

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

C202218

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202218

WBS 45120.3.ST1 STM-000S(541)

T.I.P NO. R-5173

COUNTY OF ROWAN

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER LENGTH 37.084 MILES

LOCATION 1 SECTION OF US-52, 1 SECTION OF NC-150, 1 SECTION OF NC-152  
WEST, 1 SECTION OF NC-801 & 8 SECTIONS OF SECONDARY ROADS.

CONTRACTOR J.T. RUSSELL & SONS, INC.

ADDRESS 1721 US 52 HWY N  
ALBEMARLE, NC 280010000

BIDS OPENED JUNE 16, 2009

CONTRACT EXECUTION \_\_\_\_\_

**JT Russell Sons Inc (3075).**

**Vendor 1 of 5 Vendors for Call Order 021 (Proposal ID C202218).**

County: ROWAN  
Address: 1721 US HWY 52 North  
Albemarle, NC 28001

Phone Number: 704-982-2225

Signature Check: This bid has been properly signed by atlas\_james\_russell\_3075.

Time Bid Received: Tue Jun 16 12:44:03 2009

Bid Checksum: 69C89AE5

Amendment Count: 0

Bidding Errors: This bid contains errors.

Bid Total: \$3,883,165.06 ✓

Bond ID: SNC09709408

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$194,158.25

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 6/8/2009 3:48:23 PM

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 - 9.0%*  
*DBE GOAL OBT - 3.3%*

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
2635	ASPHALT UNLIMITED OF ASHEVILLE PO BOX 17772 , ASHEVILLE, NC 28816		Sub	42,337.28
12290	DUDCO INC POST OFFICE 464 , GERMANTON, NC 27019		Sub	72,501.38
3765	STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub	14,765.00
			TOTAL:	\$129,603.66 3.34%

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	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

Bid Bond Data Info - Contractor Responses:  
=====

BondID: SNC09709408  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Travelers Casualty and Surety Company of America  
Bond Execution Date: 6/8/2009 3:48:23 PM  
Bond Amount: \$194,158.25 (Five Percent of Bid)

State of NC  
 Dept of Transportation  
 Contract ID: C202218  
 Letting Date: 06-16-09  
 Bidder: 3075 - JT Russell & Sons Inc

Date: 05-20-09  
 Revised:  
 Project(s): STM-000S(541)  
 Call Order: 021

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			76,000.00
0002	0264000000-E GENERIC GRADING ITEM SHOULDER DROP OFF REPAIR	SMI	33.720	3,500.00000		118,020.00
0003	1220000000-E INCIDENTAL STONE BASE	TON	1,878.000	35.00000		65,730.00
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	4,290.000	1.60000		6,864.00
0005	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 1-1/2")	SY	51,120.000	1.50000		76,680.00
0006	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	32,759.000	33.10000		1,084,322.90
0007	1520000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B (LEVELING COURSE)	TON	1,199.000	35.00000		41,965.00
0008	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	18,613.000	32.38000		602,688.94
0009	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	2,011.000	388.00000		780,268.00
0010	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON	1,117.000	388.00000		433,396.00

State of NC  
Dept of Transportation

Date: 05-20-09  
Revised:

Contract ID: C202218 Project(s): STM-000S(541)  
Letting Date: 06-16-09 Call Order: 021  
Bidder: 3075 - JT Russell & Sons Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1704000000-E PATCHING EXISTING PAVEMENT	512.000 TON	100.00000		51,200.00	
0012	2815000000-N ADJUSTMENT OF DROP INLETS	2.000 EA	524.97000		1,049.94	
0013	2830000000-N ADJUSTMENT OF MANHOLES	78.000 EA	473.97000		36,969.66	
0014	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	74.000 EA	465.97000		34,481.78	
0015	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		75,000.00	
0016	4605000000-N GENERIC TRAFFIC CONTROL ITEM LAW ENFORCEMENT	460.000 HR	50.00000		23,000.00	
0017	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	359,517.000 LF	0.36000		129,426.12	
0018	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	389,304.000 LF	0.43000		167,400.72	
0019	4695000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 90 MILS)	1,458.000 LF	1.00000		1,458.00	
0020	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	1,460.000 LF	1.00000		1,460.00	
0021	4700000000-E THERMOPLAST IC PAVEMENT MARKING LINES (12", 90 MILS)	1,700.000 LF	2.00000		3,400.00	
0022	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	1,237.000 LF	6.00000		7,422.00	

State of NC  
 Dept of Transportation  
 Contract ID: C202218  
 Letting Date: 06-16-09 Call Order: 021  
 Bidder: 3075 - JT Russell & Sons Inc

Date: 05-20-09  
 Revised:

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	4721000000-E THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	60.000 EA	50.00000		3,000.00	
0024	4725000000-E THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	143.000 EA	80.00000		11,440.00	
0025	4810000000-E PAINT PAVEMENT MARKING LINES (4")	46,650.000 LF	0.20000		9,330.00	
0026	4820000000-E PAINT PAVEMENT MARKING LINES (8")	2,095.000 LF	0.60000		1,257.00	
0027	4835000000-E PAINT PAVEMENT MARKING LINES (24")	748.000 LF	3.00000		2,244.00	
0028	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	60.000 EA	20.00000		1,200.00	
0029	4845000000-N PAINT PAVEMENT MARKING SYMBOL	133.000 EA	25.00000		3,325.00	
0030	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	891.000 EA	26.00000		23,166.00	
0031	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		10,000.00	
Section 0001 Total					3,883,165.06	
Bid Total					3,883,165.06	

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  
DBE COMMITMENT ITEMS

DATE: 05-20-09  
PAGE: 6

PROPOSAL: C202218  
LETTING: L090616 CALL: 021  
VENDOR: 3075 JT Russell & Sons Inc

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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DBE SUBCONTRACTOR: 2635 ASPHALT UNLIMITED OF ASHEVILLE INC  
Will Use Quote: Yes

0011	1704000000-E	PATCHING EXI TON		512.000	82.69000	42337.28
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						42,337.28
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						42,337.

DBE SUBCONTRACTOR: 12290 DUDCO INC  
Will Use Quote: Yes

0012	2815000000-N	ADJ DROP INL EA		2.000	524.97000	1049.94
0013	2830000000-N	ADJ MANHOLES EA		78.000	473.97000	36969.66
0014	2845000000-N	ADJ METER OR EA		74.000	465.97000	34481.78

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						72,501.38
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						72,501.

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

0015	4589000000-N	GENERIC TRAF LS		1.000	14765.00000	14765.00
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						14,765.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						14,765.

TOTAL DBE COMMITMENT FOR VENDOR:	Entered:	3.34% or	129603.66
	Required:	9.00% or	349484.86
			<GOAL NOT MET>

## Contract Item Sheets For C202218

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	76,000.00	76,000.00
0002	0264000000-E	SP	GENERIC GRADING ITEM SHOULDER DROP OFF REPAIR	33.72 SMI	3,500.00	118,020.00
0003	1220000000-E	545	INCIDENTAL STONE BASE	1,878 TON	35.00	65,730.00
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	4,290 SY	1.60	6,864.00
0005	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (0" TO 1-1/2")	51,120 SY	1.50	76,680.00
0006	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	32,759 TON	33.10	1,084,322.90
0007	1520000000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE S9.5B (LEVELING COURSE)	1,199 TON	35.00	41,965.00
0008	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	18,613 TON	32.38	602,688.94
0009	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	2,011 TON	388.00	780,268.00
0010	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	1,117 TON	388.00	433,396.00
0011	1704000000-E	SP	PATCHING EXISTING PAVEMENT	512 TON	100.00	51,200.00
0012	2815000000-N	858	ADJUSTMENT OF DROP INLETS	2 EA	524.97	1,049.94
0013	2830000000-N	858	ADJUSTMENT OF MANHOLES	78 EA	473.97	36,969.66
0014	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	74 EA	465.97	34,481.78
0015	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	75,000.00	75,000.00
0016	4605000000-N	SP	GENERIC TRAFFIC CONTROL ITEM LAW ENFORCEMENT	460 HR	50.00	23,000.00
0017	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	359,517 LF	0.36	129,426.12

## Contract Item Sheets For C202218

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	389,304 LF	0.43	167,400.72
0019	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	1,458 LF	1.00	1,458.00
0020	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	1,460 LF	1.00	1,460.00
0021	4700000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (12", 90 MILS)	1,700 LF	2.00	3,400.00
0022	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	1,237 LF	6.00	7,422.00
0023	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	60 EA	50.00	3,000.00
0024	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	143 EA	80.00	11,440.00
0025	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	46,650 LF	0.20	9,330.00
0026	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	2,095 LF	0.60	1,257.00
0027	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	748 LF	3.00	2,244.00
0028	4840000000-N	1205	PAINT PAVEMENT MARKING CHARACTER	60 EA	20.00	1,200.00
0029	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	133 EA	25.00	3,325.00
0030	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	891 EA	26.00	23,166.00
0031	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	10,000.00	10,000.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$3,883,165.06

**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**

J. T. Russell & Sons, Inc.

Full name of Corporation

1721 US 52 North, Albemarle, NC 28001

Address as Prequalified

Attest

J. T. Russell, Jr.  
Secretary/Assistant Secretary  
Select appropriate title

By

R. E. Russell  
President/Vice President/Assistant Vice President  
Select appropriate title

J. T. Russell, Jr.

Print or type Signer's name

R. E. Russell

Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

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

Janice C. Pyle  
Signature of Notary Public

of Stanly County

State of NC

My Commission Expires: 5-21-11

## 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**      **C202218**

**County (ies):**    **Rowan**

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION



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Contract Officer

7/16/09

---

Date

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



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Attorney General

Signature Sheet (Bid - Acceptance by Department)

Contract No. C202218  
County Rowan

(Rev 7-10-08)

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution July 1, 2009

Name of Principal Contractor J.T. Russell & Sons, Inc.

Name of Surety: Travelers Casualty and Surety Company of America

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

Amount of Bond: \$3,883,165.06

Contract ID No.: C202218

County Name: Rowan

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. C202218  
County Rowan

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

Travelers Casualty and Surety Company of America

\_\_\_\_\_  
Print or type Surety Company Name

By Paul T. Childress  
\_\_\_\_\_  
Print, stamp or type name of Attorney-in-Fact

*Paul T. Childress*  
\_\_\_\_\_  
Signature of Attorney-in-Fact

*James A. Harwood*  
\_\_\_\_\_  
Signature of Witness

James A. Harwood  
\_\_\_\_\_  
Print or type Witness's name

173 N. Second Street, Albemarle, NC 28001  
\_\_\_\_\_  
Address of Attorney-in-Fact

Contract No. C202218  
County Rowan

(Rev 7-10-08)

**CONTRACT PAYMENT BOND  
CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

J.T. Russell & Sons, Inc.

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

1721 US 52 Hwy North, Albemarle, NC 28001

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

By Robert E. Russell  
Signature of ~~President, Vice President, Assistant Vice President~~  
Select appropriate title

Robert E. Russell

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

*Affix Corporate Seal*

Attest

J. T. Russell, Jr.  
Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

J.T. Russell, Jr.

\_\_\_\_\_  
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. 214516

Certificate No. 002772431

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

James A. Harwood, Brinn K. Timberlake, N. Anthony Lowder, and Paul T. Childress

of the City of Albemarle, 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 21st day of February, 2006.

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 21st day of February, 2006, 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 1ST day of JULY, 20 09.

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

  
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.

Contract No. C202218  
County Rowan

(Rev 7-10-08)

### CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: July 1, 2009

Name of Principal Contractor: J.T. Russell & Sons, Inc.

Name of Surety: Travelers Casualty and Surety Company of America

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

Amount of Bond: \$3,883,165.06

Contract ID No.: C202218

County Name: Rowan

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. C202218  
County Rowan

(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

Travelers Casualty and Surety Company of America

Print or type Surety Company Name

By Paul T. Childress  
Print, stamp or type name of Attorney-in-Fact

*Paul T. Childress*

Signature of Attorney-in-Fact

*James A. Harwood*  
Signature of Witness

James A. Harwood  
Print or type Witness's name

173 N. Second Street, Albemarle, NC 28001  
Address of Attorney-in-Fact

Contract No. C202218  
County Rowan

(Rev 7-10-08)

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

SIGNATURE OF CONTRACTOR (Principal)

J.T. Russell & Sons, Inc.

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

1721 US 52 Hwy North, Albemarle, NC 28001

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

By Robert E. Russell  
Signature of ~~President, Vice President, Assistant Vice President~~  
Select appropriate title

Robert E. Russell

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

*Affix Corporate Seal*

Attest

J. T. Russell, Jr.  
Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

J.T. Russell, Jr.

\_\_\_\_\_  
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. 214516

Certificate No. 002772424

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

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of the City of Albemarle, 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.

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State of Connecticut
City of Hartford ss.

By: [Signature]
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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





POWER OF ATTORNEY

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Fidelity and Guaranty Insurance Company
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Marie C. Tetreault, Notary Public