

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

C202350

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202350

WBS 10CR.10131.10, 10CR.10131.11, 10CR.20131.43, 10CR.20131.44 STATE FUNDED

COUNTY OF CABARRUS  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER NC 3 LENGTH 4.450 MILES  
LOCATION 2 SECTIONS OF NC-3 AND 2 SECTIONS OF SECONDARY ROADS.

CONTRACTOR FEREBEE CORPORATION  
ADDRESS P.O. BOX 480066  
CHARLOTTE, NC 28269

BIDS OPENED JUNE 16, 2009  
CONTRACT EXECUTION JUL 06 2009

**Ferebee Corporation (3664).**

**Vendor 3 of 5 Vendors for Call Order 024 (Proposal ID C202350).**

County: CABARRUS  
Address: PO Box 480066  
Charlotte, NC 28269

Phone Number: 704-509-2586

Signature Check: This bid has been properly signed by Chris\_Ferebee\_3664.

Time Bid Received: Tue Jun 16 11:27:02 2009

Bid Checksum: D11C447F

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$790,330.50 ✓

Bond ID: SNC09385394

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$39,516.53

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 5/29/2009

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.

MBE GOAL SET 3.0%

MBE GOAL MET 3.0%

WBE GOAL SET 5.0%

WBE GOAL MET 8.9%



NCDOT/berc

Vendor 3664's Load Output for Call 024, Letting L090616, 2009-06-16

Bid Bond Data Info - Contractor Responses:

=====

BondID: SNC09385394  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Safeco Insurance Company of America  
Bond Execution Date: 5/29/2009  
Bond Amount: \$39,516.53 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 05-20-09  
Revised:

Contract ID: C202350 Project(s): STATE FUNDED  
Letting Date: 06-16-09 Call Order: 024  
Bidder: 3664 - Ferebee Corporation

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		8,000.00
0002	1220000000-E INCIDENTAL STONE BASE	TON	99.000	25.00000		2,475.00
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI	7.600	2,000.00000		15,200.00
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	58,889.000	1.00000		58,889.00
0005	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 1-1/2")	SY	700.000	1.00000		700.00
0006	1330000000-E INCIDENTAL MILLING	SY	425.000	3.50000		1,487.50
0007	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	1,631.000	31.70000		51,702.70
0008	1520000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B (LEVELING COURSE)	TON	480.000	33.70000		16,176.00
0009	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	6,742.000	31.35000		211,361.70
0010	1524000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C (LEVELING COURSE)	TON	1,061.000	34.25000		36,339.25

State of NC  
Dept of Transportation

Date: 05-20-09  
Revised:

Contract ID: C202350 Project(s): STATE FUNDED  
Letting Date: 06-16-09 Call Order: 024  
Bidder: 3664 - Ferebee Corporation

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	129.000 TON	370.00000		47,730.00	
0012	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	468.000 TON	390.00000		182,520.00	
0013	1704000000-E PATCHING EXISTING PAVEMENT	1,748.000 TON	50.00000		87,400.00	
0014	2800000000-N ADJUSTMENT OF CATCH BASINS	2.000 EA	550.00000		1,100.00	
0015	2830000000-N ADJUSTMENT OF MANHOLES	28.000 EA	270.00000		7,560.00	
0016	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	14.000 EA	150.00000		2,100.00	
0017	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	40,888.000 LF	0.40000		16,355.20	
0018	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	37,419.000 LF	0.44000		16,464.36	
0019	4695000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 90 MILS)	980.000 LF	1.00000		980.00	
0020	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	630.000 LF	5.00000		3,150.00	
0021	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	8.000 EA	90.00000		720.00	

State of NC  
 Dept of Transportation

Date: 05-20-09  
 Revised:

Contract ID: C202350 Project(s): STATE FUNDED  
 Letting Date: 06-16-09 Call Order: 024  
 Bidder: 3664 - Ferebee Corporation

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	4725000000-E THERMOPLAST IC PAVEMENT MARKINGSYMBOL (90 MILS)	62.000 EA	60.00000		3,720.00	
0023	4810000000-E PAINT PAVEMENT MARKING LINES (4")	28,839.000 LF	0.11000		3,172.29	
0024	4820000000-E PAINT PAVEMENT MARKING LINES (8")	880.000 LF	0.65000		572.00	
0025	4835000000-E PAINT PAVEMENT MARKING LINES (24")	580.000 LF	3.00000		1,740.00	
0026	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	8.000 EA	15.00000		120.00	
0027	4845000000-N PAINT PAVEMENT MARKING SYMBOL	58.000 EA	25.00000		1,450.00	
0028	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	1,213.000 EA	3.50000		4,245.50	
0029	6084000000-E SEEDING & MULCHING	4.600 ACR	1,500.00000		6,900.00	
Section 0001 Total					790,330.50	
Bid Total					790,330.50	✓

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED

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

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



AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

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

The Award Limits shall apply to the following projects:

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

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

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
 MBE COMMITMENT ITEMS

DATE: 05-20-09  
 PAGE: 6

PROPOSAL: C202350  
 LETTING: L090616 CALL: 024  
 VENDOR: 3664 Ferebee Corporation

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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MBE SUBCONTRACTOR: 5804 HOWDEL TRUCKING INC  
 Will Use Quote: Yes

0004	1297000000-E	MILL ASP PVM SY		58889.000	0.41000	24144.49
Bid based upon using MBE quoted hourly rate of \$55.00/Hour for total of						

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 24,144.49 *ARM*

TOTAL MBE COMMITMENT FOR VENDOR:	Entered:	3.05% or	24144.49
	Required:	3.00% or	23709.92
			<GOAL MET>

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
WBE COMMITMENT ITEMS

DATE: 05-20-09  
PAGE: 7

PROPOSAL: C202350  
LETTING: L090616 CALL: 024  
VENDOR: 3664 Ferebee Corporation

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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WBE SUBCONTRACTOR: 2858 ACS PAVEMENT MARKING, INC.  
Will Use Quote: Yes

0017	4685000000-E	THERMO PVT M LF		40888.000	0.40000	16355.20
0018	4686000000-E	THERMO PVT M LF		37419.000	0.44000	16464.36
0019	4695000000-E	THERMO PVT M LF		980.000	1.00000	980.00
0020	4710000000-E	24"WIDE THER LF		630.000	5.00000	3150.00
0021	4721000000-E	THERMO PVT M EA		8.000	90.00000	720.00
0022	4725000000-E	THERMO PVT S EA		62.000	60.00000	3720.00
0023	4810000000-E	PAINT PVMT M LF		28839.000	0.11000	3172.29
0024	4820000000-E	PAINT PVMT M LF		880.000	0.65000	572.00
0025	4835000000-E	PAINT PVT MK LF		580.000	3.00000	1740.00
0026	4840000000-N	PAINT PVT MK EA		8.000	15.00000	120.00
0027	4845000000-N	PAINT PVT MK EA		58.000	25.00000	1450.00
0028	4900000000-N	PERM RAISED EA		1213.000	3.50000	4245.50

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

52,689.35

ARM

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

0029	6084000000-E	SEEDING AND ACR		4.600	1500.00000	6900.00
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WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

6,900.00

ARM

WBE SUBCONTRACTOR: 2072 CAROLINA CAJUN CONCRETE, INC.  
Will Use Quote: Yes

0014	2800000000-N	ADJ CATCH BA EA		2.000	550.00000	1100.00
0015	2830000000-N	ADJ MANHOLES EA		28.000	270.00000	7560.00
0016	2845000000-N	ADJ METER OR EA		14.000	150.00000	2100.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

10,760.00

ARM

TOTAL WBE COMMITMENT FOR VENDOR:

Entered: 8.90% or 70349.35  
Required: 5.00% or 39516.53  
<GOAL MET>

## Contract Item Sheets For C202350

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	8,000.00	8,000.00
0002	1220000000-E	545	INCIDENTAL STONE BASE	99 TON	25.00	2,475.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	7.6 SMI	2,000.00	15,200.00
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	58,889 SY	1.00	58,889.00
0005	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 1-1/2")	700 SY	1.00	700.00
0006	1330000000-E	607	INCIDENTAL MILLING	425 SY	3.50	1,487.50
0007	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	1,631 TON	31.70	51,702.70
0008	1520000000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE S9.5B (LEVELING COURSE)	480 TON	33.70	16,176.00
0009	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	6,742 TON	31.35	211,361.70
0010	1524000000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE S9.5C (LEVELING COURSE)	1,061 TON	34.25	36,339.25
0011	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	129 TON	370.00	47,730.00
0012	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	468 TON	390.00	182,520.00
0013	1704000000-E	SP	PATCHING EXISTING PAVEMENT	1,748 TON	50.00	87,400.00
0014	2800000000-N	858	ADJUSTMENT OF CATCH BASINS	2 EA	550.00	1,100.00
0015	2830000000-N	858	ADJUSTMENT OF MANHOLES	28 EA	270.00	7,560.00
0016	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	14 EA	150.00	2,100.00
0017	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	40,888 LF	0.40	16,355.20

## Contract Item Sheets For C202350

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	37,419 LF	0.44	16,464.36
0019	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	980 LF	1.00	980.00
0020	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	630 LF	5.00	3,150.00
0021	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	8 EA	90.00	720.00
0022	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	62 EA	60.00	3,720.00
0023	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	28,839 LF	0.11	3,172.29
0024	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	880 LF	0.65	572.00
0025	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	580 LF	3.00	1,740.00
0026	4840000000-N	1205	PAINT PAVEMENT MARKING CHARACTER	8 EA	15.00	120.00
0027	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	58 EA	25.00	1,450.00
0028	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	1,213 EA	3.50	4,245.50
0029	6084000000-E	1660	SEEDING & MULCHING	4.6 ACR	1,500.00	6,900.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$790,330.50 ✓

Contract Number C202350  
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**

FEREBEE CORPORATION

Full name of Corporation

P.O. BOX 480066, CHARLOTTE, NC 28269

Address as Prequalified

Attest David B. Ferabee  
Secretary/~~Assistant Secretary~~  
Select appropriate title

DAVID B. FEREBEE

Print or type Signer's name

By Chris Ferabee  
President/~~Vice President/Assistant Vice President~~  
Select appropriate title

CHRIS FEREBEE

Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

29<sup>th</sup> day of JUNE 2009.

Chris J. [Signature]  
Signature of Notary Public

of CABARRUS County

State of NORTH CAROLINA

My Commission Expires: JUNE 8, 2014

## 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**     **C202350**

**County (ies):**   **Cabarrus**

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION



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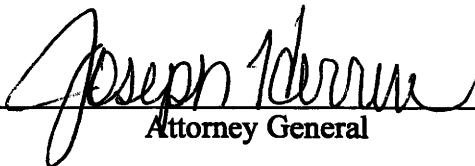
Contract Officer

7/6/09

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Date

Execution of Contract and Bonds  
Approved as to Form:



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Attorney General

Contract No. C202350

(Rev 7-10-08)

County Cabarrus

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution: June 24, 2009

Name of Principal Contractor: Ferebee Corporation

Name of Surety: Safeco Insurance Company of America

Name of Contracting Body: North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond: \$790,330.50

Contract ID No.: C202350

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. C202350  
County Cabarrus

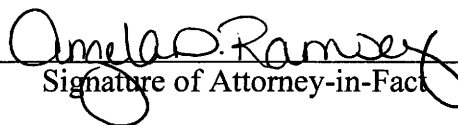
(Rev 7-10-08)


### CONTRACT PAYMENT BOND

*Affix Seal of Surety Company*

Safeco Insurance Company of America  
Print or type Surety Company Name

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

  
Signature of Attorney-in-Fact

  
Signature of Witness

Wendy E. Lahm  
Print or type Witness's name

c/o Wachovia Insurance Services  
P.O. Box 220748, Charlotte, NC 28222-0748  
Address of Attorney-in-Fact

Contract No. C202350  
County Cabarrus

(Rev 7-10-08)


**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)


Ferebee Corporation  
Full name of Corporation

P.O. Box 480066, Charlotte, NC 28269  
Address as prequalified

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

Chris Ferebee  
Print or type Signer's name

*Affix Corporate Seal*

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

DAVID B. Ferebee  
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

T. Mikolajewski

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 24th day of June, 2009



Dexter R. Legg

Dexter R. Legg, Secretary

Contract No. C202350

(Rev 7-10-08)

County Cabarrus

### CONTRACT PERFORMANCE BOND

Date of Payment Bond Execution: June 24, 2009

Name of Principal Contractor: Ferebee Corporation

Name of Surety: Safeco Insurance Company of America

Name of Contracting Body: North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond: \$790,330.50

Contract ID No.: C202350

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 agreement 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. C202350  
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  
Print, stamp, or type name of Attorney-in-Fact

Angela D. Ramsey  
Signature of Attorney-in-Fact

Wendy E. Lahm  
Signature of Witness

Wendy E. Lahm  
Print or type Witness's name

c/o Wachovia Insurance Services  
P.O. Box 220748, Charlotte, NC 28222-0748  
Address of Attorney-in-Fact

Contract No. C202350  
County Cabarrus

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**

**CORPORATION**


SIGNATURE OF CONTRACTOR (Principal)

Ferebee Corporation

Full name of Corporation


P.O. Box 480066, Charlotte, NC 28269

Address as prequalified

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

Crisis Ferebee  
Print or type Signer's name

*Affix Corporate Seal*

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

David B Ferebee  
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

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T. Mikolajewski

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

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this 24th day of June 2009



Dexter R. Legg

Dexter R. Legg, Secretary