

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

C202313

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202313

WBS 45035.3.ST1, 45047.3.ST1, 45069.3.ST1, 45070.3.ST1, 45071.3.ST1 STM-1004(39),  
STM-0098(25), STM-1321(5), STM-1978(3), STM-0501(14)

T.I.P NO. R-5135, U-5122, U-5127, U-5124, U-5126

COUNTY OF DURHAM

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER US 501 LENGTH 16.620 MILES

LOCATION 1 SECTION OF US-501 BYPASS, 1 SECTION OF NC-98 & 3 SECTIONS  
OF SECONDARY ROADS.

CONTRACTOR BARNHILL CONTRACTING COMPANY

ADDRESS P.O. BOX 1529

TARBORO, NC 278861529

BIDS OPENED JUNE 16, 2009

CONTRACT EXECUTION JUL 13 2009

**Barnhill Contracting Company (3516).**

**Vendor 1 of 5 Vendors for Call Order 012 (Proposal ID C202313).**

County: DURHAM  
Address: 4325 Pleasant Valley Road  
Raleigh, North Carolina 27612

Phone Number: 919-785-9162

Signature Check: This bid has been properly signed by Chris\_Stroud\_3516.

Time Bid Received: Tue Jun 16 13:38:17 2009

Bid Checksum: 597816D2

Amendment Count: 0

Bidding Errors: No bidding errors. ✓

Bid Total: \$3,611,898.13 ✓

Bond ID: KJ6Q-JLN4-GL31-9U56

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$180,594.91

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 6/16/2009

Surety Name: Travelers Casualty and Surety Company of Ame

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
2501	B. L. DOCKERY TRUCKING 1313 SAVANNAH DRIVE , RALEIGH, NC 27610		Sub 58,646.88
2653	BROWE CONSTRUCTION CO., INC. POST OFFICE BOX 1499 , CLAYTON, NC 27520		Sub 118,200.00
3765	STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sup 19,727.25
5423	NICKERSON TRANSPORT INC P.O. BOX 91622 , RALEIGH, NC 27675		Sub 64,583.20
TOTAL:			\$253,266.43 7.01%

Miscellaneous Data Info - Contractor Responses:

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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: KJ6Q-JLN4-GL31-9U56  
Surety Registry Agency: SurePathNetwork  
Verified?: Yes  
Surety Agency: Travelers Casualty and Surety Company of America

NCDOT/berc

Vendor 3516's Load Output for Call 012, Letting L090616, 2009-06-16

Bond Execution Date: 6/16/2009

Bond Amount: \$180,594.91 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 05-20-09  
Revised:

Contract ID: C202313 Project(s): STM-1004(39)  
Letting Date: 06-16-09 Call Order: 012  
Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars   Cts	Bid Amount Dollars   Ct
Section 0001 ROADWAY ITEMS				
Alt Group				
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP	72,000.00
0002	1220000000-E INCIDENTAL STONE BASE	525.000 TON	45.00000	23,625.00
0003	1245000000-E SHOULDER RECONSTRUCTION	21.000 SMI	4,315.00000	90,615.00
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	47,536.000 SY	0.92000	43,733.12
0005	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (1-1/2" TO 3")	157,520.000 SY	1.29000	203,200.80
0006	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (2" TO 2-1/2")	16,133.000 SY	1.51000	24,360.83
0007	1330000000-E INCIDENTAL MILLING	3,000.000 SY	3.80000	11,400.00
0008	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	8,519.000 TON	30.85000	262,811.15
0009	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	1,931.000 TON	33.70000	65,074.70
0010	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	16,800.000 TON	27.80000	467,040.00

State of NC  
Dept of Transportation

Date: 05-20-09  
Revised:

Contract ID: C202313 Project(s): STM-1004(39)  
Letting Date: 06-16-09 Call Order: 012  
Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1520000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B (LEVELING COURSE)	2,000.000 TON	28.20000		56,400.00	
0012	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	14,586.000 TON	27.50000		401,115.00	
0013	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,595.000 TON	335.80000		535,601.00	
0014	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	875.000 TON	335.80000		293,825.00	
0015	1704000000-E PATCHING EXISTING PAVEMENT	6,635.000 TON	81.70000		542,079.50	
0016	2830000000-N ADJUSTMENT OF MANHOLES	163.000 EA	620.00000		101,060.00	
0017	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	34.000 EA	620.00000		21,080.00	
0018	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		71,260.00	
0019	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	158,828.000 LF	0.36000		57,178.08	
0020	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	168,950.000 LF	0.49000		82,785.50	
0021	4695000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 90 MILS)	1,250.000 LF	1.25000		1,562.50	

State of NC  
 Dept of Transportation

Date: 05-20-09  
 Revised:

Contract ID: C202313  
 Letting Date: 06-16-09 Call Order: 012  
 Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	4,223.000 LF	1.25000		5,278.75	
0023	4705000000-E THERMOPLAST IC PAVEMENT MARKING LINES (16", 120 MILS)	86.000 LF	4.00000		344.00	
0024	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	2,152.000 LF	5.00000		10,760.00	
0025	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	36.000 EA	50.00000		1,800.00	
0026	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	329.000 EA	63.50000		20,891.50	
0027	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	2,367.000 EA	2.50000		5,917.50	
0028	6084000000-E SEEDING & MULCHING	12.600 ACR	1,500.00000		18,900.00	
0029	7444000000-E INDUCTIVE LOOP SAWCUT	34,540.000 LF	3.48000		120,199.20	
	Section 0001 Total				3,611,898.13	
	Bid Total				3,611,898.13	

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: 05-20-09  
PAGE: 6

PROPOSAL: C202313  
LETTING: L090616 CALL: 012  
VENDOR: 3516 Barnhill Contracting Company

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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DBE SUBCONTRACTOR: 2501 B. L. DOCKERY TRUCKING  
Will Use Quote: Yes

0008	1489000000-E	ASP CONC BAS	TON	8519.000	1.18000	10052.42
0009	1498000000-E	ASP CONC INT	TON	1931.000	1.18000	2278.58
0010	1519000000-E	ASP CONC SUR	TON	16800.000	1.18000	19824.00
0011	1520000000-E	ASP CONC SUR	TON	2000.000	1.19000	2380.00
0012	1523000000-E	ASP CONC SUR	TON	14586.000	1.18000	17211.48
0015	1704000000-E	PATCHING EXI	TON	6635.000	1.04000	6900.40

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 58,646.88 *ARM*  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 58,646.

DBE SUBCONTRACTOR: 2653 BROWE CONSTRUCTION CO., INC.  
Will Use Quote: Yes

0016	2830000000-N	ADJ MANHOLES	EA	163.000	600.00000	97800.00
0017	2845000000-N	ADJ METER OR	EA	34.000	600.00000	20400.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 118,200.00 *ARM*  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 118,200

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

0018	4589000000-N	GENERIC TRAF	LS	1.000	19727.25000	19727.25
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 19,727.25 *ARM*  
DBE COMMITMENT TOTAL FOR VENDOR ( Supplier ) \$11,836

DBE SUBCONTRACTOR: 5423 NICKERSON TRANSPORT INC  
Will Use Quote: Yes

0005	1308000000-E	MILLN ASPHAL	SY	157520.000	0.41000	64583.20
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 64,583.20 *ARM*  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 64,583.

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 7.01% or 253266.43  
Required: 7.00% or 252832.87  
<GOAL MET>

## Contract Item Sheets For C202313

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	72,000.00	72,000.00
0002	1220000000-E	545	INCIDENTAL STONE BASE	525 TON	45.00	23,625.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	21 SMI	4,315.00	90,615.00
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	47,536 SY	0.92	43,733.12
0005	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO *****" DEPTH (1-1/2" TO 3")	157,520 SY	1.29	203,200.80
0006	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO *****" DEPTH (2" TO 2-1/2")	16,133 SY	1.51	24,360.83
0007	1330000000-E	607	INCIDENTAL MILLING	3,000 SY	3.80	11,400.00
0008	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	8,519 TON	30.85	262,811.15
0009	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	1,931 TON	33.70	65,074.70
0010	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	16,800 TON	27.80	467,040.00
0011	1520000000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE S9.5B (LEVELING COURSE)	2,000 TON	28.20	56,400.00
0012	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	14,586 TON	27.50	401,115.00
0013	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,595 TON	335.80	535,601.00
0014	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	875 TON	335.80	293,825.00
0015	1704000000-E	SP	PATCHING EXISTING PAVEMENT	6,635 TON	81.70	542,079.50
0016	2830000000-N	858	ADJUSTMENT OF MANHOLES	163 EA	620.00	101,060.00

## Contract Item Sheets For C202313

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	34 EA	620.00	21,080.00
0018	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	71,260.00	71,260.00
0019	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	158,828 LF	0.36	57,178.08
0020	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	168,950 LF	0.49	82,785.50
0021	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	1,250 LF	1.25	1,562.50
0022	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	4,223 LF	1.25	5,278.75
0023	4705000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (16", 120 MILS)	86 LF	4.00	344.00
0024	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	2,152 LF	5.00	10,760.00
0025	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	36 EA	50.00	1,800.00
0026	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	329 EA	63.50	20,891.50
0027	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	2,367 EA	2.50	5,917.50
0028	6084000000-E	1660	SEEDING & MULCHING	12.6 ACR	1,500.00	18,900.00
0029	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	34,540 LF	3.48	120,199.20

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$3,611,898.13

**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**

BARNHILL CONTRACTING COMPANY

Full name of Corporation

PO Box 1529 TARBORO, NC 27886-1529

Address as Prequalified

Attest

*Bob Rush*  
~~Secretary~~/Assistant Secretary

Select appropriate title

Bob Rush

Print or type Signer's name

By

*Chris Stroud*  
~~President~~/Vice President/Assistant Vice President

Select appropriate title

Chris Stroud

Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

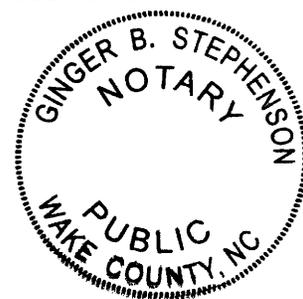
6<sup>th</sup> day of July 2009

*Ginger B. Stephenson*  
Signature of Notary Public

of Wake County

State of North Carolina

My Commission Expires: 3/23/2011



## 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.

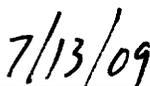
**Contract No**      **C202313**

**County (ies):**    **Durham**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**

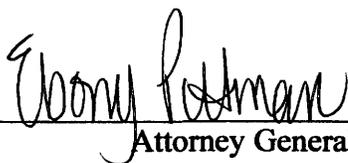


\_\_\_\_\_  
**Contract Officer**



\_\_\_\_\_  
**Date**

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



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

## CONTRACT PAYMENT BOND

Date of Payment

Bond Execution:

June 24th, 2009

Name of Principal:

Contractor

BARNHILL CONTRACTING COMPANY

4325 PLEASANT VALLEY ROAD,

Name of Surety:

TRAVELERS CASUALTY AND SURETY COMPANY OF  
AMERICA

3710 UNIVERSITY DRIVE, SUITE 340, DURHAM, NC 27707

Name of Contracting Body:

RALEIGH, NC 27611-5201

Amount of Bond:

\$ 3,611,898.13

THREE MILLION SIX HUNDRED ELEVEN THOUSAND EIGHT HUNDRED NINETY EIGHT AND 13/100

Contract ID No.:

C202313

County Name:

DURHAM

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereinafter, 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-bounden 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 C202313  
County DURHAM

Rev 07-10-08

## CONTRACT PAYMENT BOND

*Affix Seal of Surety Company*

**TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA**

Print or type Surety Company Name

By **H. THOMAS DAWKINS**

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



Signature of Attorney-in-Fact

  
Signature of Witness

Pat Griggs

Print or type Witness's name

**P. O. BOX 6054**

**Charlotte, NC 28207-0000**

Address of Attorney-in-Fact

Contract No. C202313  
County DURHAM

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

BARNHILL CONTRACTING COMPANY

Full name of Corporation

PO Box 1529 TARBORO, NC 27886-1529

Address as prequalified

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

Chris Stroud  
Print or type Signer's name

*Affix Corporate Seal*

Attest Bob Rush  
Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

Bob Rush  
Print or type Signer's name

BOND NO. 105213383

**CONTRACT PERFORMANCE BOND**

Date of Performance

Bond Execution: June 24th, 2009

Name of Principal:

Contractor

BARNHILL CONTRACTING COMPANY  
4325 PLEASANT VALLEY ROAD, RALEIGH, NC 27612

Name of Surety:

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA  
3710 UNIVERSITY DRIVE, SUITE 340, DURHAM, NC 27707

Name of Contracting Body:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
RALEIGH, NC 27611-5201

Amount of Bond:

\$ 3,611,898.13

THREE MILLION SIX HUNDRED ELEVEN THOUSAND EIGHT HUNDRED NINETY EIGHT AND 13/100

Contract ID No.:

C202313

County Name(s):

DURHAM

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 PERFORMANCE BOND

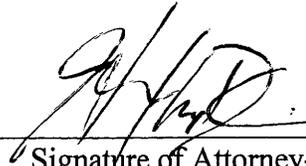
*Affix Seal of Surety Company*

**TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA**

Print or type Surety Company Name

By **H. THOMAS DAWKINS**

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



\_\_\_\_\_  
Signature of Attorney-in-Fact

  
\_\_\_\_\_  
Signature of Witness

Pat Griggs

Print or type Witness' name

**P. O. BOX 6054**

**Charlotte, NC 28207-0000**

Address of Attorney-in-Fact

Contract No. C202313  
County DURHAM

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

BARNHILL CONTRACTING COMPANY

\_\_\_\_\_  
Full name of Corporation

PO Box 1529 TARBORO, NC 27886-1529

\_\_\_\_\_  
Address as prequalified

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

Chris Stroud

\_\_\_\_\_  
Print or type Signer's name

*Affix Corporate Seal*

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

Bob Rush

\_\_\_\_\_  
Print or type Signer's name



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 219366

Certificate No. 002616975

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

H. Thomas Dawkins, and Anissa A. Millen

of the City of Charlotte, State of North Carolina, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 28th day of November, 2007.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 28th day of November, 2007, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal. My Commission expires the 30th day of June, 2011.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 24th day of June, 2009

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

*Kori M. Johanson*  
Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.travelersbond.com](http://www.travelersbond.com). Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.