

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

C202295

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202295

WBS 42297.3.ST2 STM-0218(9)

T.I.P NO. R-5114B

COUNTY OF UNION

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER NC 218 LENGTH 10.930 MILES

LOCATION NC-218 FROM EAST OF US-601 TO WEST OF NC-205.

CONTRACTOR BOGGS PAVING, INC.

ADDRESS P.O. BOX 1609  
MONROE, NC 28111

BIDS OPENED MAY 19, 2009

CONTRACT EXECUTION JUN 09 2009

**Boggs Paving, Inc. (3186).**

**Vendor 2 of 5 Vendors for Call Order 015 (Proposal ID C202295).**

County: UNION  
Address: P. O. Box 1609  
1613 W. Roosevelt Blvd.  
Monroe, NC 28111

Phone Number: 704-289-8482

Signature Check: This bid has been properly signed by Greg\_D.\_Miller\_3186.

Time Bid Received: Tue May 19 13:39:55 2009

Bid Checksum: 4B5B71FF

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$3,026,455.25

Bond ID: SNC09893265

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$151,322.76

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 5/7/2009 4:54:08 PM

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 7.0%  
DBE GOAL Met 7.0%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
3346	WB LINEBERRY, INC. POST OFFICE BOX 307 , CLIMAX, NC 27233		Sub 33,395.00 ✓
4898	WB BULLINGTON CONSTRUCTION INC 417 FOXGLOVE LANE , INDIAN TRAIL, NC 28079		Sub 26,812.50 ✓
2858	WB ACS PAVEMENT MARKING, INC. POST OFFICE BOX 480155 , CHARLOTTE, NC 282695300		Sub 106,123.50 ✓
3765	WB STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub 3,826.00 ✓
10201	WB D'S TRUCKING SERVICE INC PO BOX 1404 , INDIAN TRAIL, NC 28079		Sub 42,080.50 ✓
TOTAL:			\$212,237.50 ✓ 7.01% ✓

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: SNC09893265  
Surety Registry Agency: surety2000

NCDOT/berc

Vendor 3186's Load Output for Call 015, Letting L090519, 2009-05-19

Verified?: Yes

Surety Agency: Safeco Insurance Company of America

Bond Execution Date: 5/7/2009 4:54:08 PM

Bond Amount: \$151,322.76 (Five Percent of Bid)

State of NC  
 Dept of Transportation

Date: 04-21-09  
 Revised:

Contract ID: C202295 Project(s): STM-0218(9)  
 Letting Date: 05-19-09 Call Order: 015  
 Bidder: 3186 - Boggs Paving, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP			92,500.00
0002	0106000000-E BORROW EXCAVATION	CY	180.000	6.00000		1,080.00
0003	0318000000-E FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	TON	30.000	40.00000		1,200.00
0004	0366000000-E 15" RC PIPE CULVERTS, CLASS III	LF	16.000	50.00000		800.00
0005	0372000000-E 18" RC PIPE CULVERTS, CLASS III	LF	24.000	40.00000		960.00
0006	0378000000-E 24" RC PIPE CULVERTS, CLASS III	LF	12.000	55.00000		660.00
0007	1220000000-E INCIDENTAL STONE BASE	TON	3,275.000	33.00000		108,075.00
0008	1245000000-E SHOULDER RECONSTRUCTION	SMI	21.860	2,000.00000		43,720.00
0009	1264000000-E DITCHING	LF	2,000.000	1.00000		2,000.00
0010	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 4-1/2")	SY	1,600.000	5.50000		8,800.00

State of NC  
Dept of Transportation

Date: 04-21-09  
Revised:

Contract ID: C202295 Project(s): STM-0218(9)  
Letting Date: 05-19-09 Call Order: 015  
Bidder: 3186 - Boggs Paving, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1330000000-E INCIDENTAL MILLING	903.000 SY	3.25000		2,934.75	
0012	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	29,800.000 TON	26.00000		774,800.00	
0013	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	15,375.000 TON	29.50000		453,562.50	
0014	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,401.000 TON	388.00000		543,588.00	
0015	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	923.000 TON	388.00000		358,124.00	
0016	1704000000-E PATCHING EXISTING PAVEMENT	5,465.000 TON	75.00000		409,875.00	
0017	2253000000-E PIPE COLLARS	3.500 CY	750.00000		2,625.00	
0018	2612000000-E 6" CONCRETE DRIVEWAY	725.000 SY	38.00000		27,550.00	
0019	2830000000-N ADJUSTMENT OF MANHOLES	1.000 EA	400.00000		400.00	
0020	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	1.000 EA	400.00000		400.00	
0021	3030000000-E STEEL BM GUARDRAIL	800.000 LF	13.00000		10,400.00	
0022	3180000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** (III, MOD)	3.000 EA	1,600.00000		4,800.00	

State of NC  
Dept of Transportation

Date: 04-21-09  
Revised:

Contract ID: C202295 Project(s): STM-0218(9)  
Letting Date: 05-19-09 Call Order: 015  
Bidder: 3186 - Boggs Paving, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	7.000 EA	1,650.00000		11,550.00	
0024	3360000000-E REMOVE EXISTING GUARDRAIL	125.000 LF	0.50000		62.50	
0025	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		1,500.00	
0026	4685000000-E THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	118,000.000 LF	0.38000		44,840.00	
0027	4686000000-E THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	115,350.000 LF	0.41000		47,293.50	
0028	4710000000-E THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	400.000 LF	5.25000		2,100.00	
0029	4721000000-E THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	8.000 EA	90.00000		720.00	
0030	4810000000-E PAINT PAVEMENT MARKING LINES (4")	111,000.000 LF	0.07000		7,770.00	
0031	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	800.000 EA	4.25000		3,400.00	
0032	6000000000-E TEMPORARY SILT FENCE	200.000 LF	2.10000		420.00	
0033	6009000000-E STONE FOR EROSION CONTROL, CLASS B	500.000 TON	38.00000		19,000.00	

State of NC  
 Dept of Transportation

Date: 04-21-09  
 Revised:

Contract ID: C202295 Project(s): STM-0218(9)  
 Letting Date: 05-19-09 Call Order: 015  
 Bidder: 3186 - Boggs Paving, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0034	6012000000-E SEDIMENT CONTROL STONE	150.000 TON	37.00000		5,550.00	
0035	6036000000-E MATTING FOR EROSION CONTROL	1,500.000 SY	1.45000		2,175.00	
0036	6071010000-E WATTLE	2,800.000 LF	4.60000		12,880.00	
0037	6071020000-E POLYACRYLAMIDE (PAM)	30.000 LB	26.50000		795.00	
0038	6084000000-E SEEDING & MULCHING	11.000 ACR	1,595.00000		17,545.00	
Section 0001 Total						3,026,455.25
Bid Total						3,026,455.25

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 (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: C202295  
LETTING: L090519 CALL: 015  
VENDOR: 3186 Boggs Paving, Inc.

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

DBE SUBCONTRACTOR: 3346 LINEBERRY, INC.  
Will Use Quote: Yes

0035	6036000000-E	MATTING FOR	SY	1500.000	1.45000	2175.00
0036	6071010000-E	WATTLE	LF	2800.000	4.60000	12880.00
0037	6071020000-E	POLYACRYLAMI	LB	30.000	26.50000	795.00
0038	6084000000-E	SEEDING AND	ACR	11.000	1595.00000	17545.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 33,395.00 ✓  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 33,395.

DBE SUBCONTRACTOR: 4898 BULLINGTON CONSTRUCTION INC  
Will Use Quote: Yes

0021	3030000000-E	STL BM GUARD	LF	800.000	13.00000	10400.00
0022	3180000000-N	GR ANCHOR TY	EA	3.000	1600.00000	4800.00
0023	3270000000-N	GR ANCHOR TY	EA	7.000	1650.00000	11550.00
0024	3360000000-E	REMOVE EXIST	LF	125.000	0.50000	62.50

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 26,812.50 ✓  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 26,812.

DBE SUBCONTRACTOR: 2858 ACS PAVEMENT MARKING, INC.  
Will Use Quote: Yes

0026	4685000000-E	THERMO PVT M	LF	118000.000	0.38000	44840.00
0027	4686000000-E	THERMO PVT M	LF	115350.000	0.41000	47293.50
0028	4710000000-E	24"WIDE THER	LF	400.000	5.25000	2100.00
0029	4721000000-E	THERMO PVT M	EA	8.000	90.00000	720.00
0030	4810000000-E	PAINT PVMT M	LF	111000.000	0.07000	7770.00
0031	4900000000-N	PERM RAISED	EA	800.000	4.25000	3400.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 106,123.50 ✓  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 106,123

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

0001	0000100000-N	MOBILIZATION	LS	1.000	3826.00000	3826.00
		STATIONARY WORK	ZONE SIGNS			

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 3,826.00 ✓  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 3,826.0

DBE SUBCONTRACTOR: 10201 D'S TRUCKING SERVICE INC  
Will Use Quote: Yes



## Contract Item Sheets For C202295

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	92,500.00	92,500.00
0002	0106000000-E	230	BORROW EXCAVATION	180 CY	6.00	1,080.00
0003	0318000000-E	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRS	30 TON	40.00	1,200.00
0004	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	16 LF	50.00	800.00
0005	0372000000-E	310	18" RC PIPE CULVERTS, CLASS III	24 LF	40.00	960.00
0006	0378000000-E	310	24" RC PIPE CULVERTS, CLASS III	12 LF	55.00	660.00
0007	1220000000-E	545	INCIDENTAL STONE BASE	3,275 TON	33.00	108,075.00
0008	1245000000-E	SP	SHOULDER RECONSTRUCTION	21.86 SMI	2,000.00	43,720.00
0009	1264000000-E	SP	DITCHING	2,000 LF	1.00	2,000.00
0010	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 4-1/2")	1,600 SY	5.50	8,800.00
0011	1330000000-E	607	INCIDENTAL MILLING	903 SY	3.25	2,934.75
0012	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	29,800 TON	26.00	774,800.00
0013	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	15,375 TON	29.50	453,562.50
0014	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,401 TON	388.00	543,588.00
0015	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	923 TON	388.00	358,124.00
0016	1704000000-E	SP	PATCHING EXISTING PAVEMENT	5,465 TON	75.00	409,875.00
0017	2253000000-E	840	PIPE COLLARS	3.5 CY	750.00	2,625.00
0018	2612000000-E	848	6" CONCRETE DRIVEWAY	725 SY	38.00	27,550.00

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	2830000000-N	858	ADJUSTMENT OF MANHOLES	1 EA	400.00	400.00
0020	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	1 EA	400.00	400.00
0021	3030000000-E	862	STEEL BM GUARDRAIL	800 LF	13.00	10,400.00
0022	3180000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE ***** (III, MOD)	3 EA	1,600.00	4,800.00
0023	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	7 EA	1,650.00	11,550.00
0024	3360000000-E	863	REMOVE EXISTING GUARDRAIL	125 LF	0.50	62.50
0025	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	1,500.00	1,500.00
0026	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	118,000 LF	0.38	44,840.00
0027	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	115,350 LF	0.41	47,293.50
0028	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	400 LF	5.25	2,100.00
0029	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	8 EA	90.00	720.00
0030	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	111,000 LF	0.07	7,770.00
0031	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	800 EA	4.25	3,400.00
0032	6000000000-E	1605	TEMPORARY SILT FENCE	200 LF	2.10	420.00
0033	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	500 TON	38.00	19,000.00
0034	6012000000-E	1610	SEDIMENT CONTROL STONE	150 TON	37.00	5,550.00
0035	6036000000-E	1631	MATTING FOR EROSION CONTROL	1,500 SY	1.45	2,175.00

Contract Item Sheets For C202295

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0036	6071010000-E	SP	WATTLE	2,800 LF	4.60	12,880.00
0037	6071020000-E	SP	POLYACRYLAMIDE (PAM)	30 LB	26.50	795.00
0038	6084000000-E	1660	SEEDING & MULCHING	11 ACR	1,595.00	17,545.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$3,026,455.25 ✓

1040/May28/Q413442.36/D114526130000/E38

Contract Number C202295  
County UNION

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**

BOGGS PAVING, INC.

Full name of Corporation

PO BOX 1609, MONROE, NC 28111-1609

Address as Prequalified

Attest

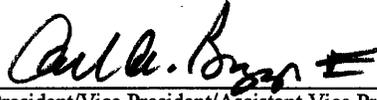


~~Secretary/Assistant Secretary~~  
Select appropriate title

GREG D. MILLER

Print or type Signer's name

By



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

CARL A. BOGGS, III

Print or type Signer's name

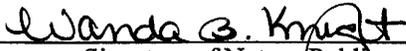
**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

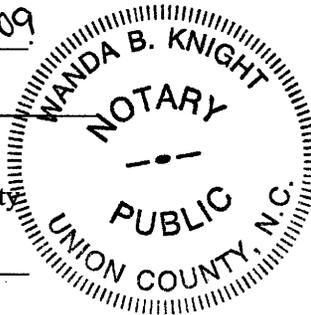
3rd day of June 2009

  
Signature of Notary Public

of UNION County

State of NORTH CAROLINA

My Commission Expires: 12/21/2011



## 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**     C202295

**County (ies):**   Union

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION

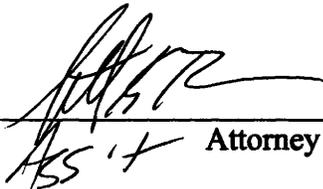


\_\_\_\_\_  
Contract Officer

6/9/09

\_\_\_\_\_  
Date

**Execution of Contract and Bonds**  
**Approved as to Form:**



\_\_\_\_\_  
Attorney General

Contract No. C202295  
County Union

Rev. 5-13-08

Bond No. 6578707

## CONTRACT PAYMENT BOND

Date of Payment Bond Execution: June 1, 2009

Name of Principal Contractor: Boggs Paving, Inc.

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 Twenty Six Thousand  
Four Hundred Fifty Five Dollars and 25/100 (\$3,026,455.25 )

Contract ID No.: C202295

County Name(s): Union

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. C202295

Rev 02-13-04

County Union

### CONTRACT PAYMENT BOND

*Affix Seal of Surety Company*

Safeco Insurance Company of America  
Print or type Surety Company Name



By Heidi K. Harrell  
Print, stamp or type name of Attorney-in-Fact

Heidi K. Harrell  
Signature of Attorney-in-Fact

Surety Phone  
No. 803.256.1193

Frances Burdette  
Signature of witness

Frances Burdette  
Print or type witness' name

1441 Main Street  
Columbia SC 29201  
Address of Attorney-in-Fact

Contract No. C202295

Rev 02-13-04

County Union

**CONTRACT PAYMENT BOND**

**CORPORATION**

**SIGNATURE OF CONTRACTOR (Principal)**

Boggs Paving, Inc.  
Print or type full name of Corporation

PO Box 1609                      Monroe                      NC 28111-1609  
Address as prequalified

By Carl A. Boggs III  
Signature of President, Vice President, Assistant Vice President  
*Delete inappropriate title*

CARL A. BOGGS, III  
Print or type signer's name

Attest Greg D. Miller  
Signature of Secretary, Assistant Secretary  
*Delete inappropriate title*

GREG D. MILLER  
Print or type signer's name

*Affix Corporate Seal*

Contract No. C202295  
County Union

Rev. 5-13-08

Bond No. 6578707

### CONTRACT PERFORMANCE BOND

Date of Contract Bond Execution June 1, 2009

Name of Principal Contractor: Boggs Paving, Inc.

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 Twenty Six Thousand ( Four Hundred Fifty Five Dollars and 25/100 ) \$3,026,455.25

Contract ID No.: C202295

County Name(s): Union

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 Number C202295  
County Union

Rev 02-13-04

### CONTRACT PERFORMANCE BOND

*Affix Seal of Surety Company*

Safeco Insurance Company of America  
Print or type Surety Company Name



By Heidi K. Harrell  
Attorney-in-Fact  
Print, stamp, or type name of Attorney-in Fact

*Heidi K. Harrell*  
Signature of Attorney-in-Fact

Surety Phone  
No. 803.256.1193

*Frances Burdette*  
Signature of witness

Frances Burdette  
Print or type witness' name

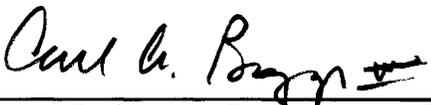
1441 Main Street  
Columbia SC 29201  
Address of Attorney-in-Fact

**CONTRACT PERFORMANCE BOND**  
**CORPORATION**

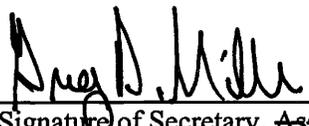
SIGNATURE OF CONTRACTOR (Principal)

Boggs Paving, Inc.  
Print full name of Corporation

PO Box 1609                      Monroe                      NC 28111-1609  
Address as prequalified

By   
Signature of President, Vice President, Assistant Vice President  
*Delete inappropriate title*

CARL A. BOGGS, III  
Print or type signer's name

Attest   
Signature of Secretary, Assistant Secretary  
*Delete inappropriate title*

GREG D. MILLER  
Print or type signer's name

*Affix Corporate Seal*

POWER  
OF ATTORNEY

KNOW ALL BY THESE PRESENTS:

No. \_\_\_\_\_

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

**Heidi K. Harrell** Columbia SC

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf the following surety bond:

Surety Bond Number: 6578707  
Principal: Boggs Paving, Inc.  
Obligee: North Carolina Department of Transportation  
Amount of Bond: See Bond Form

IN WITNESS WHEREOF, **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA** has executed and attested these presents

this 1st day of June, 2009

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

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

"Article 8, Section 8.1 1. - 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 corporation fidelity and surety bonds and other documents of similar character issued by the corporation 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 corporation, 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."

I, Dexter R. Legg, Secretary of **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA**, do hereby certify that the foregoing extracts of the By-Laws of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws 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 1st day of June, 2009



Dexter R. Legg, Secretary