

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

C202161

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202161

WBS 39886.3.ST1 STM-085-3(200)100

T.I.P NO. K-4905

COUNTY OF DAVIDSON

THIS IS THE REST AREA CONTRACT

ROUTE NUMBER I 85 LENGTH 0.000 MILES

LOCATION REST AREA ON I-85.

CONTRACTOR MOUNTAIN CREEK CONTRACTORS, INC.

ADDRESS P.O. BOX D
CATAWBA, NC 28609

BIDS OPENED AUGUST 18, 2009

CONTRACT EXECUTION SEP 11 2009

Mountain Creek Contractors, LLC (1983).

Vendor 1 of 4 Vendors for Call Order 016 (Proposal ID C202161).

County: DAVIDSON
Address: P. O. Box D
205 E. Central Avenue
Catawba, NC 28609

Phone Number: (828) 241-2047

Signature Check: This bid has been properly signed by Donovan_R._Phillips_1983.

Time Bid Received: Tue Aug 18 13:57:12 2009

Bid Checksum: 17B10273

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$1,690,572.15 ✓

Bond ID: BG8P-9NRJ-VSW9-U8Q1

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$84,528.61

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 8/18/2009

Surety Name: International Fidelity Insurance Company

surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

DBE GOAL SET 6.0%
DBE GOAL MET 6.3%

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT
11572	MB CRUZ BROTHERS CONCRETE, INC. 1572 PAYNE ROAD/LOT 75 LOT 75 , GRAHAM, NC 27253		Sub	41,595.00
2976	WB CAROLINA ENVIRONMENTAL CONTRACT POST OFFICE BOX 1905 , MT. AIRY, NC 27030		Sub	3,592.20
3026	WB KNOX CONTRACT SEEDING CO., INC. 550 KNOX ROAD , CLEVELAND, NC 27013		Sub	61,099.00
TOTAL:				\$106,286.20 6.29%

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: BG8P-9NRJ-VSW9-U8Q1
 Surety Registry Agency: SurePathNetwork
 Verified?: Yes
 Surety Agency: International Fidelity Insurance Company
 Bond Execution Date: 8/18/2009
 Bond Amount: \$84,528.61 (Five Percent of Bid)

Contract ID: C202161 Project(s): STM-085-3(200)100
 Letting Date: 08-18-09 Call Order: 016
 Bidder: 1983 - Mountain Creek Contractors, 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			84,000.00
0002	2549000000-E 2'-6" CONCRETE CURB & GUTTER	LF	40.000	15.25000		610.00
0003	2591000000-E 4" CONCRETE SIDEWALK	SY	1,080.000	26.50000		28,620.00
0004	2605000000-N CONCRETE WHEELCHAIR RAMPS	EA	4.000	1,000.00000		4,000.00
0005	3575000000-E GENERIC FENCING ITEM TEMPORARY 72" CHAIN LINK FENCE	LF	1,112.000	16.00000		17,792.00
0006	3578000000-N GENERIC FENCING ITEM TEMPORARY DOUBLE GATES, 72" HIGH, 8' WIDE, 16' OPENING	EA	4.000	950.00000		3,800.00
0007	3651000000-E BOULDERS	TON	13.000	150.00000		1,950.00
0008	6000000000-E TEMPORARY SILT FENCE	LF	750.000	2.50000		1,875.00
0009	6015000000-E TEMPORARY MULCHING	ACR	0.500	1,000.00000		500.00
0010	6018000000-E SEED FOR TEMPORARY SEEDING	LB	50.000	3.00000		150.00

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202161 Project(s): STM-085-3(200)100
 Letting Date: 08-18-09 Call Order: 016
 Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	TON 0.250	1,000.00000		250.00	
0012	6084000000-E SEEDING & MULCHING	ACR 1.500	2,000.00000		3,000.00	
0013	6087000000-E MOWING	ACR 0.500	400.00000		200.00	
0014	6090000000-E SEED FOR REPAIR SEEDING	LB 50.000	6.00000		300.00	
0015	6093000000-E FERTILIZER FOR REPAIR SEEDING	TON 0.250	1,000.00000		250.00	
0016	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	LB 50.000	3.00000		150.00	
0017	6102000000-E SODDING	SY 1,418.000	5.00000		7,090.00	
0018	6108000000-E FERTILIZER TOPDRESSING	TON 0.250	1,000.00000		250.00	
0019	6645000000-N GENERIC PLANTING ITEM LANDSCAPE PLANTING (NBL)	EA 1.000	9,010.00000		9,010.00	
0020	6645000000-N GENERIC PLANTING ITEM LANDSCAPE PLANTING (SBL)	EA 1.000	8,125.00000		8,125.00	
0021	6655000000-E WATER FOR PLANTING	M/G 14.000	50.00000		700.00	
0022	6665000000-E POSTEMERGEN T HERBICIDAL TREAT-MENT FOR PLANT BEDS	SY 1,752.000	3.00000		5,256.00	

State of NC
 Dept of Transportation

Date: 07-21-09
 Revised:

Contract ID: C202161 Project(s): STM-085-3(200)100
 Letting Date: 08-18-09 Call Order: 016
 Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	6670000000-E PREEMERGENT HERBICIDAL TREAT- MENT FOR PLANT BEDS	1,752.000 SY	3.00000		5,256.00	
0024	6677000000-E GENERIC PLANTING ITEM #57 WASHED STONE	20.000 TON	100.00000		2,000.00	
0025	6885000000-E 6" CONCRETE REINFORCED PAD	27.000 SY	85.00000		2,295.00	
0026	6890000000-E CONCRETE STEPS	6.000 CY	1,000.00000		6,000.00	
0027	6895000000-E HANDRAIL ON STEPS	50.000 LF	128.00000		6,400.00	
0028	6900000000-E TOPSOIL	395.000 CY	20.00000		7,900.00	
0029	6970000000-N GENERIC REST AREA ITEM 3" GATE VALVE/BOX	4.000 EA	750.00000		3,000.00	
0030	6970000000-N GENERIC REST AREA ITEM 3/4" GATE VALVE/BOX	1.000 EA	300.00000		300.00	
0031	6970000000-N GENERIC REST AREA ITEM 3/4" POST TYPE YARD HYDRANT	1.000 EA	250.00000		250.00	
0032	6970000000-N GENERIC REST AREA ITEM 4" SANITARY SEWER CLEAN-OUT	4.000 EA	150.00000		600.00	
0033	6970000000-N GENERIC REST AREA ITEM 6' PARK BENCH	4.000 EA	1,500.00000		6,000.00	

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202161 Project(s): STM-085-3(200)100
Letting Date: 08-18-09 Call Order: 016
Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0034	6970000000-N GENERIC REST AREA ITEM CONNECTION TO SEWER MANHOLE/ SEWER LINE	3.000 EA	650.00000		1,950.00	
0035	6970000000-N GENERIC REST AREA ITEM FLAGPOLE	2.000 EA	3,500.00000		7,000.00	
0036	6970000000-N GENERIC REST AREA ITEM FLAGPOLE LIGHT	4.000 EA	1,000.00000		4,000.00	
0037	6970000000-N GENERIC REST AREA ITEM PERMANENT RELOCATION OF VEND- ING BUILDING	1.000 EA	10,000.00000		10,000.00	
0038	6970000000-N GENERIC REST AREA ITEM PHONE/DISPLAY SHELTER REMOVE & STOCKPILE	2.000 EA	300.00000		600.00	
0039	6970000000-N GENERIC REST AREA ITEM PICNIC SHELTER RELOCATION	1.000 EA	10,000.00000		10,000.00	
0040	6970000000-N GENERIC REST AREA ITEM PICNIC TABLE REMOVAL & STOCK- PILE	5.000 EA	150.00000		750.00	
0041	6970000000-N GENERIC REST AREA ITEM RELOCATE PAYPHONE & PEDESTAL	2.000 EA	500.00000		1,000.00	
0042	6970000000-N GENERIC REST AREA ITEM RELOCATE POST TOP LIGHT & POLE ON CONC FOUNDATION	5.000 EA	500.00000		2,500.00	
0043	6970000000-N GENERIC REST AREA ITEM TEMPORARY RELOCATION OF VEND- ING BUILDING (ON-SITE)	1.000 EA	15,000.00000		15,000.00	

State of NC
 Dept of Transportation

Date: 07-21-09
 Revised:

Contract ID: C202161 Project(s): STM-085-3(200)100
 Letting Date: 08-18-09 Call Order: 016
 Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0044	6970000000-N GENERIC REST AREA ITEM WASTE CONTAINER	EA 10.000	800.00000		8,000.00	
0045	6975000000-N GENERIC REST AREA ITEM ELECTRICAL INSTALLATION REST AREA SERVICE BUILDING (NBL/SBL)	LUMP	LUMP		120,000.00	
0046	6975000000-N GENERIC REST AREA ITEM ELECTRICAL INSTALLATION VEND- ING BUILDING (NBL/SBL)	LUMP	LUMP		70,000.00	
0047	6975000000-N GENERIC REST AREA ITEM GENERAL CONSTRUCTION REST AREA SERVICE BUILDING (NBL/SBL)	LUMP	LUMP		715,000.00	
0048	6975000000-N GENERIC REST AREA ITEM GENERAL CONSTRUCTION VENDING BUILDING (NBL/SBL)	LUMP	LUMP		110,000.00	
0049	6975000000-N GENERIC REST AREA ITEM HVAC INSTALLATION REST AREA SERVICE BUILDING (NBL/SBL)	LUMP	LUMP		75,000.00	
0050	6975000000-N GENERIC REST AREA ITEM HVAC INSTALLATION VENDING BUILDING (NBL/SBL)	LUMP	LUMP		25,000.00	
0051	6975000000-N GENERIC REST AREA ITEM LANDSCAPE & SITE GRADING (NBL)	LUMP	LUMP		12,600.00	
0052	6975000000-N GENERIC REST AREA ITEM LANDSCAPE & SITE GRADING (SBL)	LUMP	LUMP		7,000.00	

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202161 Project(s): STM-085-3(200)100
Letting Date: 08-18-09 Call Order: 016
Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0053	6975000000-N GENERIC REST AREA ITEM LANDSCAPE LIGHTING (NBL)	LUMP	LUMP			460.00
0054	6975000000-N GENERIC REST AREA ITEM LANDSCAPE LIGHTING (SBL)	LUMP	LUMP			460.00
0055	6975000000-N GENERIC REST AREA ITEM PLUMBING INSTALLATION REST AREA SERVICE BUILDING (NBL/SBL)	LUMP	LUMP			150,000.00
0056	6975000000-N GENERIC REST AREA ITEM PLUMBING INSTALLATION VENDING BUILDING (NBL/SBL)	LUMP	LUMP			15,000.00
0057	6975000000-N GENERIC REST AREA ITEM SITE DEMOLITION (NBL)	LUMP	LUMP			7,500.00
0058	6975000000-N GENERIC REST AREA ITEM SITE DEMOLITION (SBL)	LUMP	LUMP			6,500.00
0059	6975000000-N GENERIC REST AREA ITEM SITE STORMWATER DRAINAGE (NBL)	LUMP	LUMP			17,000.00
0060	6975000000-N GENERIC REST AREA ITEM SITE STORMWATER DRAINAGE (SBL)	LUMP	LUMP			14,000.00
0061	6980000000-E GENERIC REST AREA ITEM 3" PVC UTILITY SLEEVE	LF	75.000	5.00000		375.00
0062	6980000000-E GENERIC REST AREA ITEM 3" PVC WATER LINE (SDR21)	LF	360.000	15.00000		5,400.00
0063	6980000000-E GENERIC REST AREA ITEM 3/4" PVC WATER LINE (SCH 80)	LF	65.000	13.84000		899.60

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202161 Project(s): STM-085-3(200)100
Letting Date: 08-18-09 Call Order: 016
Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0064	6980000000-E GENERIC REST AREA ITEM 6" PVC (SDR-35) GRAVITY SEWER LINE	336.000 LF	25.00000		8,400.00	
0065	6980000000-E GENERIC REST AREA ITEM ELECTRIC LINE INSTALL/REPAIR	355.000 LF	2.33000		827.15	
0066	6980000000-E GENERIC REST AREA ITEM LANDSCAPE METAL EDGING	1,180.000 LF	5.60000		6,608.00	
0067	6980000000-E GENERIC REST AREA ITEM PHONE LINE INSTALL/REPAIR	410.000 LF	1.60000		656.00	
0068	6980000000-E GENERIC REST AREA ITEM SPLIT RAIL FENCE RELOCATION	224.000 LF	18.00000		4,032.00	
0069	6980000000-E GENERIC REST AREA ITEM TREE PROTECTION FENCE	954.000 LF	1.80000		1,717.20	
0070	6982000000-E GENERIC REST AREA ITEM DECORATIVE CONCRETE PAVERS	1,530.000 SF	8.14000		12,454.20	
0071	6982000000-E GENERIC REST AREA ITEM SEGMENTED RETAINING WALL	520.000 SF	25.00000		13,000.00	
0072	6985000000-E GENERIC REST AREA ITEM HARDWOOD MULCH	248.000 CY	30.00000		7,440.00	
0073	6985000000-E GENERIC REST AREA ITEM PINE STRAW	68.000 CY	23.00000		1,564.00	
0074	6985000000-E GENERIC REST AREA ITEM RIVER STONE	10.000 CY	300.00000		3,000.00	
Section 0001 Total						1,690,572.15

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202161

Project(s): STM-085-3(200)100

Letting Date: 08-18-09 Call Order: 016

Bidder: 1983 - Mountain Creek Contractors, LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
	Bid Total				1,690,572.15	

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: 07-21-09
PAGE: 11

PROPOSAL: C202161
LETTING: L090818 CALL: 016
VENDOR: 1983 Mountain Creek Contractors, LLC

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 11572 CRUZ BROTHERS CONCRETE, INC. Will Use Quote: Yes						
0002	2549000000-E	2'-6"CONC CU LF	LF	40.000	17.00000	680.00
0003	2591000000-E	4" CONCRETE SY	SY	1080.000	26.50000	28620.00
0004	2605000000-N	CONC WHEELCH EA	EA	4.000	1000.00000	4000.00
0025	6885000000-E	6" CONCRETE SY	SY	27.000	85.00000	2295.00
0026	6890000000-E	CONCRETE STE CY	CY	6.000	1000.00000	6000.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 41,595.00 *ARM*
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 41,595.

DBE SUBCONTRACTOR: 2976 CAROLINA ENVIRONMENTAL CONTRACTING, INC.
Will Use Quote: Yes

0008	6000000000-E	TEMPORARY SI LF	LF	750.000	2.50000	1875.00
0069	6980000000-E	GENERIC REST LF	LF	954.000	1.80000	1717.20

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 3,592.20 *ARM*
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 3,592.2

DBE SUBCONTRACTOR: 3026 KNOX CONTRACT SEEDING CO., INC.
Will Use Quote: Yes

0009	6015000000-E	TEMPORARY MU ACR	ACR	0.500	1000.00000	500.00
0010	6018000000-E	SEED FOR TEM LB	LB	50.000	3.00000	150.00
0011	6021000000-E	FERT FOR TEM TON	TON	0.250	1000.00000	250.00
0012	6084000000-E	SEEDING AND ACR	ACR	1.500	2000.00000	3000.00
0013	6087000000-E	MOWING	ACR	0.500	400.00000	200.00
0014	6090000000-E	SEED FOR REP LB	LB	50.000	6.00000	300.00
0015	6093000000-E	FERT FOR REP TON	TON	0.250	1000.00000	250.00
0016	6096000000-E	SEED FOR SUP LB	LB	50.000	3.00000	150.00
0017	6102000000-E	SODDING	SY	1418.000	5.00000	7090.00
0018	6108000000-E	FERTILIZER T TON	TON	0.250	1000.00000	250.00
0019	6645000000-N	GENERIC PLAN EA	EA	1.000	9010.00000	9010.00
0020	6645000000-N	GENERIC PLAN EA	EA	1.000	8125.00000	8125.00
0021	6655000000-E	WATER FOR PL M/G	M/G	14.000	50.00000	700.00
0022	6665000000-E	POSTEMERGENT SY	SY	1752.000	3.00000	5256.00
0023	6670000000-E	PREEMERGENT SY	SY	1752.000	3.00000	5256.00
0024	6677000000-E	GENERIC PLAN TON	TON	20.000	100.00000	2000.00
0066	6980000000-E	GENERIC REST LF	LF	1180.000	5.60000	6608.00
0072	6985000000-E	GENERIC REST CY	CY	248.000	30.00000	7440.00
0073	6985000000-E	GENERIC REST CY	CY	68.000	23.00000	1564.00
0074	6985000000-E	GENERIC REST CY	CY	10.000	300.00000	3000.00

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT ITEMS

DATE: 07-21-09
PAGE: 12

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

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 61,099.00 *LARM*
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 61,099.

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 6.29% or 106286.20
Required: 6.00% or 101434.33
<GOAL MET>

Contract Item Sheets For C202161

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	84,000.00	84,000.00
0002	2549000000-E	846	2'-6" CONCRETE CURB & GUTTER	40 LF	15.25	610.00
0003	2591000000-E	848	4" CONCRETE SIDEWALK	1,080 SY	26.50	28,620.00
0004	2605000000-N	848	CONCRETE WHEELCHAIR RAMPS	4 EA	1,000.00	4,000.00
0005	3575000000-E	SP	GENERIC FENCING ITEM TEMPORARY 72" CHAIN LINK FENCE	1,112 LF	16.00	17,792.00
0006	3578000000-N	SP	GENERIC FENCING ITEM TEMPORARY DOUBLE GATES, 72" HIGH, 8' WIDE, 16' OPENING	4 EA	950.00	3,800.00
0007	3651000000-E	SP	BOULDERS	13 TON	150.00	1,950.00
0008	6000000000-E	1605	TEMPORARY SILT FENCE	750 LF	2.50	1,875.00
0009	6015000000-E	1615	TEMPORARY MULCHING	0.5 ACR	1,000.00	500.00
0010	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	50 LB	3.00	150.00
0011	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEED- ING	0.25 TON	1,000.00	250.00
0012	6084000000-E	1660	SEEDING & MULCHING	1.5 ACR	2,000.00	3,000.00
0013	6087000000-E	1660	MOWING	0.5 ACR	400.00	200.00
0014	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	6.00	300.00
0015	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	1,000.00	250.00
0016	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	3.00	150.00
0017	6102000000-E	1664	SODDING	1,418 SY	5.00	7,090.00
0018	6108000000-E	1665	FERTILIZER TOPDRESSING	0.25 TON	1,000.00	250.00
0019	6645000000-N	SP	GENERIC PLANTING ITEM LANDSCAPE PLANTING (NBL)	1 EA	9,010.00	9,010.00

Contract Item Sheets For C202161

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0020	6645000000-N	SP	GENERIC PLANTING ITEM LANDSCAPE PLANTING (SBL)	1 EA	8,125.00	8,125.00
0021	6655000000-E	1670	WATER FOR PLANTING	14 M/G	50.00	700.00
0022	6665000000-E	1670	POSTEMERGENT HERBICIDAL TREAT- MENT FOR PLANT BEDS	1,752 SY	3.00	5,256.00
0023	6670000000-E	1670	PREEMERGENT HERBICIDAL TREAT- MENT FOR PLANT BEDS	1,752 SY	3.00	5,256.00
0024	6677000000-E	SP	GENERIC PLANTING ITEM #57 WASHED STONE	20 TON	100.00	2,000.00
0025	6885000000-E	SP	6" CONCRETE REINFORCED PAD	27 SY	85.00	2,295.00
0026	6890000000-E	SP	CONCRETE STEPS	6 CY	1,000.00	6,000.00
0027	6895000000-E	SP	HANDRAIL ON STEPS	50 LF	128.00	6,400.00
0028	6900000000-E	SP	TOPSOIL	395 CY	20.00	7,900.00
0029	6970000000-N	SP	GENERIC REST AREA ITEM 3" GATE VALVE/BOX	4 EA	750.00	3,000.00
0030	6970000000-N	SP	GENERIC REST AREA ITEM 3/4" GATE VALVE/BOX	1 EA	300.00	300.00
0031	6970000000-N	SP	GENERIC REST AREA ITEM 3/4" POST TYPE YARD HYDRANT	1 EA	250.00	250.00
0032	6970000000-N	SP	GENERIC REST AREA ITEM 4" SANITARY SEWER CLEAN-OUT	4 EA	150.00	600.00
0033	6970000000-N	SP	GENERIC REST AREA ITEM 6' PARK BENCH	4 EA	1,500.00	6,000.00
0034	6970000000-N	SP	GENERIC REST AREA ITEM CONNECTION TO SEWER MANHOLE/ SEWER LINE	3 EA	650.00	1,950.00
0035	6970000000-N	SP	GENERIC REST AREA ITEM FLAGPOLE	2 EA	3,500.00	7,000.00
0036	6970000000-N	SP	GENERIC REST AREA ITEM FLAGPOLE LIGHT	4 EA	1,000.00	4,000.00

Contract Item Sheets For C202161

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0037	6970000000-N	SP	GENERIC REST AREA ITEM PERMANENT RELOCATION OF VEND- ING BUILDING	1 EA	10,000.00	10,000.00
0038	6970000000-N	SP	GENERIC REST AREA ITEM PHONE/DISPLAY SHELTER REMOVE & STOCKPILE	2 EA	300.00	600.00
0039	6970000000-N	SP	GENERIC REST AREA ITEM PICNIC SHELTER RELOCATION	1 EA	10,000.00	10,000.00
0040	6970000000-N	SP	GENERIC REST AREA ITEM PICNIC TABLE REMOVAL & STOCK- PILE	5 EA	150.00	750.00
0041	6970000000-N	SP	GENERIC REST AREA ITEM RELOCATE PAYPHONE & PEDESTAL	2 EA	500.00	1,000.00
0042	6970000000-N	SP	GENERIC REST AREA ITEM RELOCATE POST TOP LIGHT & POLE ON CONC FOUNDATION	5 EA	500.00	2,500.00
0043	6970000000-N	SP	GENERIC REST AREA ITEM TEMPORARY RELOCATION OF VEND- ING BUILDING (ON-SITE)	1 EA	15,000.00	15,000.00
0044	6970000000-N	SP	GENERIC REST AREA ITEM WASTE CONTAINER	10 EA	800.00	8,000.00
0045	6975000000-N	SP	GENERIC REST AREA ITEM ELECTRICAL INSTALLATION REST AREA SERVICE BUILDING (NBL/SBL)	Lump Sum LS	120,000.00	120,000.00
0046	6975000000-N	SP	GENERIC REST AREA ITEM ELECTRICAL INSTALLATION VEND- ING BUILDING (NBL/SBL)	Lump Sum LS	70,000.00	70,000.00
0047	6975000000-N	SP	GENERIC REST AREA ITEM GENERAL CONSTRUCTION REST AREA SERVICE BUILDING (NBL/SBL)	Lump Sum LS	715,000.00	715,000.00
0048	6975000000-N	SP	GENERIC REST AREA ITEM GENERAL CONSTRUCTION VENDING BUILDING (NBL/SBL)	Lump Sum LS	110,000.00	110,000.00
0049	6975000000-N	SP	GENERIC REST AREA ITEM HVAC INSTALLATION REST AREA SERVICE BUILDING (NBL/SBL)	Lump Sum LS	75,000.00	75,000.00

Contract Item Sheets For C202161

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0050	6975000000-N	SP	GENERIC REST AREA ITEM HVAC INSTALLATION VENDING BUILDING (NBL/SBL)	Lump Sum LS	25,000.00	25,000.00
0051	6975000000-N	SP	GENERIC REST AREA ITEM LANDSCAPE & SITE GRADING (NBL)	Lump Sum LS	12,600.00	12,600.00
0052	6975000000-N	SP	GENERIC REST AREA ITEM LANDSCAPE & SITE GRADING (SBL)	Lump Sum LS	7,000.00	7,000.00
0053	6975000000-N	SP	GENERIC REST AREA ITEM LANDSCAPE LIGHTING (NBL)	Lump Sum LS	460.00	460.00
0054	6975000000-N	SP	GENERIC REST AREA ITEM LANDSCAPE LIGHTING (SBL)	Lump Sum LS	460.00	460.00
0055	6975000000-N	SP	GENERIC REST AREA ITEM PLUMBING INSTALLATION REST AREA SERVICE BUILDING (NBL/SBL)	Lump Sum LS	150,000.00	150,000.00
0056	6975000000-N	SP	GENERIC REST AREA ITEM PLUMBING INSTALLATION VENDING BUILDING (NBL/SBL)	Lump Sum LS	15,000.00	15,000.00
0057	6975000000-N	SP	GENERIC REST AREA ITEM SITE DEMOLITION (NBL)	Lump Sum LS	7,500.00	7,500.00
0058	6975000000-N	SP	GENERIC REST AREA ITEM SITE DEMOLITION (SBL)	Lump Sum LS	6,500.00	6,500.00
0059	6975000000-N	SP	GENERIC REST AREA ITEM SITE STORMWATER DRAINAGE (NBL)	Lump Sum LS	17,000.00	17,000.00
0060	6975000000-N	SP	GENERIC REST AREA ITEM SITE STORMWATER DRAINAGE (SBL)	Lump Sum LS	14,000.00	14,000.00
0061	6980000000-E	SP	GENERIC REST AREA ITEM 3" PVC UTILITY SLEEVE	75 LF	5.00	375.00
0062	6980000000-E	SP	GENERIC REST AREA ITEM 3" PVC WATER LINE (SDR21)	360 LF	15.00	5,400.00
0063	6980000000-E	SP	GENERIC REST AREA ITEM 3/4" PVC WATER LINE (SCH 80)	65 LF	13.84	899.60
0064	6980000000-E	SP	GENERIC REST AREA ITEM 6" PVC (SDR-35) GRAVITY SEWER LINE	336 LF	25.00	8,400.00

Contract Item Sheets For C202161

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0065	6980000000-E	SP	GENERIC REST AREA ITEM ELECTRIC LINE INSTALL/REPAIR	355 LF	2.33	827.15
0066	6980000000-E	SP	GENERIC REST AREA ITEM LANDSCAPE METAL EDGING	1,180 LF	5.60	6,608.00
0067	6980000000-E	SP	GENERIC REST AREA ITEM PHONE LINE INSTALL/REPAIR	410 LF	1.60	656.00
0068	6980000000-E	SP	GENERIC REST AREA ITEM SPLIT RAIL FENCE RELOCATION	224 LF	18.00	4,032.00
0069	6980000000-E	SP	GENERIC REST AREA ITEM TREE PROTECTION FENCE	954 LF	1.80	1,717.20
0070	6982000000-E	SP	GENERIC REST AREA ITEM DECORATIVE CONCRETE PAVERS	1,530 SF	8.14	12,454.20
0071	6982000000-E	SP	GENERIC REST AREA ITEM SEGMENTED RETAINING WALL	520 SF	25.00	13,000.00
0072	6985000000-E	SP	GENERIC REST AREA ITEM HARDWOOD MULCH	248 CY	30.00	7,440.00
0073	6985000000-E	SP	GENERIC REST AREA ITEM PINE STRAW	68 CY	23.00	1,564.00
0074	6985000000-E	SP	GENERIC REST AREA ITEM RIVER STONE	10 CY	300.00	3,000.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$1,690,572.15 ✓

**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

Mountain Creek Contractors, Inc.

Full name of Corporation

P. O. Box D, Catawba, NC 29609

Address as Prequalified

Attest

Michael W. Angus
Secretary/Assistant Secretary
Select appropriate title

Michael W. Angus

Print or type Signer's name

By

Joseph E. Coleman
President/Vice President/Assistant Vice President
Select appropriate title

Joseph E. Coleman

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

1st day of Sept 2009

Sherryl L. Bracwell
Signature of Notary Public

of Catawba County

State of N. Carolina

My Commission Expires: 9-22-2012

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: C202161

County: Davidson

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

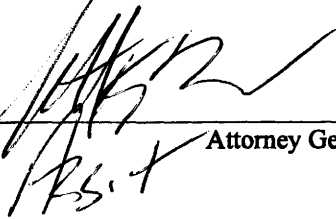


Contract Officer

9/11/09

Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202161
County Davidson

(Rev 7-10-08)

Bond No. 0511406

CONTRACT PAYMENT BOND

Date of Payment Bond Execution September 1, 2009

Name of Principal Contractor Mountain Creek Contractors, Inc.

Name of Surety: International Fidelity Insurance Company
One Newark Center, 20th Floor, Newark, NJ 07102-5207

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

Amount of Bond: One Million Six Hundred Ninety Thousand
Five Hundred Seventy Two Dollars and 15/100 (\$1,690,572.15)

Contract ID No.: C202161

County Name: Davidson

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. C202161
County Davidson

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

International Fidelity Insurance Company
Print or type Surety Company Name

By Angela M. Yount
Print, stamp or type name of Attorney-in-Fact



By: Angela M. Yount
Signature of Attorney-in-Fact

Debra S. Ritter
Signature of Witness

Debra S. Ritter
Print or type Witness's name

6230 Fairview Road, Suite 230
Charlotte, NC 28210
Address of Attorney-in-Fact

Contract No. C202161
County Davidson

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

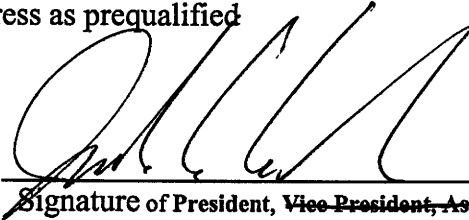
Mountain Creek Contractors, Inc.

Full name of Corporation

P. O. Box D, Catawba, NC 28609

Address as prequalified

By



Signature of President, ~~Vice President, Assistant Vice President~~
Select appropriate title

Joseph E. Coleman

Print or type Signer's name

Affix Corporate Seal

Attest



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

MICHAEL W. ANGUS

Print or type Signer's name

Contract No. C202161
County Davidson

(Rev 7-10-08)

Bond No. 0511406

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: September 1, 2009

Name of Principal Contractor: Mountain Creek Contractors, Inc.

Name of Surety: International Fidelity Insurance Company
One Newark Center, 20th Floor, Newark, NJ 07102-5207

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

Amount of Bond: One Million Six Hundred Ninety Thousand
Five Hundred Seventy Two Dollars and 15/100 (\$1,690,572.15)

Contract ID No.: C202161

County Name: Davidson

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. C202161
County Davidson

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

International Fidelity Insurance Company
Print or type Surety Company Name

By Angela M. Yount
Print, stamp or type name of Attorney-in-Fact



By: Angela M. Yount
Signature of Attorney-in-Fact

Debra S. Ritter
Signature of Witness

Debra S. Ritter
Print or type Witness's name

6230 Fairview Road, Suite 230
Charlotte, NC 28210
Address of Attorney-in-Fact

Contract No. C202161
County Davidson

(Rev 7-10-08)

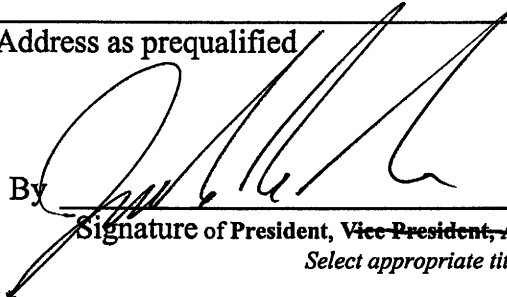
CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Mountain Creek Contractors, Inc.
Full name of Corporation

P. O. Box D, Catawba, NC 28609
Address as prequalified

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

Joseph E. Colman
Print or type Signer's name

Affix Corporate Seal

Attest Michael W. Angus
Signature of Secretary, ~~Assistant Secretary~~
Select appropriate title

MICHAEL W. ANGUS
Print or type Signer's name

POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR
NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

Angela M. Yount as attorney-in-fact to execute the following Surety bond:

Surety Bond Number: 0511406
Principal: Mountain Creek Contractors, Inc.
Obligee: NCDOT

and the execution of such instrument in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



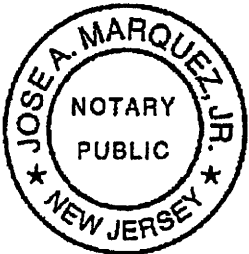
IN TESTIMONY WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 29th day of August, A.D. 2003.

INTERNATIONAL FIDELITY INSURANCE COMPANY

STATE OF NEW JERSEY
County of Essex

[Signature]
Secretary

On this 29th day of August 2003, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of the INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

[Signature]

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 21, 2010

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this 1st day of September, 2009

[Signature]
Assistant Secretary