

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

C202286

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202286

WBS 45053.3.ST1 STM-0440(7)

T.I.P NO. I-5115

COUNTY OF WAKE
THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER I-440 LENGTH 5.600 MILES
LOCATION I-440 FROM WAKE FOREST ROAD TO WADE AVENUE.

CONTRACTOR REA CONTRACTING LLC
ADDRESS P.O. BOX 32487
CHARLOTTE, NC 28232

BIDS OPENED APRIL 21, 2009
CONTRACT EXECUTION MAY 20 2009

Rea Contracting LLC (4421).

Vendor 3 of 4 Vendors for Call Order 013 (Proposal ID C202286).

County: WAKE
Address: 6135 Park South Dr
Suite 400
Charlotte, NC 28210

Phone Number: 704-553-6500

Signature Check: This bid has been properly signed by Carey_K_Tate_4421.

Time Bid Received: Tue Apr 21 11:31:30 2009

Bid Checksum: FB6C43AA

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$3,560,481.00 ✓

Bond ID: SNC09404771

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$178,024.05

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 4/7/2009 9:31:51 AM

Surety Name: Fidelity And Deposit Company of Maryland

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 3.00% ✓
DBE GOAL MET 3.00% ✓

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
3766	DB KELVIN WHITEHURST TRUCKING 4912 CUPINE CT , RALEIGH, NC 27604		Sub	53,960.00
5915	DB LFC TRUCKING 5176 FOREST VIEW HEIGHT RD , OXFORD, NC 27565		Sub	53,960.00
			TOTAL:	\$107,920.00 3.03%

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. No

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

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

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

BondID: SNC09404771
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Fidelity And Deposit Company of Maryland
Bond Execution Date: 4/7/2009 9:31:51 AM
Bond Amount: \$178,024.05 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 03-24-09
Revised:

Contract ID: C202286 Project(s): STM-0440(7)
Letting Date: 04-21-09 Call Order: 013
Bidder: 4421 - Rea Contracting LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP		LUMP		175,000.00
0002	1245000000-E SHOULDER RECONSTRUCTION	SMI 4.700		2,900.00000		13,630.00
0003	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2")	SY 323,676.000		0.98000		317,202.48
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (5")	SY 38,210.000		2.48000		94,760.80
0005	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	TON 6,730.000		30.00000		201,900.00
0006	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON 41,540.000		27.00000		1,121,580.00
0007	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON 316.000		368.00000		116,288.00
0008	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON 2,492.000		380.00000		946,960.00
0009	1704000000-E PATCHING EXISTING PAVEMENT	TON 1,000.000		89.00000		89,000.00
0010	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	LF 118,272.000		0.18000		21,288.96
0011	4415000000-N FLASHING ARROW PANELS, TYPE C	EA 4.000		1,500.00000		6,000.00

State of NC
Dept of Transportation

Date: 03-24-09
Revised:

Contract ID: C202286 Project(s): STM-0440(7)
Letting Date: 04-21-09 Call Order: 013
Bidder: 4421 - Rea Contracting LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	4420000000-N CHANGEABLE MESSAGE SIGN	EA 4.000	5,400.00000		21,600.00	
0013	4430000000-N DRUMS	EA 480.000	27.00000		12,960.00	
0014	4510000000-N POLICE	HR 2,000.000	40.00000		80,000.00	
0015	4685000000-E THERMOPLAST IC PAVEMENT MARKINGLINES (4", 90 MILS)	LF 48,900.000	0.45000		22,005.00	
0016	4688000000-E THERMOPLAST IC PAVEMENT MARKINGLINES (6", 90 MILS)	LF 119,960.000	0.73000		87,570.80	
0017	4690000000-E THERMOPLAST IC PAVEMENT MARKINGLINES (6", 120 MILS)	LF 40,276.000	0.80000		32,220.80	
0018	4700000000-E THERMOPLAST IC PAVEMENT MARKINGLINES (12", 90 MILS)	LF 12,380.000	1.00000		12,380.00	
0019	4721000000-E THERMOPLAST IC PAVEMENT MARKINGCHARACTER (120 MILS)	EA 44.000	50.00000		2,200.00	
0020	4725000000-E THERMOPLAST IC PAVEMENT MARKINGSYMBOL (90 MILS)	EA 31.000	95.00000		2,945.00	
0021	4775000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (6") (III)	LF 5,960.000	3.00000		17,880.00	
0022	4800000000-N COLD APPLIED PLASTIC PAVEMENT MARKING CHARACTER, TYPE ** (III)	EA 8.000	80.00000		640.00	

State of NC
Dept of Transportation

Date: 03-24-09
Revised:

Contract ID: C202286 Project(s): STM-0440(7)
Letting Date: 04-21-09 Call Order: 013
Bidder: 4421 - Rea Contracting LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	4805000000-N COLD APPLIED PLASTIC PAVEMENT MARKING SYMBOL, TYPE ** (III)	3.000 EA	200.00000		600.00	
0024	4855000000-E REMOVAL OF PAVEMENT MARKING LINES (6")	5,960.000 LF	0.50000		2,980.00	
0025	4875000000-N REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	11.000 EA	50.00000		550.00	
0026	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	2,452.000 EA	21.50000		52,718.00	
0027	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		86,591.16	
0028	6084000000-E SEEDING & MULCHING	3.900 ACR	3,900.00000		15,210.00	
0029	7444000000-E INDUCTIVE LOOP SAWCUT	1,552.000 LF	3.75000		5,820.00	
Section 0001 Total					3,560,481.00	
Bid Total					3,560,481.00	

NON-COLLUSION AND DEBARMENT CERTIFICATION

The bidder certifies that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this bid, and that the bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. In addition, submitting this electronic bid constitutes the bidder's certification of Status under penalty of perjury under the laws of the United States and in accordance with the Debarment Certification on file with the Department.

By submitting this bid, the bidder certifies to the best of his knowledge and belief that he and his principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph b. of this certification; and
- d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the prospective bidder is unable to certify to any of the statements in this certification, the bidder shall submit an explanation in the blanks provided herein. The explanation will not necessarily result in denial of participation in a contract.

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

If the prequalified bidder's status changes, he shall immediately submit a new fully executed non-collusion affidavit and debarment certification with an explanation of the change to the Contract Office prior to submitting the bid.

Failure to furnish a certification or an explanation will be grounds for rejection of a bid

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. No

A bidder who desires to bid on more than one project on which bids are to be opened on the same date, and who also desires to avoid receiving an award of more projects than he is equipped to handle, may bid on any number of projects but may limit the total amount of work awarded to him on selected projects by completing the AWARD LIMITS ON MULTIPLE PROJECTS.

The Award Limits on Multiple Projects must be filled in on each project bid for which the Bidder desires protection.

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

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

It is agreed that if I am (we are) the low Bidder(s) on indicated projects, the total value of which is more than the above stipulated award limits, the Board of Transportation will award me (us) projects from among those indicated that have a total value not to exceed the award limit and will result in the lowest total bids to the Department of Transportation.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 DBE COMMITMENT ITEMS

DATE: 03-24-09
 PAGE: 6

PROPOSAL: C202286
 LETTING: L090421 CALL: 013
 VENDOR: 4421 Rea Contracting LLC

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

DBE SUBCONTRACTOR: 3766 KELVIN WHITEHURST TRUCKING
 Will Use Quote: Yes

0005	1503000000-E	ASP CONC INT TON	3365.000	4.00000	13460.00
0006	1523000000-E	ASP CONC SUR TON	10125.000	4.00000	40500.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:					53,960.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)					53,960.

DBE SUBCONTRACTOR: 5915 LFC TRUCKING
 Will Use Quote: Yes

0005	1503000000-E	ASP CONC INT TON	3365.000	4.00000	13460.00
0006	1523000000-E	ASP CONC SUR TON	10125.000	4.00000	40500.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:					53,960.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)					53,960.

TOTAL DBE COMMITMENT FOR VENDOR:	Entered:	3.03% or	107920.00
	Required:	3.00% or	106814.43
			<GOAL MET>

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	175,000.00	175,000.00
0002	1245000000-E	SP	SHOULDER RECONSTRUCTION	4.7 SMI	2,900.00	13,630.00
0003	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2")	323,676 SY	0.98	317,202.48
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (5")	38,210 SY	2.48	94,760.80
0005	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C.	6,730 TON	30.00	201,900.00
0006	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	41,540 TON	27.00	1,121,580.00
0007	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	316 TON	368.00	116,288.00
0008	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	2,492 TON	380.00	946,960.00
0009	1704000000-E	SP	PATCHING EXISTING PAVEMENT	1,000 TON	89.00	89,000.00
0010	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	118,272 LF	0.18	21,288.96
0011	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	4 EA	1,500.00	6,000.00
0012	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	4 EA	5,400.00	21,600.00
0013	4430000000-N	1130	DRUMS	480 EA	27.00	12,960.00
0014	4510000000-N	SP	POLICE	2,000 HR	40.00	80,000.00
0015	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	48,900 LF	0.45	22,005.00
0016	4688000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 90 MILS)	119,960 LF	0.73	87,570.80
0017	4690000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 120 MILS)	40,276 LF	0.80	32,220.80

Contract Item Sheets For C202286

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4700000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (12", 90 MILS)	12,380 LF	1.00	12,380.00
0019	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	44 EA	50.00	2,200.00
0020	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	31 EA	95.00	2,945.00
0021	4775000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (6") (III)	5,960 LF	3.00	17,880.00
0022	4800000000-N	1205	COLD APPLIED PLASTIC PAVEMENT MARKING CHARACTER, TYPE ** (III)	8 EA	80.00	640.00
0023	4805000000-N	1205	COLD APPLIED PLASTIC PAVEMENT MARKING SYMBOL, TYPE ** (III)	3 EA	200.00	600.00
0024	4855000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (6")	5,960 LF	0.50	2,980.00
0025	4875000000-N	1205	REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	11 EA	50.00	550.00
0026	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	2,452 EA	21.50	52,718.00
0027	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	86,591.16	86,591.16
0028	6084000000-E	1660	SEEDING & MULCHING	3.9 ACR	3,900.00	15,210.00
0029	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	1,552 LF	3.75	5,820.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$3,560,481.00 ✓

Contract Number C202286
County Wake

Rev 7-20-08

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT AND DEBARMENT CERTIFICATION
LIMITED LIABILITY COMPANY**

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

Rea Contracting LLC

Full Name of Firm

P.O. Box 32487

Address as Prequalified

Mary Kelly
Witness's Signature

Signature of Manager

David J. Rankin
Individually

Mary Kelly

Print or type Witness's name

David J. Rankin

Print or type Signer's Name

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

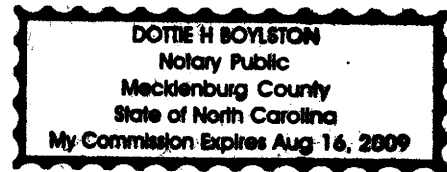
6th day of May 2009

Dotie H. Boylston
Signature of Notary Public

of Mecklenburg County

State of North Carolina

My Commission Expires: 8-16-09



DEBARMENT CERTIFICATION OF CONTRACTOR

Conditions for certification:

1. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that his certification was erroneous when he submitted his debarment certification or explanation that is on file with the Department, or has become erroneous because of changed circumstances.
2. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this provision, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 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.

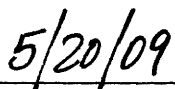
Contract No C202286

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. C202286
County Wake

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Date of Payment Bond Execution May 5, 2009
Name of Principal Contractor Rea Contracting LLC
Name of Surety: Fidelity and Deposit Company of Maryland / Federal Insurance Company
Name of Contracting Body: **North Carolina Department of Transportation**
Raleigh, North Carolina
Amount of Bond: \$3,560,481.00 Three Million Five Hundred Sixty Thousand
Four Hundred Eighty One Dollars & 00/100
Contract ID No.: C202286
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. C202286
County Wake

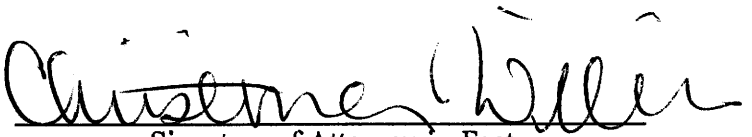
(Rev 7-10-08)

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Fidelity and Deposit Company of Maryland / Federal Insurance Company
Print or type Surety Company Name

By Christina Williams
Print, stamp or type name of Attorney-in-Fact

By: 
Signature of Attorney-in-Fact


Signature of Witness

Holly Lynch
Print or type Witness's name

195 Scott Swamp Rd., Ste. 201
Farmington, CT 06032
Address of Attorney-in-Fact

Contract No. C202286
County Wake

(Rev 7-10-08)

CONTRACT PAYMENT BOND

LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor Rea Contracting LLC
Full name of Firm

P.O. Box 32487, Charlotte, NC 28232
Address as prequalified

Signature of Manager 
Individually

David J. Rankin
Print or type Signer's name


Witness's Signature

Dottie H. Boylston
Print or type Witness's name

Contract No. C202286
County Wake

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: May 5, 2009

Name of Principal Contractor: Rea Contracting LLC

Name of Surety: Fidelity and Deposit Company of Maryland / Federal Insurance Company

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

Amount of Bond: \$3,560,481.00 Three Million Five Hundred Sixty Thousand
Four Hundred Eighty One Dollars & 00/100

Contract ID No.: C202286

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. C202286
County Wake


(Rev 7-10-08)


CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

Fidelity and Deposit Company of Maryland / Federal Insurance Company
Print or type Surety Company Name

By Christina Williams
Print, stamp or type name of Attorney-in-Fact

By: 
Signature of Attorney-in-Fact


Signature of Witness

Holly Lynch
Print or type Witness's name

195 Scott Swamp Rd., Ste. 201
Farmington, CT 06032
Address of Attorney-in-Fact

Contract No. C202286
County Wake

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND
LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor Rea Contracting LLC
Full name of Firm

P.O. Box 32487, Charlotte, NC 28232
Address as prequalified

Signature of Manager 
Individually

David J. Rankin
Print or type Signer's name


Witness's Signature

Dottie H. Boylston
Print or type Witness's Name

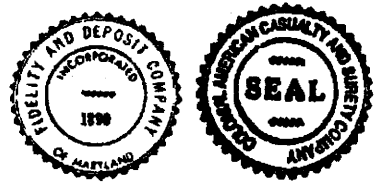
**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations of the State of Maryland, by WILLIAM J. MILLS, Vice President, and GERALD F. HALEY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Gary J. GIULIETTI, John P. BRUNO, Holly L. LYNCH, Christina WILLIAMS and Tammy QUILES, all of Farmington, Connecticut, EACH** its true and lawful agent and Attorney-in-Fact to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.** This power of attorney revokes that issued on behalf of Gary J. GIULIETTI, Elizabeth A. RUSSELL, John P. BRUNO, Holly L. LYNCH, Christina WILLIAMS, Tammy QUILES, dated March 10, 2008.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 8th day of October, A.D. 2008.

ATTEST: **FIDELITY AND DEPOSIT COMPANY OF MARYLAND
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**



Gerald F. Haley By: *William J. Mills*
Gerald F. Haley Assistant Secretary *William J. Mills* Vice President

State of Maryland }
 City of Baltimore } ss:

On this 8th day of October, A.D. 2008, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and GERALD F. HALEY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn
 Constance A. Dunn Notary Public
 My Commission Expires: July 14, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

EXTRACT FROM BY-LAWS OF COLONIAL AMERICAN CASUALTY AND SURETY COMPANY

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

CERTIFICATE

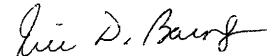
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the respective By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990 and of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, 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 seals of the said Companies,

this 5th day of May, 2009



Assistant Secretary



**Chubb
Surety**

**POWER
OF
ATTORNEY**

**Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company**

**Attn: Surety Department
15 Mountain View Road
Warren, NJ 07059**

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint William B. Bridgman, John P. Bruno, Gary J. Giulietti, Holly L Lynch, Tammy Quiles and Christina Williams of Farmington, Connecticut

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this **29th** day of **December, 2008**.

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY
County of Somerset

ss.

On this **29th** day of **December, 2008** before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



KATHERINE KALBACHER
NOTARY PUBLIC OF NEW JERSEY
No. 2316685
Commission Expires July 8, 2009

Notary Public

CERTIFICATION

Extract from the By-Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

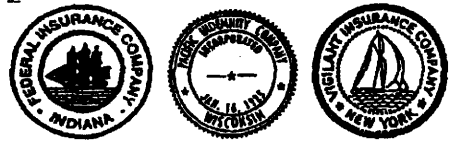
"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, 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 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 upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam; and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this _____ day of _____

str **May 2009**



Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com