

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

C202245

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202245

WBS 10CR.10601.22, 10CR.10601.23, 10CR.10601.24, 10CR.10601.25, 10CR.10601.26,  
10CR.10601.27, 10CR.10601.28, 10CR.10601.29, 10CR.20601.59, 10CR.20601.61,  
10CR.20601.62, 10CR.20601.63, 10CR.20601.65, 10CR.20601.66 STATE FUNDED

COUNTY OF MECKLENBURG  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER US 29 LENGTH 20.280 MILES  
LOCATION 2 SECTIONS OF US-29/NC-49 AND NC-51, 1 SECTION OF NC-49,  
NC-24/27, NC-24, NC-27, AND 6 SECTIONS OF SECONDARY ROADS.

CONTRACTOR REA CONTRACTING LLC  
ADDRESS P.O. BOX 32487  
CHARLOTTE, NC 28232

BIDS OPENED JUNE 16, 2009  
CONTRACT EXECUTION JUL 13 2009

**Rea Contracting LLC (4421).**

**Vendor 3 of 3 Vendors for Call Order 025 (Proposal ID C202245).**

County: MECKLENBURG

Address: PO Box 32487

Charlotte, NC 28232

Phone Number: 704-553-6500

Signature Check: This bid has been properly signed by Carey\_K.\_Tate\_4421.

Time Bid Received: Tue Jun 16 09:38:25 2009

Bid Checksum: 22E955BE

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$4,817,503.05 ✓

Bond ID: SNC09954197

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$240,875.15

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 6/3/2009 10:26:03 AM

Surety Name: Fidelity And Deposit Company of Maryland

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

MBE GOAL SET 3.0%<sup>070</sup>

MBE GOAL MET 3.1%<sup>070</sup>

WBE GOAL SET 5.0%<sup>070</sup>

WBE GOAL MET 6.0%<sup>070</sup>

LIST OF MBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
1956	HAZEL HOLMES TRUCKING, INC. P. O. BOX 667565 , CHARLOTTE, NC 28266		Sub 151,101.00
TOTAL:			\$151,101.00 3.14%

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
2858	ACS PAVEMENT MARKING, INC. POST OFFICE BOX 480155 , CHARLOTTE, NC 282695300		Sub 287,486.70
TOTAL:			\$287,486.70 5.97%

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:  
=====

NCDOT/berc

Vendor 4421's Load Output for Call 025, Letting L090616, 2009-06-16

BondID: SNC09954197  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Fidelity And Deposit Company of Maryland  
Bond Execution Date: 6/3/2009 10:26:03 AM  
Bond Amount: \$240,875.15 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 05-20-09  
Revised:

Contract ID: C202245  
Letting Date: 06-16-09 Call Order: 025  
Bidder: 4421 - Rea Contracting LLC

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			15,000.00
0002	0057000000-E UNDERCUT EXCAVATION	CY	300.000	8.00000		2,400.00
0003	0106000000-E BORROW EXCAVATION	CY	300.000	22.00000		6,600.00
0004	1220000000-E INCIDENTAL STONE BASE	TON	600.000	35.00000		21,000.00
0005	1243000000-E SHOULDER CONSTRUCTION	SMI	0.800	7,000.00000		5,600.00
0006	1245000000-E SHOULDER RECONSTRUCTION	SMI	17.990	3,800.00000		68,362.00
0007	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	274,248.000	1.35000		370,234.80
0008	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (4")	SY	14,667.000	2.75000		40,334.25
0009	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 1-1/2")	SY	10,285.000	1.50000		15,427.50
0010	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (1-1/2" TO 4")	SY	1,250.000	5.25000		6,562.50

State of NC  
 Dept of Transportation  
 Contract ID: C202245  
 Letting Date: 06-16-09 Call Order: 025  
 Bidder: 4421 - Rea Contracting LLC

Date: 05-20-09  
 Revised:

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1330000000-E INCIDENTAL MILLING	885.000 SY	10.00000		8,850.00	
0012	1491000000-E ASPHALT CONC BASE COURSE, TYPE B25.0C	622.000 TON	45.00000		27,990.00	
0013	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	2,213.000 TON	38.00000		84,094.00	
0014	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	39,505.000 TON	38.00000		1,501,190.00	
0015	1524000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C (LEVELING COURSE)	5,009.000 TON	39.00000		195,351.00	
0016	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	132.000 TON	380.00000		50,160.00	
0017	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	2,696.000 TON	380.00000		1,024,480.00	
0018	1704000000-E PATCHING EXISTING PAVEMENT	11,230.000 TON	75.00000		842,250.00	
0019	2800000000-N ADJUSTMENT OF CATCH BASINS	4.000 EA	1,200.00000		4,800.00	
0020	2830000000-N ADJUSTMENT OF MANHOLES	86.000 EA	625.00000		53,750.00	
0021	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	57.000 EA	475.00000		27,075.00	

State of NC  
Dept of Transportation

Date: 05-20-09  
Revised:

Contract ID: C202245      Project(s): STATE FUNDED  
Letting Date: 06-16-09    Call Order: 025  
Bidder: 4421 - Rea Contracting LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP			105,000.00
0023	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	154,415.000 LF	0.45000			69,486.75
0024	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	226,650.000 LF	0.50000			113,325.00
0025	4695000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 90 MILS)	2,920.000 LF	1.35000			3,942.00
0026	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	21,530.000 LF	1.35000			29,065.50
0027	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	1,722.000 LF	6.50000			11,193.00
0028	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	52.000 EA	85.00000			4,420.00
0029	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	262.000 EA	70.00000			18,340.00
0030	4810000000-E PAINT PAVEMENT MARKING LINES (4")	168,070.000 LF	0.15000			25,210.50
0031	4835000000-E PAINT PAVEMENT MARKING LINES (24")	1,112.000 LF	2.75000			3,058.00
0032	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	3,661.000 EA	4.25000			15,559.25

State of NC  
 Dept of Transportation

Date: 05-20-09  
 Revised:

Contract ID: C202245 Project(s): STATE FUNDED  
 Letting Date: 06-16-09 Call Order: 025  
 Bidder: 4421 - Rea Contracting LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0033	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	264.000 EA	28.00000		7,392.00	
0034	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		22,000.00	
0035	6000000000-E TEMPORARY SILT FENCE	1,600.000 LF	2.00000		3,200.00	
0036	6084000000-E SEEDING & MULCHING	7.400 ACR	2,000.00000		14,800.00	
Section 0001 Total						4,817,503.05
Bid Total						4,817,503.05

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  
 MBE COMMITMENT ITEMS

DATE: 05-20-09  
 PAGE: 7

PROPOSAL: C202245  
 LETTING: L090616 CALL: 025  
 VENDOR: 4421 Rea Contracting LLC

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
-----						
MBE SUBCONTRACTOR: 1956 HAZEL HOLMES TRUCKING, INC.						
Will Use Quote: Yes						
0007	1297000000-E	MILL ASP PVM SY		119050.000	0.42000	50001.00
		Partial-Portion Hauling Only @ \$/Hr Rate				
0018	1704000000-E	PATCHING EXI TON		7000.000	8.00000	56000.00
		Partial-Portion, Hauling Only @ Hourly Rates				
0014	1523000000-E	ASP CONC SUR TON		8200.000	5.50000	45100.00
		Partial-Portion, Hauling Only @ Hourly Rates				

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 151,101.00 *✓ARM*

TOTAL MBE COMMITMENT FOR VENDOR: Entered: 3.14% or 151101.00  
 Required: 3.00% or 144525.09  
 <GOAL MET>

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
WBE COMMITMENT ITEMS

DATE: 05-20-09  
PAGE: 8

PROPOSAL: C202245  
LETTING: L090616 CALL: 025  
VENDOR: 4421 Rea Contracting LLC

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
WBE SUBCONTRACTOR: 2858 ACS PAVEMENT MARKING, INC.						
Will Use Quote: Yes						
0023	4685000000-E	THERMO PVT M LF		154415.000	0.44000	67942.60
0024	4686000000-E	THERMO PVT M LF		226650.000	0.49000	111058.50
0025	4695000000-E	THERMO PVT M LF		2920.000	1.25000	3650.00
0026	4697000000-E	THERMO PVT M LF		21530.000	1.25000	26912.50
0027	4710000000-E	24"WIDE THER LF		1722.000	6.00000	10332.00
0028	4721000000-E	THERMO PVT M EA		52.000	80.00000	4160.00
0029	4725000000-E	THERMO PVT S EA		262.000	65.00000	17030.00
0030	4810000000-E	PAINT PVMT M LF		168070.000	0.13000	21849.10
0031	4835000000-E	PAINT PVT MK LF		1112.000	2.50000	2780.00
0032	4900000000-N	PERM RAISED EA		3661.000	4.00000	14644.00
0033	4905000000-N	SNOWPLB PVMT EA		264.000	27.00000	7128.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

287,486.70 *KARM*

TOTAL WBE COMMITMENT FOR VENDOR:

Entered: 5.97% or 287486.70  
Required: 5.00% or 240875.15  
<GOAL MET>

## Contract Item Sheets For C202245

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	15,000.00	15,000.00
0002	0057000000-E	226	UNDERCUT EXCAVATION	300 CY	8.00	2,400.00
0003	0106000000-E	230	BORROW EXCAVATION	300 CY	22.00	6,600.00
0004	1220000000-E	545	INCIDENTAL STONE BASE	600 TON	35.00	21,000.00
0005	1243000000-E	SP	SHOULDER CONSTRUCTION	0.8 SMI	7,000.00	5,600.00
0006	1245000000-E	SP	SHOULDER RECONSTRUCTION	17.99 SMI	3,800.00	68,362.00
0007	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	274,248 SY	1.35	370,234.80
0008	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (4")	14,667 SY	2.75	40,334.25
0009	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 1-1/2")	10,285 SY	1.50	15,427.50
0010	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (1-1/2" TO 4")	1,250 SY	5.25	6,562.50
0011	1330000000-E	607	INCIDENTAL MILLING	885 SY	10.00	8,850.00
0012	1491000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0C	622 TON	45.00	27,990.00
0013	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	2,213 TON	38.00	84,094.00
0014	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	39,505 TON	38.00	1,501,190.00
0015	1524000000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE S9.5C (LEVELING COURSE)	5,009 TON	39.00	195,351.00
0016	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	132 TON	380.00	50,160.00

Contract Item Sheets For C202245

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	2,696 TON	380.00	1,024,480.00
0018	1704000000-E	SP	PATCHING EXISTING PAVEMENT	11,230 TON	75.00	842,250.00
0019	2800000000-N	858	ADJUSTMENT OF CATCH BASINS	4 EA	1,200.00	4,800.00
0020	2830000000-N	858	ADJUSTMENT OF MANHOLES	86 EA	625.00	53,750.00
0021	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	57 EA	475.00	27,075.00
0022	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	105,000.00	105,000.00
0023	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	154,415 LF	0.45	69,486.75
0024	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	226,650 LF	0.50	113,325.00
0025	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	2,920 LF	1.35	3,942.00
0026	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	21,530 LF	1.35	29,065.50
0027	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	1,722 LF	6.50	11,193.00
0028	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	52 EA	85.00	4,420.00
0029	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	262 EA	70.00	18,340.00
0030	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	168,070 LF	0.15	25,210.50
0031	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	1,112 LF	2.75	3,058.00
0032	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	3,661 EA	4.25	15,559.25
0033	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	264 EA	28.00	7,392.00

## Contract Item Sheets For C202245

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0034	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	22,000.00	22,000.00
0035	6000000000-E	1605	TEMPORARY SILT FENCE	1,600 LF	2.00	3,200.00
0036	6084000000-E	1660	SEEDING & MULCHING	7.4 ACR	2,000.00	14,800.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$4,817,503.05 ✓

0805/Jun25/Q946376.19/D104053100000/E36

**EXECUTION OF CONTRACT  
NON-COLLUSION AFFIDAVIT AND DEBARMENT CERTIFICATION  
LIMITED LIABILITY COMPANY**

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**

Rea Contracting LLC

Full Name of Firm

P.O. Box 32487, Charlotte, NC 28232

Address as Prequalified

Mary Kelly  
Witness's Signature

Mary Kelly

Print or type Witness's name

Signature of Manager

Daniel J. Borucki  
Individually

Daniel J. Borucki

Print or type Signer's Name

**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the

6th day of July 2009

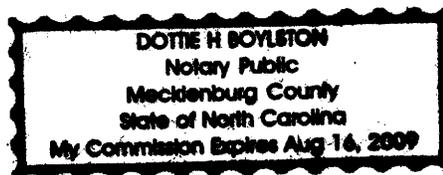
Dotie H. Boylston  
Signature of Notary Public

of Mecklenburg County

State of North Carolina

My Commission Expires: 8-16-09

**NOTARY SEAL**



## 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**     **C202245**

**County (ies):**   **Mecklenburg**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**



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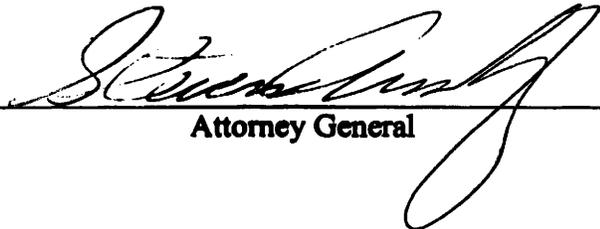
**Contract Officer**

7/13/09

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**Date**

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



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**Attorney General**

Contract No. C202245  
County Mecklenburg

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**

Date of Payment Bond Execution June 29, 2009

Name of Principal Contractor Rea Contracting LLC

Name of Surety: Fidelity and Deposit Company of Maryland / Federal Insurance Company

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

**Raleigh, North Carolina**

Amount of Bond: \$4,817,503.05 Four Million Eight Hundred Seventeen Thousand Five Hundred Three Dollars and 00/100

Contract ID No.: C202245

County Name: Mecklenburg

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. C202245  
County Mecklenburg

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**

**LIMITED LIABILITY COMPANY**

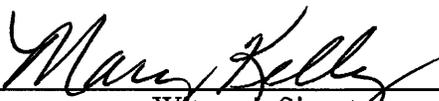
SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor Rea Contracting LLC  
Full name of Firm

P.O. Box 32487, Charlotte, NC 28232  
Address as prequalified

Signature of Manager   
Individually

Daniel J. Borucki  
Print or type Signer's name

  
Witness's Signature

Mary Kelly  
Print or type Witness's name

Contract No. C202245  
County Mecklenburg

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**

Date of Performance Bond Execution: June 29, 2009

Name of Principal Contractor: Rea Contracting LLC

Name of Surety: Fidelity and Deposit Company of Maryland / Federal Insurance Company

Name of Contracting Body: North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond: \$4,817,503.05 Four Million Eight Hundred Seventeen  
Thousand Five Hundred Three Dollars and 05/100

Contract ID No.: C202245

County Name: Mecklenburg

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Contract No. C202245  
County Mecklenburg

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

Fidelity and Deposit Company of Maryland / Federal Insurance Company  
Print or type Surety Company Name

By Christina Williams  
Print, stamp or type name of Attorney-in-Fact

By:   
Signature of Attorney-in-Fact

  
Signature of Witness

Tammy Quiles  
Print or type Witness's name

60 State Street, Suite 600

Boston, MA 02109  
Address of Attorney-in-Fact

Contract No. C202245

(Rev 7-10-08)

County Mecklenburg

**CONTRACT PERFORMANCE BOND**

**LIMITED LIABILITY COMPANY**

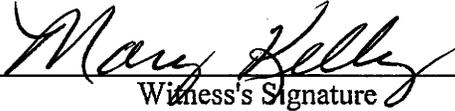
SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor Rea Contracting LLC  
Full name of Firm

P.O. Box 32487, Charlotte, NC 28232  
Address as prequalified

Signature of Manager   
Individually

Daniel J. Borucki  
Print or type Signer's name

  
Witness's Signature

Mary Kelly  
Print or type Witness's Name

**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations of the State of Maryland, by WILLIAM J. MILLS, Vice President, and GERALD F. HALEY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint ~~Gary J. GIULIETTI, John P. BRUNO, Holly L. LYNCH, Christina WILLIAMS and Tammy QUILS, all of Farmington, Connecticut, EACH~~ its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: ~~any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Gary J. GIULIETTI, Elizabeth A. RUSSELL, John P. BRUNO, Holly L. LYNCH, Christina WILLIAMS, Tammy QUILS, dated March 10, 2008.~~

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 8th day of October, A.D. 2008.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**



*Gerald F. Haley*

*Gerald F. Haley* Assistant Secretary

*William J. Mills*

By: *William J. Mills* Vice President

State of Maryland }  
City of Baltimore } ss:

On this 8th day of October, A.D. 2008, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and GERALD F. HALEY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Constance A. Dunn*

*Constance A. Dunn* Notary Public  
My Commission Expires: July 14, 2011

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

**EXTRACT FROM BY-LAWS OF COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the respective By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990 and of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies,

this 29th day of June 2009.

*Jill D. Baur*

Assistant Secretary

**FIDELITY AND DEPOSIT COMPANY**

OF MARYLAND

3910 KESWICK ROAD, BALTIMORE, MD 21211-2226

**Statement of Financial Condition**

As Of December 31, 2008

**ASSETS**

Bonds .....	\$ 148,252,979
Stocks .....	23,313,771
Cash and Short Term Investments .....	7,904,491
Reinsurance Recoverable .....	5,939,089
Other Accounts Receivable .....	38,307,386
<b>TOTAL ADMITTED ASSETS .....</b>	<b>\$ <u>223,717,718</u></b>

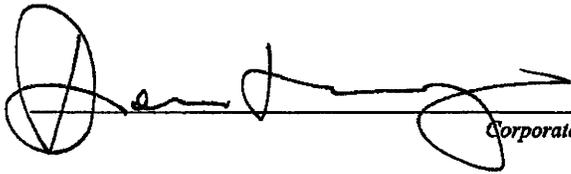
**LIABILITIES, SURPLUS AND OTHER FUNDS**

Reserve for Taxes and Expenses .....	\$ 597,566
Ceded Reinsurance Premiums Payable .....	38,399,492
Securities Lending Collateral Liability .....	6,094,921
<b>TOTAL LIABILITIES .....</b>	<b>\$ 45,091,979</b>
Capital Stock, Paid Up .....	\$ 5,000,000
Surplus .....	173,625,739
Surplus as regards Policyholders .....	178,625,738
<b>TOTAL .....</b>	<b>\$ <u>223,717,718</u></b>

Securities carried at \$38,306,550 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2008 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$216,398,425 and surplus as regards policyholders \$171,306,445.

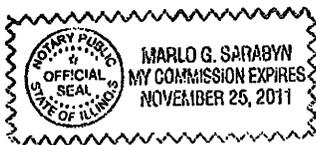
I, DENNIS F. KERRIGAN, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2008.

  
 \_\_\_\_\_  
 Corporate Secretary

State of Illinois }  
 City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 14th day of March, 2009.

  
 \_\_\_\_\_  
 Notary Public





Chubb  
Surety

POWER  
OF  
ATTORNEY

Federal Insurance Company  
Vigilant Insurance Company  
Pacific Indemnity Company

Attn: Surety Department  
15 Mountain View Road  
Warren, NJ 07059

Know All by These Presents, That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint **William B. Bridgman, John P. Bruno, Gary J. Giuffetti, Holly L. Lynch, Tammy Quiles and Christina Williams of Farmington, Connecticut**

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** have each executed and attested these presents and affixed their corporate seals on this **29th** day of **December, 2008**.

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY  
County of Somerset ss.

On this **29th** day of **December, 2008** before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



KATHERINE KALBACHER  
NOTARY PUBLIC OF NEW JERSEY  
No. 2316685  
Commission Expires July 8, 2009

Notary Public

**CERTIFICATION**

Extract from the By-Laws of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY**:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, 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 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 upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this \_\_\_\_\_ day of

June 2009



Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656  
e-mail: surety@chubb.com

# FEDERAL INSURANCE COMPANY

## STATEMENT OF ASSETS, LIABILITIES AND SURPLUS TO POLICYHOLDERS

Statutory Basis

**DECEMBER 31, 2008**

(in thousands of dollars)

ASSETS	LIABILITIES AND SURPLUS TO POLICYHOLDERS
Cash and Short Term Investments..... \$ 202,707	Outstanding Losses and Loss Expenses ..... \$ 11,792,508
United States Government, State and Municipal Bonds..... 11,216,158	Unearned Premiums..... 3,522,120
Other Bonds..... 3,719,243	Reinsurance Premiums Payable ..... 337,760
Stocks..... 609,081	Provision for Reinsurance ..... 109,756
Other Invested Assets..... 1,771,227	Other Liabilities..... 958,636
TOTAL INVESTMENTS..... <u>17,518,416</u>	TOTAL LIABILITIES ..... <u>16,720,780</u>
Investments in Affiliates:	
Chubb Investment Holdings, Inc..... 2,642,766	Capital Stock ..... 20,980
Pacific Indemnity Company..... 1,831,737	Paid-In Surplus..... 3,106,809
Chubb Insurance Investment Holdings Ltd. . . 1,227,650	Unassigned Funds..... 9,008,020
Executive Risk Indemnity Inc..... 921,728	
CC Canada Holdings Ltd..... 583,643	
Great Northern Insurance Company ..... 385,875	SURPLUS TO POLICYHOLDERS..... <u>12,135,809</u>
Chubb European Investment Holdings SLP . . 239,173	
Chubb Insurance Company of Australia... 224,157	
Vigilant Insurance Company..... 152,634	
Other Affiliates ..... 307,470	
Premiums Receivable..... 1,498,855	
Other Assets ..... <u>1,322,485</u>	TOTAL LIABILITIES AND SURPLUS TO POLICYHOLDERS..... <u>\$ 28,856,589</u>
TOTAL ADMITTED ASSETS ..... <u>\$ 28,856,589</u>	

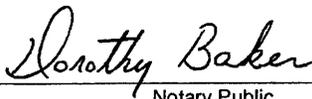
Investments are valued in accordance with requirements of the National Association of Insurance Commissioners.  
Investments valued at \$479,627,974 are deposited with government authorities as required by law.

State, County & City of New York, — ss:

Yvonne Baker, Assistant Secretary \_\_\_\_\_ of the Federal Insurance Company

being duly sworn, deposes and says that the foregoing Statement of Assets, Liabilities and Surplus to Policyholders of said Federal Insurance Company on December 31, 2008 is true and correct and is a true abstract of the Annual Statement of said Company as filed with the Secretary of the Treasury of the United States for the 12 months ending December 31, 2008.

Subscribed and sworn to before me  
this



Notary Public



Assistant Secretary

DOROTHY M. BAKER  
Notary Public, State of New York  
No. 31-4904994  
Qualified in New York County  
Commission Expires Sept. 14, 2009