

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

C202410

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202410

WBS 5C.092107, 5CR.20921.18 STATE FUNDED

COUNTY OF WAKE
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER _____ LENGTH 16.500 MILES
LOCATION 13 SECTIONS OF SECONDARY ROADS.

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

BIDS OPENED AUGUST 18, 2009
CONTRACT EXECUTION SEP 11 2009

Rea Contracting LLC (4421).

Vendor 4 of 5 Vendors for Call Order 007 (Proposal ID C202410).

County: WAKE
Address: 6135 Park South Dr
Suite 400
Charlotte, NC 28210

Phone Number: 704-553-6500

Signature Check: This bid has been properly signed by Carey_K._Tate_4421.

Time Bid Received: Tue Aug 18 11:51:00 2009

Bid Checksum: 4F012735

Amendment Count: 0

Bidding Errors: No bidding errors

Bid Total: \$2,848,358.80 ✓

Bond ID: SNC09672233

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$142,417.94

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 8/3/2009 11:48:47 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%

WBE GOAL SET 4.0%

MBE GOAL Met 3.2%

WBE GOAL Met 5.0%

Bid Bond Data Info - Contractor Responses:

=====

BondID: SNC09672233
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Fidelity And Deposit Company of Maryland
Bond Execution Date: 8/3/2009 11:48:47 AM
Bond Amount: \$142,417.94 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202410 Project(s): STATE FUNDED
Letting Date: 08-18-09 Call Order: 007
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		127,500.00
0002	0241000000-E GENERIC GRADING ITEM CONDITIONING EXISTING BASE	SY	9,035.000	1.75000		15,811.25
0003	1220000000-E INCIDENTAL STONE BASE	TON	665.000	35.00000		23,275.00
0004	1245000000-E SHOULDER RECONSTRUCTION	SMI	24.180	3,600.00000		87,048.00
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	61,846.000	1.00000		61,846.00
0006	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2-1/2")	SY	16,614.000	1.50000		24,921.00
0007	1330000000-E INCIDENTAL MILLING	SY	3,455.000	3.00000		10,365.00
0008	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	TON	1,537.000	31.00000		47,647.00
0009	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	TON	4,209.000	27.00000		113,643.00
0010	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	27,502.000	24.00000		660,048.00
0011	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	1,913.000	455.00000		870,415.00

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202410 Project(s): STATE FUNDED
Letting Date: 08-18-09 Call Order: 007
Bidder: 4421 - Rea Contracting LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1704000000-E PATCHING EXISTING PAVEMENT	6,608.000 TON	80.00000		528,640.00	
0013	2605000000-N CONCRETE WHEELCHAIR RAMPS	17.000 EA	1,100.00000		18,700.00	
0014	2815000000-N ADJUSTMENT OF DROP INLETS	1.000 EA	600.00000		600.00	
0015	2830000000-N ADJUSTMENT OF MANHOLES	13.000 EA	490.00000		6,370.00	
0016	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	38.000 EA	480.00000		18,240.00	
0017	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	129,154.000 LF	0.35000		45,203.90	
0018	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	147,195.000 LF	0.45000		66,237.75	
0019	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	3,195.000 LF	2.00000		6,390.00	
0020	4705000000-E THERMOPLAST IC PAVEMENT MARKING LINES (16", 120 MILS)	200.000 LF	2.75000		550.00	
0021	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	2,028.000 LF	3.75000		7,605.00	
0022	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	80.000 EA	75.00000		6,000.00	

State of NC
Dept of Transportation

Date: 07-21-09
Revised:

Contract ID: C202410 Project(s): STATE FUNDED
Letting Date: 08-18-09 Call Order: 007
Bidder: 4421 - Rea Contracting LLC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	4725000000-E THERMOPLASTIC PAVEMENT MARKINGSYMBOL (90 MILS)	EA 251.000	75.00000		18,825.00	
0024	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 35,331.000	0.15000		5,299.65	
0025	4820000000-E PAINT PAVEMENT MARKING LINES (8")	LF 3,065.000	0.50000		1,532.50	
0026	4830000000-E PAINT PAVEMENT MARKING LINES (16")	LF 100.000	0.75000		75.00	
0027	4835000000-E PAINT PAVEMENT MARKING LINES (24")	LF 1,093.000	2.00000		2,186.00	
0028	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	EA 32.000	30.00000		960.00	
0029	4845000000-N PAINT PAVEMENT MARKING SYMBOL	EA 140.000	20.00000		2,800.00	
0030	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	EA 1,464.000	4.25000		6,222.00	
0031	6084000000-E SEEDING & MULCHING	ACR 16.750	1,549.00000		25,945.75	
0032	7444000000-E INDUCTIVE LOOP SAWCUT	LF 10,702.000	3.50000		37,457.00	
Section 0001 Total					2,848,358.80	
Bid Total					2,848,358.80 ✓	

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

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

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

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

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

The Award Limits shall apply to the following projects:

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

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

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 MBE COMMITMENT ITEMS

DATE: 07-21-09
 PAGE: 6

PROPOSAL: C202410
 LETTING: L090818 CALL: 007
 VENDOR: 4421 Rea Contracting LLC

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

MBE SUBCONTRACTOR: 3766 KELVIN WHITEHURST TRUCKING						
Will Use Quote: Yes						
0008	1489000000-E	ASP CONC BAS	TON	750.000	4.00000	3000.00
0009	1498000000-E	ASP CONC INT	TON	2100.000	4.00000	8400.00
0010	1519000000-E	ASP CONC SUR	TON	13500.000	5.00000	67500.00
0005	1297000000-E	MILL ASP PVM	SY	30000.000	0.30000	9000.00
0006	1297000000-E	MILL ASP PVM	SY	8000.000	0.30000	2400.00

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 90,300.00 *ARM*

TOTAL MBE COMMITMENT FOR VENDOR: Entered: 3.17% or 90300.00
 Required: 3.00% or 85450.76
 <GOAL MET>

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 WBE COMMITMENT ITEMS

DATE: 07-21-09
 PAGE: 7

PROPOSAL: C202410
 LETTING: L090818 CALL: 007
 VENDOR: 4421 Rea Contracting LLC

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

WBE SUBCONTRACTOR: 3346 LINEBERRY, INC.
 Will Use Quote: No

0031	6084000000-E	SEEDING AND	ACR	16.750	1549.00000	25945.75
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WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

~~25,945.75~~ **ARM**

WBE SUBCONTRACTOR: 7782 DYNAMIC HAULING SERVICES LLC
 Will Use Quote: No

0005	1297000000-E	MILL ASP PVM SY		31846.000	0.15000	4776.90
0006	1297000000-E	MILL ASP PVM SY		8614.000	0.30000	2584.20
0008	1489000000-E	ASP CONC BAS TON		787.000	4.00000	3148.00
0009	1498000000-E	ASP CONC INT TON		2109.000	4.00000	8436.00
0010	1519000000-E	ASP CONC SUR TON		14002.000	5.00000	70010.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

~~88,935.10~~ **ARM**

WBE SUBCONTRACTOR: 12393 ROYALS CONTRACTING, INC.
 Will Use Quote: Yes

0007	1330000000-E	INCIDENTAL M SY		3455.000	2.95000	10192.25
0012	1704000000-E	PATCHING EXI TON		6608.000	20.00000	132160.00

WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

142,352.25 **ARM**

TOTAL WBE COMMITMENT FOR VENDOR:	Entered:	5.00% or	142352.25
	Required:	4.00% or	113934.35
			<GOAL MET>

Contract Item Sheets For C202410

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	127,500.00	127,500.00
0002	0241000000-E	SP	GENERIC GRADING ITEM CONDITIONING EXISTING BASE	9,035 SY	1.75	15,811.25
0003	1220000000-E	545	INCIDENTAL STONE BASE	665 TON	35.00	23,275.00
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	24.18 SMI	3,600.00	87,048.00
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	61,846 SY	1.00	61,846.00
0006	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2-1/2")	16,614 SY	1.50	24,921.00
0007	1330000000-E	607	INCIDENTAL MILLING	3,455 SY	3.00	10,365.00
0008	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	1,537 TON	31.00	47,647.00
0009	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	4,209 TON	27.00	113,643.00
0010	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	27,502 TON	24.00	660,048.00
0011	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,913 TON	455.00	870,415.00
0012	1704000000-E	SP	PATCHING EXISTING PAVEMENT	6,608 TON	80.00	528,640.00
0013	2605000000-N	848	CONCRETE WHEELCHAIR RAMPS	17 EA	1,100.00	18,700.00
0014	2815000000-N	858	ADJUSTMENT OF DROP INLETS	1 EA	600.00	600.00
0015	2830000000-N	858	ADJUSTMENT OF MANHOLES	13 EA	490.00	6,370.00
0016	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	38 EA	480.00	18,240.00
0017	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	129,154 LF	0.35	45,203.90

Contract Item Sheets For C202410

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	147,195 LF	0.45	66,237.75
0019	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	3,195 LF	2.00	6,390.00
0020	4705000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (16", 120 MILS)	200 LF	2.75	550.00
0021	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	2,028 LF	3.75	7,605.00
0022	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	80 EA	75.00	6,000.00
0023	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	251 EA	75.00	18,825.00
0024	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	35,331 LF	0.15	5,299.65
0025	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	3,065 LF	0.50	1,532.50
0026	4830000000-E	1205	PAINT PAVEMENT MARKING LINES (16")	100 LF	0.75	75.00
0027	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	1,093 LF	2.00	2,186.00
0028	4840000000-N	1205	PAINT PAVEMENT MARKING CHARACTER	32 EA	30.00	960.00
0029	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	140 EA	20.00	2,800.00
0030	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	1,464 EA	4.25	6,222.00
0031	6084000000-E	1660	SEEDING & MULCHING	16.75 ACR	1,549.00	25,945.75
0032	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	10,702 LF	3.50	37,457.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,848,358.80 ✓

Contract Number C202410
County Wake

Rev 7-20-08

**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

Signature of Manager

David J. Rankin
Individually

Mary Kelly

Print or type Witness's name

David J. Rankin, District Manager

Print or type Signer's Name

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

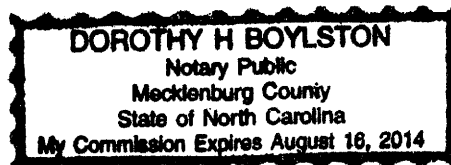
31st day of August 2009.

Dorothy H. Boylston
Signature of Notary Public

of Mecklenburg County

State of North Carolina

My Commission Expires: 8-16-14



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 **C202410**

County (ies): **Wake**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202410
County Wake

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Date of Payment Bond Execution August 28, 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: \$2,848,358.80 Two million eight hundred forty-eight thousand three hundred fifty-eight Dollars & 80/100
Contract ID No.: C202410
County Name: Wake

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. C202410
County Wake


(Rev 7-10-08)


CONTRACT PAYMENT 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. C202410
County Wake

(Rev 7-10-08)

CONTRACT PAYMENT BOND

LIMITED LIABILITY COMPANY

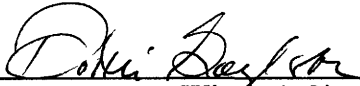
SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor Rea Contracting LLC
Full name of Firm

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

Signature of Manager 
Individually

David J. Rankin, District Manager
Print or type Signer's name


Witness's Signature

Dottie Boylston
Print or type Witness's name

Contract No. C202410
County Wake

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: August 28, 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: Two million eight hundred fourty-eight
\$2,848,358.80 thousand three hundred fifty-eight Dollars & 80/100

Contract ID No.: C202410

County Name: Wake

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. C202410
County Wake

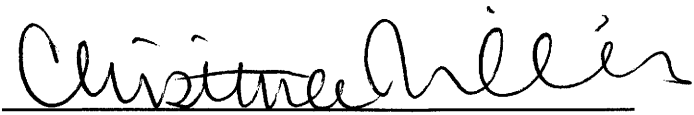
(Rev 7-10-08)

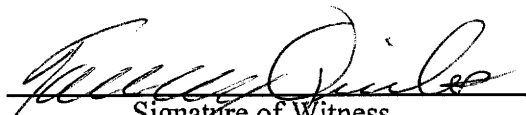
CONTRACT PERFORMANCE BOND

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. C202410
County Wake

(Rev 7-10-08)

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

David J. Rankin, District Manager
Print or type Signer's name


Witness's Signature

Dottie Boylston
Print or type Witness's Name

Bond Number: 08974490 / 82170665

Obligee: North Carolina Department of Transportation

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
HOME OFFICE: 3910 KESWICK ROAD, BALTIMORE, MD 21211**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by Frank E. Martin, Jr., Vice President and Gerald F. Haley, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the next page hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint:

Christina Williams

of Farmington, CT, 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: Bond or undertaking number 08974490 / 82170665, issued on behalf of Rea Contracting LLC, as Principal in a penalty not to exceed the sum of See Bond Form (\$See Bond Form) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it 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.

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

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND this 4th day of September, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley Assistant Secretary

Frank E. Martin Jr.

Frank E. Martin, Jr. Vice President

State of Maryland }
County of Baltimore } SS:

On this 4th day of September, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came Frank E. Martin, Jr., Vice President, and Gerald F. Haley, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND 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 deposeth and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

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



Constance A. Dunn

Connie 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 Vice President that is specially authorized by the Board of Directors or the Chairman in concurrence with the Corporate Secretary, shall have the power, by and with the concurrence of the Secretary, to appoint Attorney-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, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto.”

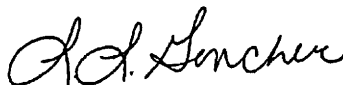
CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is 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 By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

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 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 seal of the said Company, this 28th day of August, 2009.



L.L. Goucher

Assistant Secretary





**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

Christina Williams

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, the following Surety Bond:

Surety Bond Number :08974490 / 82170665

Obligee :North Carolina Department of Transportation

And the execution of such bond or obligation by such Attorney- in- Fact in the Company's name and on its behalf as surety thereon or otherwise, under its corporate seal, in pursuance of the authority hereby conferred shall, upon delivery thereof, be valid and binding upon the Company.

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 20th day of November, 2008.

Kenneth C. Wendel

Kenneth C. Wendel, Assistant Secretary

Richard A. Ciullo

Richard A. Ciullo, Vice President

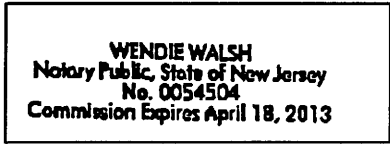
STATE OF NEW JERSEY

ss.

County of Somerset

On this 20th day of November, 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 Richard A. Ciullo, and knows him to be Vice President of said Companies; and that the signature of Richard A. Ciullo, subscribed to said Power of Attorney is in the genuine handwriting of Richard A. Ciullo, and was thereto subscribed by authority of said By- Laws and in deponent's presence.

Notarial Seal



Wendie Walsh

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 28th day of August, 2009



Kenneth C. Wendel

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