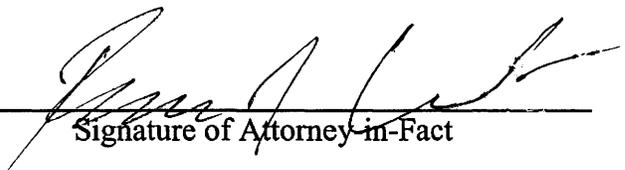
(Rev 7-10-08)

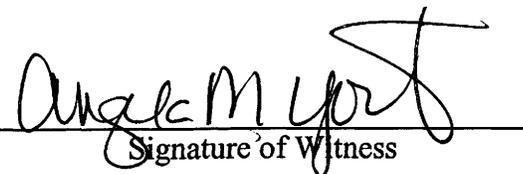
CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

International Fidelity Insurance Company
Print or type Surety Company Name

By Raymond J. Garruto
Print, stamp or type name of Attorney-in-Fact

By: 
Signature of Attorney-in-Fact


Signature of Witness

Angela M. Yount
Print or type Witness's name

6230 Fairview Road, Suite 230
Charlotte, NC 28210
Address of Attorney-in-Fact

Contract No. C201897
County Wake

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

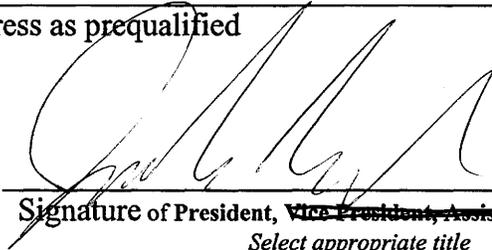
Mountain Creek Contractors, Inc.

Full name of Corporation

P. O. Box D, Catawba, NC 28609

Address as prequalified

By



Signature of President, ~~Vice President, Assistant Vice President~~
Select appropriate title

Joseph E Coleman
Print or type Signer's name

Affix Corporate Seal

Attest

Michael W. Angus
Signature of ~~Secretary, Assistant Secretary~~
Select appropriate title

MICHAEL W. ANGUS
Print or type Signer's name

POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR
NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

RAYMOND J. GARRUTO, MARTIN D. PALLAZZA, RAMONA FEWELL, DEBRA S. RITTER, BRAD W. GIBSON

Charlotte, NC.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



IN TESTIMONY WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 16th day of October, A.D. 2007.

INTERNATIONAL FIDELITY INSURANCE COMPANY

STATE OF NEW JERSEY
County of Essex

Secretary

On this 16th day of October 2007, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said the he is the therein described and authorized officer of the INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 21, 2010

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this 11th day of September, 2008

Assistant Secretary

