

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

C202288

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202288

WBS 45057.3.ST1 STM-085-2(67)48

T.I.P NO. I-5119

COUNTY OF CABARRUS

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER 185 LENGTH 3.340 MILES

LOCATION I-85 FROM US-29/601 TO NC-73.

CONTRACTOR BLYTHE DEVELOPMENT CO.

ADDRESS 1415 E WESTINGHOUSE BLVD
CHARLOTTE, NC 282735801

BIDS OPENED MAY 19, 2009

CONTRACT EXECUTION JUN 08 2009

Blythe Development Co. (3740).

Vendor 2 of 3 Vendors for Call Order 017 (Proposal ID C202288).

County: CABARRUS
Address: 1415 E. Westinghouse Blvd.
Charlotte, North Carolina 28273

Phone Number: 704-588-0023 Ext. 243

Signature Check: This bid has been properly signed by L.JACK_BLYTHE_3740.

Time Bid Received: Tue May 19 10:44:37 2009

Bid Checksum: 7F7DFC3B

Amendment Count: 0

Bidding Errors: No bidding errors ✓

Bid Total: \$3,424,223.25 ✓

Bond ID: SNC09310014

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$171,211.16

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 5/13/2009 7:55:28 AM

Surety Name: Safeco Insurance Company of America

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 5.00%
DBE GOAL MET 5.20%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
3080	WB CURTIN TRUCKING & DRAINAGE, INC POST OFFICE BOX 38220 , CHARLOTTE, NC 282781003		Sub 179,250.00
TOTAL:			\$179,250.00 5.23%

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 05/19/09 (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	

Bid Bond Data Info - Contractor Responses:

=====

BondID: SNC09310014
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Safeco Insurance Company of America
Bond Execution Date: 5/13/2009 7:55:28 AM
Bond Amount: \$171,211.16 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date: 04-21-09
 Revised:

Contract ID: C202288 Project(s): STM-085-2(67)48
 Letting Date: 05-19-09 Call Order: 017
 Bidder: 3740 - Blythe Development Co.

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		100,000.00
+-----+-----+-----+-----+-----+-----+-----+						
0002	1245000000-E SHOULDER RECONSTRUCTION	SMI	15.000	5,000.00000		75,000.00
+-----+-----+-----+-----+-----+-----+-----+						
0003	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2-1/2")	SY	71,575.000	0.95000		67,996.25
+-----+-----+-----+-----+-----+-----+-----+						
0004	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (1" TO 2-1/2")	SY	3,000.000	2.00000		6,000.00
+-----+-----+-----+-----+-----+-----+-----+						
0005	1330000000-E INCIDENTAL MILLING	SY	1,850.000	4.00000		7,400.00
+-----+-----+-----+-----+-----+-----+-----+						
0006	1508000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0D	TON	11,266.000	36.00000		405,576.00
+-----+-----+-----+-----+-----+-----+-----+						
0007	1524200000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5D	TON	29,607.000	36.00000		1,065,852.00
+-----+-----+-----+-----+-----+-----+-----+						
0008	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON	530.000	390.00000		206,700.00
+-----+-----+-----+-----+-----+-----+-----+						
0009	1570000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 76-22	TON	1,628.000	524.00000		853,072.00
+-----+-----+-----+-----+-----+-----+-----+						
0010	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	LF	70,550.000	0.35000		24,692.50
+-----+-----+-----+-----+-----+-----+-----+						

State of NC
Dept of Transportation

Date: 04-21-09
Revised:

Contract ID: C202288

Project(s): STM-085-2(67)48

Letting Date: 05-19-09 Call Order: 017

Bidder: 3740 - Blythe Development Co.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1880000000-E GENERIC PAVING ITEM ASPHALT PLANT MIX, PAVEMENT REPAIR (B25.0C)	250.000 TON	80.00000		20,000.00	
0012	1880000000-E GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (I19.0D)	2,000.000 TON	80.00000		160,000.00	
0013	1891000000-E GENERIC PAVING ITEM CONTINUOUSLY REINFORCED CON- CRETE REPAIR	525.000 SY	300.00000		157,500.00	
0014	4400000000-E WORK ZONE SIGNS (STATIONARY)	288.000 SF	6.50000		1,872.00	
0015	4415000000-N FLASHING ARROW PANELS, TYPE C	2.000 EA	2,000.00000		4,000.00	
0016	4420000000-N CHANGEABLE MESSAGE SIGN	2.000 EA	7,000.00000		14,000.00	
0017	4430000000-N DRUMS	275.000 EA	40.00000		11,000.00	
0018	4465000000-N TEMPORARY CRASH CUSHIONS	2.000 EA	7,000.00000		14,000.00	
0019	4470000000-N RESET TEMPORARY CRASH CUSHIONS	7.000 EA	2,200.00000		15,400.00	
0020	4480000000-N TMIA	2.000 EA	6,500.00000		13,000.00	
0021	4485000000-E PORTABLE CONCRETE BARRIER	1,000.000 LF	22.00000		22,000.00	

State of NC
Dept of Transportation

Date: 04-21-09
Revised:

Contract ID: C202288 Project(s): STM-085-2(67)48
Letting Date: 05-19-09 Call Order: 017
Bidder: 3740 - Blythe Development Co.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	4500000000-E RESET PORTABLE CONCRETE BARRIER	7,000.000 LF	6.00000		42,000.00	
0023	4605000000-N GENERIC TRAFFIC CONTROL ITEM POLICE	120.000 HR	35.00000		4,200.00	
0024	4688000000-E THERMOPLAST IC PAVEMENT MARKING LINES (6", 90 MILS)	101,550.000 LF	0.60000		60,930.00	
0025	4690000000-E THERMOPLAST IC PAVEMENT MARKING LINES (6", 120 MILS)	11,000.000 LF	0.70000		7,700.00	
0026	4700000000-E THERMOPLAST IC PAVEMENT MARKING LINES (12", 90 MILS)	6,775.000 LF	1.30000		8,807.50	
0027	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	6.000 EA	100.00000		600.00	
0028	4810000000-E PAINT PAVEMENT MARKING LINES (4")	44,000.000 LF	0.30000		13,200.00	
0029	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	1,025.000 EA	29.00000		29,725.00	
0030	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		12,000.00	
Section 0001 Total					3,424,223.25	
Bid Total					3,424,223.25	✓

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 05/19/09 (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: 6

PROPOSAL: C202288
 LETTING: L090519 CALL: 017
 VENDOR: 3740 Blythe Development Co.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 3080 CURTIN TRUCKING & DRAINAGE, INC.						
Will Use Quote: Yes						
0013	1891000000-E	GENERIC PAVI SY		525.000	290.00000	152250.00
0018	4465000000-N	TEMPORARY CR EA		2.000	6500.00000	13000.00
0019	4470000000-N	RESET CRASH EA		7.000	2000.00000	14000.00
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						179,250.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						179,250

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 5.23% or 179250.00
 Required: 5.00% or 171211.16
 <GOAL MET>

Contract Item Sheets For C202288

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	100,000.00	100,000.00
0002	1245000000-E	SP	SHOULDER RECONSTRUCTION	15 SMI	5,000.00	75,000.00
0003	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2-1/2")	71,575 SY	0.95	67,996.25
0004	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (1" TO 2-1/2")	3,000 SY	2.00	6,000.00
0005	1330000000-E	607	INCIDENTAL MILLING	1,850 SY	4.00	7,400.00
0006	1508000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0D	11,266 TON	36.00	405,576.00
0007	1524200000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5D	29,607 TON	36.00	1,065,852.00
0008	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	530 TON	390.00	206,700.00
0009	1570000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 76-22	1,628 TON	524.00	853,072.00
0010	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	70,550 LF	0.35	24,692.50
0011	1880000000-E	SP	GENERIC PAVING ITEM ASPHALT PLANT MIX, PAVEMENT REPAIR (B25.0C)	250 TON	80.00	20,000.00
0012	1880000000-E	SP	GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (I19.0D)	2,000 TON	80.00	160,000.00
0013	1891000000-E	SP	GENERIC PAVING ITEM CONTINUOUSLY REINFORCED CON- CRETE REPAIR	525 SY	300.00	157,500.00
0014	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	288 SF	6.50	1,872.00
0015	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	2 EA	2,000.00	4,000.00
0016	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	2 EA	7,000.00	14,000.00

Contract Item Sheets For C202288

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	4430000000-N	1130	DRUMS	275 EA	40.00	11,000.00
0018	4465000000-N	1160	TEMPORARY CRASH CUSHIONS	2 EA	7,000.00	14,000.00
0019	4470000000-N	1160	RESET TEMPORARY CRASH CUSHIONS	7 EA	2,200.00	15,400.00
0020	4480000000-N	1165	TMIA	2 EA	6,500.00	13,000.00
0021	4485000000-E	1170	PORTABLE CONCRETE BARRIER	1,000 LF	22.00	22,000.00
0022	4500000000-E	1170	RESET PORTABLE CONCRETE BARRIER	7,000 LF	6.00	42,000.00
0023	4605000000-N	SP	GENERIC TRAFFIC CONTROL ITEM POLICE	120 HR	35.00	4,200.00
0024	4688000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 90 MILS)	101,550 LF	0.60	60,930.00
0025	4690000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 120 MILS)	11,000 LF	0.70	7,700.00
0026	4700000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (12", 90 MILS)	6,775 LF	1.30	8,807.50
0027	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	6 EA	100.00	600.00
0028	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	44,000 LF	0.30	13,200.00
0029	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	1,025 EA	29.00	29,725.00
0030	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	12,000.00	12,000.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$3,424,223.25

Contract Number C202288
County Cabarrus

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

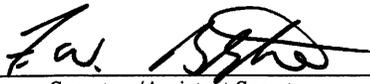
Blythe Development Co.

Full name of Corporation

1415 E. Westinghouse Blvd. Charlotte, NC 28273

Address as Prequalified

Attest



Secretary/~~Assistant Secretary~~
Select appropriate title

F. W. Blythe

Print or type Signer's name

By



President/~~Vice President/Assistant Vice President~~
Select appropriate title

L.J. Blythe

Print or type Signer's name

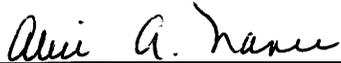
CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

15th day of June 2009



Signature of Notary Public

of Mecklenburg County

State of North Carolina

My Commission Expires: 10/05/2012

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.

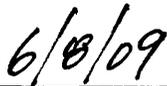
Contract No C202288

County (ies): Cabarrus

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

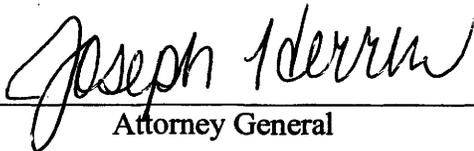


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202288
County Cabarrus

(Rev 7-10-08)

Bond No. 6538425

CONTRACT PAYMENT BOND

Date of Payment Bond Execution May 28, 2009

Name of Principal Contractor Blythe Development Company

Name of Surety: Safeco Insurance Company of America

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

Amount of Bond: Three Million Four Hundred Twenty-Four Thousand Two Hundred
Twenty-Three & 25/100 Dollars (\$3,424,223.25) -----

Contract ID No.: C202288

County Name: Cabarrus

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. C202288
County Cabarrus

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

SAFECO INSURANCE COMPANY OF AMERICA
Print or type Surety Company Name

By Angela D. Ramsey, Attorney-In-Fact
Print, stamp or type name of Attorney-in-Fact

Angela D. Ramsey
Signature of Attorney-in-Fact

Donna K. Ashley
Signature of Witness

Donna K. Ashley
Print or type Witness's name

P.O. Box 220748, Charlotte, NC 28222-0748
Address of Attorney-in-Fact

Contract No. C202288
County Cabarrus

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

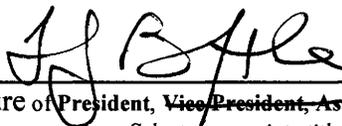
Blythe Development Company

Full name of Corporation

1415 East Westinghouse Boulevard, Charlotte, NC 28273

Address as prequalified

By



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

Select appropriate title

L. J. BLYTHE

Print or type Signer's name

Affix Corporate Seal

Attest



Signature of Secretary, ~~Assistant Secretary~~

Select appropriate title

F. W. BLYTHE

Print or type Signer's name



POWER OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

No. 7456

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

*****DONNA K. ASHLEY; JENNIFER C. HOEHN; WENDY E. LAHM; JOHN D. LEAK III; WILLIAM J. QUINN; ANGELA D. RAMSEY; JOHN F. THOMAS; G. TIMOTHY WILKERSON; Charlotte, North Carolina*****

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March 2009

Dexter R. Legg

TAMIKOLAJEWSKI

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 28th day of May 2009



Dexter R. Legg

Dexter R. Legg, Secretary

Contract No. C202288
County Cabarrus

(Rev 7-10-08)

Bond No. 6538425

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: May 28, 2009

Name of Principal Contractor: Blythe Development Company

Name of Surety: Safeco Insurance Company of America

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

Amount of Bond: Three Million Four Hundred Twenty-Four Thousand Two Hundred
Twenty-Three & 25/100 Dollars (\$3,424,223.25) -----

Contract ID No.: C202288

County Name: Cabarrus

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. C202288
County Cabarrus

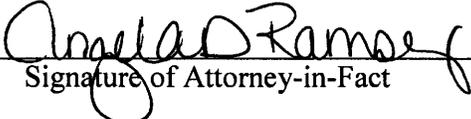
(Rev 7-10-08)

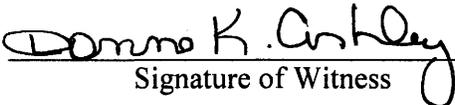
CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

SAFECO INSURANCE COMPANY OF AMERICA
Print or type Surety Company Name

By Angela D. Ramsey, Attorney-In-Fact
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

Donna K. Ashley
Print or type Witness's name

P.O. Box 220748, Charlotte, NC 28222-0748
Address of Attorney-in-Fact

Contract No. C202288
County Cabarrus

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Blythe Development Company

Full name of Corporation

1415 East Westinghouse Boulevard, Charlotte, NC 28273

Address as prequalified

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

L. J. BLYTHE

Print or type Signer's name

Affix Corporate Seal

Attest


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

F. W. BLYTHE

Print or type Signer's name



POWER OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

No. 7456

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

*****DONNA K. ASHLEY; JENNIFER C. HOEHN; WENDY E. LAHM; JOHN D. LEAK III; WILLIAM J. QUINN; ANGELA D. RAMSEY; JOHN F. THOMAS; G. TIMOTHY WILKERSON; Charlotte, North Carolina*****

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March 2009

Dexter R. Legg

TAMIKOLAJEWSKI

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

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this 28th day of May 2009



Dexter R. Legg

Dexter R. Legg, Secretary