

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

C202045

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202045

WBS 38729.3.ST1 STM-40-3(122)19

T.I.P NO. I-4717

COUNTY OF FORSYTH
THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER I 40 LENGTH 1.750 MILES
LOCATION WINSTON-SALEM I-40 FROM SR-2747 (E CLEMMONSVILLE RD) TO
1600' EAST OF SR-2700 (WILLARD RD) INCLUDING RAMPS AT NC-109

CONTRACTOR APAC - ATLANTIC, INC. THOMPSON ARTHUR DIVISION
ADDRESS P.O. BOX 21088
GREENSBORO, NC 27420

BIDS OPENED APRIL 21, 2009
CONTRACT EXECUTION MAY 07 2009

**APAC-Atlantic, Inc. Thompson Arthur Division (4315).
Vendor 5 of 5 Vendors for Call Order 014 (Proposal ID C202045).**

County: FORSYTH
Address: P.O. Box 21088
Greensboro, NC 27420

Phone Number: 336-412-6861

Signature Check: This bid has been properly signed by Clarence_O_Brickey_4315.

Time Bid Received: Tue Apr 21 13:43:03 2009

Bid Checksum: A7C757DF

Amendment Count: 0

Bidding Errors: No bidding errors

Bid Total: \$1,206,522.16 ✓

Bond ID: SNC09157373

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$60,326.11

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 4/16/2009 11:56:49 AM

Surety Name: Liberty Mutual Insurance Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 7.0% ✓
DBE GOAL MET 7.0% ✓

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
3376	DB REYNOLDS FENCE & GUARDRAIL INC 9320 MACHADO DRIVE , INDIAN TRAIL, NC 28079		Sub	64,200.00
4906	DB W. G. LEWIS TRUCKING, INC 1323 PENNY RD. , HIGH POINT, NC 27265		Sub	20,650.00
			TOTAL:	\$84,850.00 ✓ 7.03% ✓

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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BondID: SNC09157373
 Surety Registry Agency: surety2000
 Verified?: Yes
 Surety Agency: Liberty Mutual Insurance Company
 Bond Execution Date: 4/16/2009 11:56:49 AM
 Bond Amount: \$60,326.11 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 03-24-09
Revised:

Contract ID: C202045 Project(s): STM-40-3(122)19
Letting Date: 04-21-09 Call Order: 014
Bidder: 4315 - APAC-Atlantic, Inc. Thompson Arthur Division

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 MOBILIZATION	LUMP	LUMP		44,000.00	
0002	0043000000-N GRADING	LUMP	LUMP		33,000.00	
0003	0057000000-E UNDERCUT EXCAVATION	CY 650.000	12.40000		8,060.00	
0004	0080000000-E CLASS IV SUBGRADE STABILIZATION	TON 1,150.000	25.50000		29,325.00	
0005	0196000000-E FABRIC FOR SOIL STABILIZATION	SY 1,850.000	1.95000		3,607.50	
0006	1245000000-E SHOULDER RECONSTRUCTION	SMI 5.470	2,535.00000		13,866.45	
0007	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY 1,640.000	3.50000		5,740.00	
0008	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 1-1/2")	SY 13,310.000	2.00000		26,620.00	
0009	1491000000-E ASPHALT CONC BASE COURSE, TYPE B25.0C	TON 1,231.000	42.50000		52,317.50	
0010	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	TON 274.000	42.00000		11,508.00	

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
0011	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	10,964.000 TON	37.50000		411,150.00	
0012	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	66.000 TON	387.00000		25,542.00	
0013	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	658.000 TON	422.00000		277,676.00	
0014	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	37,000.000 LF	0.25000		9,250.00	
0015	2752000000-E GENERIC PAVING ITEM REMOVE CONCRETE MEDIAN BARRIER	50.000 LF	75.00000		3,750.00	
0016	2815000000-N ADJUSTMENT OF DROP INLETS	3.000 EA	790.00000		2,370.00	
0017	3030000000-E STEEL BM GUARDRAIL	2,600.000 LF	13.50000		35,100.00	
0018	3345000000-E REMOVE & RESET EXISTING GUARD-RAIL	6,300.000 LF	4.50000		28,350.00	
0019	3389200000-E CABLE GUIDERAIL	100.000 LF	7.50000		750.00	
0020	4400000000-E WORK ZONE SIGNS (STATIONARY)	748.000 SF	4.00000		2,992.00	
0021	4405000000-E WORK ZONE SIGNS (PORTABLE)	965.000 SF	8.00000		7,720.00	
0022	4415000000-N FLASHING ARROW PANELS, TYPE C	4.000 EA	700.00000		2,800.00	

State of NC
 Dept of Transportation

Date: 03-24-09
 Revised:

Contract ID: C202045 Project(s): STM-40-3(122)19
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 Bidder: 4315 - APAC-Atlantic, Inc. Thompson Arthur Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	4420000000-N CHANGEABLE MESSAGE SIGN	EA 6.000	1,000.00000		6,000.00	
0024	4430000000-N DRUMS	EA 370.000	30.00000		11,100.00	
0025	4465000000-N TEMPORARY CRASH CUSHIONS	EA 1.000	5,000.00000		5,000.00	
0026	4480000000-N TMIA	EA 2.000	1,000.00000		2,000.00	
0027	4485000000-E PORTABLE CONCRETE BARRIER	LF 387.000	19.00000		7,353.00	
0028	4495000000-E PORTABLE CONCRETE BARRIER (DRAINAGE)	LF 387.000	19.00000		7,353.00	
0029	4510000000-N POLICE	HR 1,000.000	20.00000		20,000.00	
0030	4516000000-N SKINNY DRUM	EA 74.000	33.00000		2,442.00	
0031	4650000000-N TEMPORARY RAISED PAVEMENT MARKERS	EA 38.000	6.00000		228.00	
0032	4688000000-E THERMOPLAST IC PAVEMENT MARKING LINES (6", 90 MILS)	LF 36,000.000	0.48000		17,280.00	
0033	4690000000-E THERMOPLAST IC PAVEMENT MARKING LINES (6", 120 MILS)	LF 32,600.000	0.64000		20,864.00	
0034	4700000000-E THERMOPLAST IC PAVEMENT MARKING LINES (12", 90 MILS)	LF 2,100.000	1.20000		2,520.00	

State of NC
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Date: 03-24-09
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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0035	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	24.000 LF	12.00000		288.00	
0036	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	8.000 EA	120.00000		960.00	
0037	4815000000-E PAINT PAVEMENT MARKING LINES (6")	169,163.000 LF	0.17000		28,757.71	
0038	4855000000-E REMOVAL OF PAVEMENT MARKING LINES (6")	5,821.000 LF	0.75000		4,365.75	
0039	4875000000-N REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	6.000 EA	45.00000		270.00	
0040	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	500.000 EA	26.50000		13,250.00	
0041	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		3,300.00	
0042	6000000000-E TEMPORARY SILT FENCE	100.000 LF	4.00000		400.00	
0043	6009000000-E STONE FOR EROSION CONTROL, CLASS B	50.000 TON	49.00000		2,450.00	
0044	6012000000-E SEDIMENT CONTROL STONE	50.000 TON	46.00000		2,300.00	
0045	6015000000-E TEMPORARY MULCHING	1.000 ACR	900.00000		900.00	
0046	6036000000-E MATTING FOR EROSION CONTROL	500.000 SY	2.45000		1,225.00	

State of NC
Dept of Transportation

Date: 03-24-09
Revised:

Contract ID: C202045

Project(s): STM-40-3(122)19

Letting Date: 04-21-09 Call Order: 014

Bidder: 4315 - APAC-Atlantic, Inc. Thompson Arthur Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0047	6042000000-E 1/4" HARDWARE CLOTH	LF 100.000	5.00000		500.00	
0048	6084000000-E SEEDING & MULCHING	ACR 5.000	1,875.00000		9,375.00	
0049	6090000000-E SEED FOR REPAIR SEEDING	LB 50.000	5.95000		297.50	
0050	6093000000-E FERTILIZER FOR REPAIR SEEDING	TON 0.250	995.00000		248.75	
Section 0001 Total						1,206,522.16
Bid Total						1,206,522.16

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.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 DBE COMMITMENT ITEMS

DATE:03-24-09
 PAGE: 8

PROPOSAL: C202045
 LETTING: L090421 CALL: 014
 VENDOR: 4315 APAC-Atlantic, Inc. Thompson Arthur Division

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 3376 REYNOLDS FENCE & GUARDRAIL INC						
Will Use Quote: Yes						
0017	3030000000-E	STL BM GUARD LF		2600.000	13.50000	35100.00
0018	3345000000-E	REMOVE & RES LF		6300.000	4.50000	28350.00
0019	3389200000-E	CABLE GUIDER LF		100.000	7.50000	750.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						64,200.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						64,200.

DBE SUBCONTRACTOR: 4906 W. G. LEWIS TRUCKING, INC						
Will Use Quote: Yes						
0011	1523000000-E	ASP CONC SUR TON		5900.000	3.50000	20650.00
Haul only. Based on an hourly rate of \$58.00 per hour for a tri-axle						
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						20,650.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						20,650.

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 7.03% or 84850.00
 Required: 7.00% or 84456.55
 <GOAL MET>

Contract Item Sheets For C202045

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	44,000.00	44,000.00
0002	0043000000-N	226	GRADING	Lump Sum LS	33,000.00	33,000.00
0003	0057000000-E	226	UNDERCUT EXCAVATION	650 CY	12.40	8,060.00
0004	0080000000-E	SP	CLASS IV SUBGRADE STABILIZATION	1,150 TON	25.50	29,325.00
0005	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	1,850 SY	1.95	3,607.50
0006	1245000000-E	SP	SHOULDER RECONSTRUCTION	5.47 SMI	2,535.00	13,866.45
0007	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	1,640 SY	3.50	5,740.00
0008	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 1-1/2")	13,310 SY	2.00	26,620.00
0009	1491000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0C	1,231 TON	42.50	52,317.50
0010	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	274 TON	42.00	11,508.00
0011	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	10,964 TON	37.50	411,150.00
0012	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	66 TON	387.00	25,542.00
0013	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	658 TON	422.00	277,676.00
0014	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	37,000 LF	0.25	9,250.00
0015	2752000000-E	SP	GENERIC PAVING ITEM REMOVE CONCRETE MEDIAN BARRIER	50 LF	75.00	3,750.00
0016	2815000000-N	858	ADJUSTMENT OF DROP INLETS	3 EA	790.00	2,370.00
0017	3030000000-E	862	STEEL BM GUARDRAIL	2,600 LF	13.50	35,100.00

Contract Item Sheets For C202045

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	3345000000-E	864	REMOVE & RESET EXISTING GUARD-RAIL	6,300 LF	4.50	28,350.00
0019	3389200000-E	865	CABLE GUIDERAIL	100 LF	7.50	750.00
0020	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	748 SF	4.00	2,992.00
0021	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	965 SF	8.00	7,720.00
0022	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	4 EA	700.00	2,800.00
0023	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	6 EA	1,000.00	6,000.00
0024	4430000000-N	1130	DRUMS	370 EA	30.00	11,100.00
0025	4465000000-N	1160	TEMPORARY CRASH CUSHIONS	1 EA	5,000.00	5,000.00
0026	4480000000-N	1165	TMIA	2 EA	1,000.00	2,000.00
0027	4485000000-E	1170	PORTABLE CONCRETE BARRIER	387 LF	19.00	7,353.00
0028	4495000000-E	1170	PORTABLE CONCRETE BARRIER (DRAINAGE)	387 LF	19.00	7,353.00
0029	4510000000-N	SP	POLICE	1,000 HR	20.00	20,000.00
0030	4516000000-N	1180	SKINNY DRUM	74 EA	33.00	2,442.00
0031	4650000000-N	1251	TEMPORARY RAISED PAVEMENT MARKERS	38 EA	6.00	228.00
0032	4688000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 90 MILS)	36,000 LF	0.48	17,280.00
0033	4690000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 120 MILS)	32,600 LF	0.64	20,864.00
0034	4700000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (12", 90 MILS)	2,100 LF	1.20	2,520.00
0035	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	24 LF	12.00	288.00

Contract Item Sheets For C202045

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0036	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	8 EA	120.00	960.00
0037	4815000000-E	1205	PAINT PAVEMENT MARKING LINES (6")	169,163 LF	0.17	28,757.71
0038	4855000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (6")	5,821 LF	0.75	4,365.75
0039	4875000000-N	1205	REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	6 EA	45.00	270.00
0040	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	500 EA	26.50	13,250.00
0041	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	3,300.00	3,300.00
0042	6000000000-E	1605	TEMPORARY SILT FENCE	100 LF	4.00	400.00
0043	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	50 TON	49.00	2,450.00
0044	6012000000-E	1610	SEDIMENT CONTROL STONE	50 TON	46.00	2,300.00
0045	6015000000-E	1615	TEMPORARY MULCHING	1 ACR	900.00	900.00
0046	6036000000-E	1631	MATTING FOR EROSION CONTROL	500 SY	2.45	1,225.00
0047	6042000000-E	1632	1/4" HARDWARE CLOTH	100 LF	5.00	500.00
0048	6084000000-E	1660	SEEDING & MULCHING	5 ACR	1,875.00	9,375.00
0049	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	5.95	297.50
0050	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	995.00	248.75

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,206,522.16 ✓

Contract Number 6202045
County FORREST

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

THOMPSON-ARTHUR DIVISION

APAC - ATLANTIC, INC. Full name of Corporation
PO BOX 21088
GREENSBORO, NC 27420

Address as Prequalified

Attest Leonard D. Conway
Secretary/Assistant Secretary
Select appropriate title

LEONARD D. CONWAY

Print or type Signer's name

By Clarence O. Brickey
President/Vice President/Assistant Vice President
Select appropriate title

Clarence O. Brickey

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

30th day of April 2009

Betty T. E. J. J. J.
Signature of Notary Public

of Randolph County

State of NC

My Commission Expires: 4/11/11



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 C202045

County (ies): Forsyth

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer

5/7/09

Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202045
County FORSYTH

(Rev 7-10-08)

BOND NO. 14-050-462

CONTRACT PAYMENT BOND

Date of Payment Bond Execution APRIL 30, 2009

Name of Principal Contractor APAC - ATLANTIC, INC. THOMPSON-ARTHUR DIVISION

Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY

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

Amount of Bond: \$1,206,522.16

Contract ID No.: C202045

County Name: FORSYTH

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. C202045
County FORSYTH

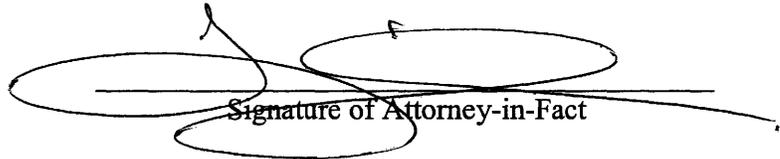
(Rev 7-10-08)

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

LIBERTY MUTUAL INSURANCE COMPANY
Print or type Surety Company Name

By TINA DAVIS
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

KIRIE MARTIN
Print or type Witness's name

15 W. SOUTH TEMPLE, STE. 700
SALT LAKE CITY, UT 84101
Address of Attorney-in-Fact

Contract No.
County

C202045

FORSYTH

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

APAC - ATLANTIC, INC. THOMPSON-ARTHUR DIVISION

Full name of Corporation

PO BOX 21088, GREENSBORO, NC 27420

Address as prequalified

By Clarence O. Brickey
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

Clarence O. Brickey

Print or type Signer's name

Affix Corporate Seal

Attest Leonard D. Conway
Signature of ~~Secretary, Assistant Secretary~~
Select appropriate title

LEONARD D. CONWAY

Print or type Signer's name

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint TINA DAVIS, MARCINDA DRYSDALE, KIRIE MARTIN, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH ..

each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding SEVENTY FIVE MILLION AND 00/100 DOLLARS (\$ 75,000,000.00) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 18th day of March 2009

LIBERTY MUTUAL INSURANCE COMPANY

By Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 18th day of March, 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 30TH day of APRIL, 2009



By David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Contract No.
County

C202045
FORSYTH

(Rev 7-10-08)

BOND NO. 14-050-462

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: APRIL 30, 2009

Name of Principal Contractor: APAC - ATLANTIC, INC. THOMPSON-ARTHUR DIVISION

Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY

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

Amount of Bond: \$1,206,522.16

Contract ID No.: C202045

County Name: FORSYTH

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. C202045
County FORSYTH

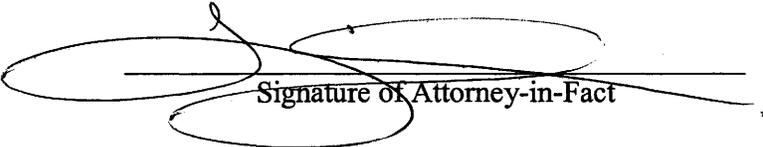
(Rev 7-10-08)

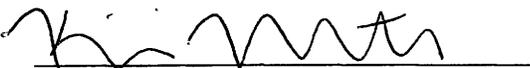
CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

LIBERTY MUTUAL INSURANCE COMPANY
Print or type Surety Company Name

By TINA DAVIS
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

KIRIE MARTIN
Print or type Witness's name

15 W. SOUTH TEMPLE, STE. 700
SALT LAKE CITY, UT 84101
Address of Attorney-in-Fact

Contract No. C202045
County FORSYTH

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND
CORPORATION**

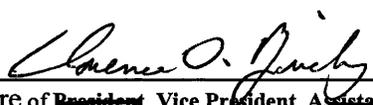
SIGNATURE OF CONTRACTOR (Principal)

APAC - ATLANTIC, INC. THOMPSON-ARTHUR DIVISION

Full name of Corporation

PO BOX 21088, GREENSBORO, NC 27420

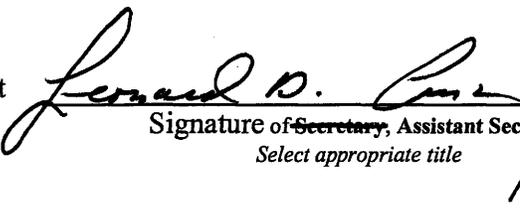
Address as prequalified

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

Clarence O. Brickey

Print or type Signer's name

Affix Corporate Seal

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

LEONARD D. CONWAY

Print or type Signer's name

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint
TINA DAVIS, MARCINDA DRYSDALE, KIRIE MARTIN, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH ..

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding SEVENTY FIVE MILLION AND 00/100 DOLLARS (\$ 75,000,000.00) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 18th day of March 2009.

LIBERTY MUTUAL INSURANCE COMPANY

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



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 18th day of March, 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 30TH day of APRIL, 2009.



By David M. Carey
David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.