

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

C202310

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202310

WBS 45060.3.ST1 STM-0261(83)31

T.I.P NO. I-5122

COUNTY OF BUNCOMBE
THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER I 26 LENGTH 5.360 MILES
LOCATION I-26 FROM MP-31 TO MP-37.

CONTRACTOR MOORE & SON SITE CONTRACTORS INC
ADDRESS 103 MCDOWELL RD
MILLS RIVER, NC 28759

BIDS OPENED MAY 19, 2009
CONTRACT EXECUTION JUN 24 2009

Moore Son Site Contractors, Inc. (7361).

Vendor 2 of 2 Vendors for Call Order 026 (Proposal ID C202310).

County: BUNCOMBE

Address: 103 McDowell Road
Mills River, NC 28759

Phone Number: 828-891-8900

Signature Check: This bid has been properly signed by Rick_L_Moore_7361.

Time Bid Received: Tue May 19 13:51:46 2009

Bid Checksum: 03305318

Amendment Count: 0

Bidding Errors: No bidding errors

Bid Total: \$7,920,147.00 ✓

Bond ID: SNC09421855

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$396,007.35

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 5/11/2009 9:32:59 AM

Surety Name: Ohio Farmers Insurance Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 6.0%
DBE GOAL MET 6.0%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
5319	WB NEW DIMENSIONS IN PAVEMENT MARK P.O. BOX 9928 , ASHEVILLE, NC 28815		Sub 181,873.20 ✓
3765	WB STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sup 99,088.08 ✓
7942	MB BORIN WASTE MANAGEMENT DBA DAUG P.O. BOX 807 , BLACK MOUNTAIN, NC 28711		Sub 235,408.00 ✓
TOTAL:			\$476,734.05 ✓ 6.02% ✓

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	

Bid Bond Data Info - Contractor Responses:

BondID: SNC0,9421855
 Surety Registry Agency: surety2000
 Verified?: Yes
 Surety Agency: Ohio Farmers Insurance Company
 Bond Execution Date: 5/11/2009 9:32:59 AM
 Bond Amount: \$396,007.35 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date: 04-21-09
 Revised:

Contract ID: C202310 Project(s): STM-0261(83)31
 Letting Date: 05-19-09 Call Order: 026
 Bidder: 7361 - Moore & Son Site Contractors, Inc.

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			295,000.00
0002	0036000000-E UNDERCUT EXCAVATION	CY	2,000.000	7.00000		14,000.00
0003	0080000000-E CLASS IV SUBGRADE STABILIZA- TION	TON	1,000.000	17.00000		17,000.00
0004	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	5,000.000	1.25000		6,250.00
0005	0714000000-E 18" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	LF	30.000	45.00000		1,350.00
0006	0807000000-E 18" BIT COAT CS PIPE ELBOWS, TYPE B 0.064" THICK	EA	2.000	500.00000		1,000.00
0007	1245000000-E SHOULDER RECONSTRUCTION	SMI	15.550	2,000.00000		31,100.00
0008	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2-1/2")	SY	236,897.000	0.90000		213,207.30
0009	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 1-1/2")	SY	3,146.000	1.00000		3,146.00
0010	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 5")	SY	4,620.000	1.50000		6,930.00

State of NC
Dept of Transportation

Date: 04-21-09
Revised:

Contract ID: C202310 Project(s): STM-0261(83)31
Letting Date: 05-19-09 Call Order: 026
Bidder: 7361 - Moore & Son Site Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1508000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0D	34,620.000 TON	42.00000		1,454,040.00	
0012	1524200000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5D	24,232.000 TON	42.00000		1,017,744.00	
0013	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	1,635.000 TON	455.00000		743,925.00	
0014	1570000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 76-22	1,352.000 TON	565.00000		763,880.00	
0015	1704000000-E PATCHING EXISTING PAVEMENT	250.000 TON	103.00000		25,750.00	
0016	1737000000-E PATCHING CONCRETE PAVEMENT SPALLS	3,500.000 SF	43.20000		151,200.00	
0017	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	107,712.000 LF	0.20000		21,542.40	
0018	1891000000-E GENERIC PAVING ITEM REPAIR OF JOINTED CONCRETE PAVEMENT SLABS	11,324.000 SY	195.00000		2,208,180.00	
0019	2286000000-N MASONRY DRAINAGE STRUCTURES	1.000 EA	1,500.00000		1,500.00	
0020	2374000000-N FRAME WITH GRATE & HOOD, STD 840.03, TYPE ** (G)	1.000 EA	450.00000		450.00	
0021	4405000000-E WORK ZONE SIGNS (PORTABLE)	192.000 SF	15.00000		2,880.00	

State of NC
Dept of Transportation

Date: 04-21-09
Revised:

Contract ID: C202310 Project(s): STM-0261(83)31
Letting Date: 05-19-09 Call Order: 026
Bidder: 7361 - Moore & Son Site Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	4415000000-N FLASHING ARROW PANELS, TYPE C	2.000 EA	5,000.00000		10,000.00	
0023	4420000000-N CHANGEABLE MESSAGE SIGN	4.000 EA	18,000.00000		72,000.00	
0024	4430000000-N DRUMS	200.000 EA	45.00000		9,000.00	
0025	4480000000-N TMIA	2.000 EA	5,500.00000		11,000.00	
0026	4710000000-E THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	86.000 LF	13.00000		1,118.00	
0027	4725000000-E THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	31.000 EA	108.00000		3,348.00	
0028	4815000000-E PAINT PAVEMENT MARKING LINES (6")	134,460.000 LF	0.26000		34,959.60	
0029	4825000000-E PAINT PAVEMENT MARKING LINES (12")	1,862.000 LF	0.60000		1,117.20	
0030	4847100000-E POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	134,460.000 LF	0.95000		127,737.00	
0031	4847120000-E POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	1,862.000 LF	2.75000		5,120.50	
0032	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	770.000 EA	30.00000		23,100.00	

State of NC
 Dept of Transportation

Date: 04-21-09
 Revised:

Contract ID: C202310 Project(s): STM-0261(83)31
 Letting Date: 05-19-09 Call Order: 026
 Bidder: 7361 - Moore & Son Site Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0033	5255000000-N PORTABLE LIGHTING	LUMP	LUMP			300,000.00
0034	6084000000-E SEEDING & MULCHING	ACR	9.410	2,300.00000		21,643.00
0035	8867000000-E GENERIC STRUCTURE ITEM EVAZOTE EXPANSION JOINT REPLACEMENT	LF	864.000	236.00000		203,904.00
0036	8893000000-E GENERIC STRUCTURE ITEM CONCRETE DECK REPAIR (CLASS II) USING ELASTOMERIC CONCRETE	SY	45.000	1,365.00000		61,425.00
0037	8893000000-E GENERIC STRUCTURE ITEM CONCRETE DECK REPAIR (CLASS III) USING ELASTOMERIC CONCRETE	SY	10.000	2,100.00000		21,000.00
0038	8893000000-E GENERIC STRUCTURE ITEM CONCRETE DECK REPAIR (CLASS I) USING ELASTOMERIC CONCRETE	SY	100.000	336.00000		33,600.00
Section 0001 Total						7,920,147.00
Bid Total						7,920,147.00

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	

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:04-21-09
PAGE: 7

PROPOSAL: C202310
LETTING: L090519 CALL: 026
VENDOR: 7361 Moore & Son Site Contractors, Inc.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 5319 NEW DIMENSIONS IN PAVEMENT MARKING, LLC						
Will Use Quote: Yes						
0026	4710000000-E	24"WIDE THER LF		86.000	12.00000	1032.00
0027	4725000000-E	THERMO PVT S EA		31.000	100.00000	3100.00
0028	4815000000-E	PAINT PVMT M LF		134460.000	0.24000	32270.40
0029	4825000000-E	PAINT PVMT M LF		1862.000	0.50000	931.00
0030	4847100000-E	POLYUREA LIN LF		134460.000	0.88000	118324.80
0031	4847120000-E	POLYUREA LIN LF		1862.000	2.50000	4655.00
0032	4905000000-N	SNOWPLB PVMT EA		770.000	28.00000	21560.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 181,873.20 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 181,873

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

0021	4405000000-E	WORK ZONE SI SF		192.000	7.99000	1534.08
0022	4415000000-N	FLASHING ARR EA		2.000	3825.00000	7650.00
0023	4420000000-N	CHANGEABLE M EA		4.000	15585.00000	62340.00
0024	4430000000-N	DRUMS EA		200.000	32.97000	6594.00
0025	4480000000-N	TMIA EA		2.000	10485.00000	20970.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 99,088.08 ✓
DBE COMMITMENT TOTAL FOR VENDOR (Supplier) \$59,452

DBE SUBCONTRACTOR: 7942 BORIN WASTE MANAGEMENT DBA DAUGHERTY WASTE & TRUCK
Will Use Quote: Yes

0011	1508000000-E	ASP CONC INT TON		34620.000	4.00000	138480.00
0012	1524200000-E	ASP CONC SUR TON		24232.000	4.00000	96928.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 235,408.00 ✓
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 235,408

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 6.02% or 476734.05
Required: 6.00% or 475208.82
<GOAL MET>

Contract Item Sheets For C202310

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	295,000.00	295,000.00
0002	0036000000-E	225	UNDERCUT EXCAVATION	2,000 CY	7.00	14,000.00
0003	0080000000-E	SP	CLASS IV SUBGRADE STABILIZATION	1,000 TON	17.00	17,000.00
0004	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	5,000 SY	1.25	6,250.00
0005	0714000000-E	310	18" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	30 LF	45.00	1,350.00
0006	0807000000-E	310	18" BIT COAT CS PIPE ELBOWS, T YPE B 0.064" THICK	2 EA	500.00	1,000.00
0007	1245000000-E	SP	SHOULDER RECONSTRUCTION	15.55 SMI	2,000.00	31,100.00
0008	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2-1/2")	236,897 SY	0.90	213,207.30
0009	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 1-1/2")	3,146 SY	1.00	3,146.00
0010	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 5")	4,620 SY	1.50	6,930.00
0011	1508000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0D	34,620 TON	42.00	1,454,040.00
0012	1524200000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5D	24,232 TON	42.00	1,017,744.00
0013	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	1,635 TON	455.00	743,925.00
0014	1570000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 76-22	1,352 TON	565.00	763,880.00
0015	1704000000-E	SP	PATCHING EXISTING PAVEMENT	250 TON	103.00	25,750.00
0016	1737000000-E	SP	PATCHING CONCRETE PAVEMENT SPALLS	3,500 SF	43.20	151,200.00

Contract Item Sheets For C202310

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	107,712 LF	0.20	21,542.40
0018	1891000000-E	SP	GENERIC PAVING ITEM REPAIR OF JOINTED CONCRETE PAVEMENT SLABS	11,324 SY	195.00	2,208,180.00
0019	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	1 EA	1,500.00	1,500.00
0020	2374000000-N	840	FRAME WITH GRATE & HOOD, STD 840.03, TYPE ** (G)	1 EA	450.00	450.00
0021	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	192 SF	15.00	2,880.00
0022	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	2 EA	5,000.00	10,000.00
0023	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	4 EA	18,000.00	72,000.00
0024	4430000000-N	1130	DRUMS	200 EA	45.00	9,000.00
0025	4480000000-N	1165	TMIA	2 EA	5,500.00	11,000.00
0026	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	86 LF	13.00	1,118.00
0027	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	31 EA	108.00	3,348.00
0028	4815000000-E	1205	PAINT PAVEMENT MARKING LINES (6")	134,460 LF	0.26	34,959.60
0029	4825000000-E	1205	PAINT PAVEMENT MARKING LINES (12")	1,862 LF	0.60	1,117.20
0030	4847100000-E	1205	POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	134,460 LF	0.95	127,737.00
0031	4847120000-E	1205	POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	1,862 LF	2.75	5,120.50
0032	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	770 EA	30.00	23,100.00
0033	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	300,000.00	300,000.00

Contract Item Sheets For C202310

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0034	6084000000-E	1660	SEEDING & MULCHING	9.41 ACR	2,300.00	21,643.00
0035	8867000000-E	SP	GENERIC STRUCTURE ITEM EVAZOTE EXPANSION JOINT REPLACEMENT	864 LF	236.00	203,904.00
0036	8893000000-E	SP	GENERIC STRUCTURE ITEM CONCRETE DECK REPAIR (CLASS II) USING ELASTOMERIC CONCRETE	45 SY	1,365.00	61,425.00
0037	8893000000-E	SP	GENERIC STRUCTURE ITEM CONCRETE DECK REPAIR (CLASS III) USING ELASTOMERIC CONC- RETE	10 SY	2,100.00	21,000.00
0038	8893000000-E	SP	GENERIC STRUCTURE ITEM CONCRETE DECK REPAIR (CLASS I) USING ELASTOMERIC CONCRETE	100 SY	336.00	33,600.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$7,920,147.00

1040/May28/Q712298.96/D127699520000/E38

**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

Moore and Son Site Contractors, Inc.

Full name of Corporation

103 McDowell Road Mills River NC 28759

Address as Prequalified

Attest

Beverly Moore
Secretary/Assistant Secretary

Select appropriate title

By

[Signature]
President/Vice President/Assistant Vice President

Select appropriate title

Beverly Moore

Print or type Signer's name

Rick L. Moore

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

11th day of June 2009

Carolyn B. Wilson
Signature of Notary Public

of Henderson County

State of North Carolina

My Commission Expires: 2-24-2010

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 **C202310**

County (ies): **Buncombe County**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

for R.A. Shumaker J.A. Lay

Contract Officer

6/24/09

Date

Execution of Contract and Bonds
Approved as to Form:

Erin J. Atner

Attorney General

Contract No. C202310
County Buncombe

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Date of Payment Bond Execution June 1, 2009

Name of Principal Contractor Moore & Son Site Contractors, Inc.

Name of Surety: Ohio Farmers Insurance Company

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

Amount of Bond: \$7,920,147.00

Contract ID No.: C202310

Country Name: Buncombe

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.
County

C202310

Buncombe

(Rev 7-10-08)

CONTRACT PAYMENT BOND

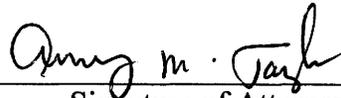
Affix Seal of Surety Company

Ohio Farmers Insurance Company

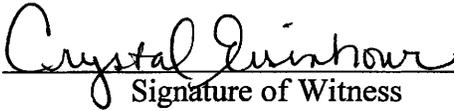
Print or type Surety Company Name

By Amy M. Tayler, Attorney-in-Fact

Print, stamp or type name of Attorney-in-Fact



Signature of Attorney-in-Fact



Signature of Witness

Crystal Eisenhower, CSR

Print or type Witness's name

PO Box 1109, Hendersonville, NC 28793-1109

Address of Attorney-in-Fact

Contract No.
County

C202310

Buncombe

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Moore & Son Site Contractors, Inc.

Full name of Corporation

103 McDowell Road Mills River, NC 28759

Address as prequalified

By



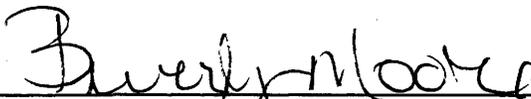
Signature of President, ~~Vice President, Assistant Vice President~~
Select appropriate title

Rick L. Moore

Print or type Signer's name

Affix Corporate Seal

Attest



Signature of Secretary, ~~Assistant Secretary~~ **TREASURER**
Select appropriate title

BEVERLY MOORE

Print or type Signer's name

Contract No. C202310
County Buncombe

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: June 1, 2009

Name of Principal Contractor: Moore & Son Site Contractors, Inc.

Name of Surety: Ohio Farmers Insurance Company

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

Amount of Bond: \$7,920,147.00

Contract ID No.: C202310

Country Name: Buncombe

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. C202310
County Buncombe

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

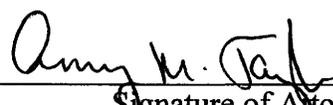
Affix Seal of Surety Company

Ohio Farmers Insurance Company

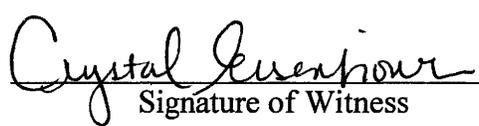
Print or type Surety Company Name

By Amy M. Tayler, Attorney-in-Fact

Print, stamp or type name of Attorney-in-Fact



Signature of Attorney-in-Fact



Signature of Witness

Crystal Eisenhower, CSR

Print or type Witness's name

PO Box 1109, Hendersonville, NC 28793

Address of Attorney-in-Fact

Contract No.
County

C202310

Buncombe

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Moore & Son Site Contractors, Inc.

Full name of Corporation

103 McDowell Rd. Mills River, NC 28759

Address as prequalified

By



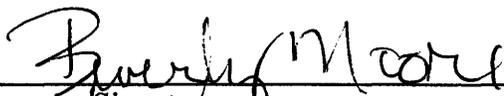
Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title

RICK L. MOORE

Print or type Signer's name

Affix Corporate Seal

Attest



Signature of ~~Secretary, Assistant Secretary~~ **TREASURER**
Select appropriate title

BEVERLY MOORE

Print or type Signer's name

General Power of Attorney

Westfield Insurance Co. Westfield National Insurance Co. Ohio Farmers Insurance Co. Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint ROBERT L. CRANFORD, JOYCE C. BIDDIX, RALPH M. DARK, III, JENNIFER L. GORDON, KIM D. VARNER-FULMER, AMY M. TAYLER, DAVID B. SHAFFER, DAVID G. SHAFFER, CHRISTINA M. PERRY, CRYSTAL EISENHOWER, JOINTLY OR SEVERALLY

of HENDERSONVILLE and State of NC its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship-

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact. may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their Senior Executive and their corporate seals to be hereto affixed this 31st day of OCTOBER A.D., 2008 .

Corporate Seals Affixed



WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY OHIO FARMERS INSURANCE COMPANY

Signature of Richard L. Kinnaird, Jr.

By: Richard L. Kinnaird, Jr., Senior Executive

State of Ohio County of Medina ss.:

On this 31st day of OCTOBER A.D., 2008 , before me personally came Richard L. Kinnaird, Jr. to me known, who, being by me duly sworn, did depose and say, that he resides in Medina, Ohio; that he is Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial Seal Affixed



Signature of William J. Kahelin

William J. Kahelin, Attorney at Law, Notary Public My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 12th day of June A.D., 2009



Signature of Frank A. Carrino Secretary