

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

C202475

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202475

WBS 3CR.10671.78, 3CR.10711.78 STATE FUNDED

COUNTY OF ONSLow, PENDER
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER NC 210 LENGTH 14.030 MILES
LOCATION NC-210 FROM SR-1646 TO NC-172 IN ONSLOW COUNTY & NC-11 FROM
US-421 TO US-117.

CONTRACTOR BARNHILL CONTRACTING COMPANY
ADDRESS P.O. BOX 1529
TARBORO, NC 278861529

BIDS OPENED NOVEMBER 17, 2009
CONTRACT EXECUTION DEC 10 2009

Barnhill Contracting Company (3516).

Vendor 2 of 2 Vendors for Call Order 003 (Proposal ID C202475).

County: ONSLOW, PENDER
 Address: PO Box 399
 Kinston, NC 28502
 Phone Number: 252-527-8021
 Signature Check: This bid has been properly signed by CAREY_M._SWANN_III_3516.
 Time Bid Received: Tue Nov 17 13:13:04 2009
 Bid Checksum: 0409DA32 MBE GOAL SET 3.0
 Amendment Count: 0
 Bidding Errors: This bid contains errors. MBE GOAL MET 3.0
 Bid Total: \$3,757,846.79 ✓
 Bond ID: SNC09666356
 Bond was Verified: Yes. WBE GOAL SET 5.0
 Bond Required Percent: 5.00%
 Minimum Check Amount: \$187,892.34
 Bid Security Maximum: \$ WBE GOAL MET 5.0
 Bond Agency Name:
 Agency Execution Date: 11/13/2009 5:11:06 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.

NCDOT/berc

Vendor 3516's Load Output for Call 003, Letting L091117, 2009-11-17

Bid Bond Data Info - Contractor Responses:

=====

BondID: SNC09666356
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Travelers Casualty and Surety Company of America
Bond Execution Date: 11/13/2009 5:11:06 PM
Bond Amount: \$187,892.34 (Five Percent of Bid)

State of NC
Dept of Transportation

Date: 10-20-09
Revised:

Contract ID: C202475 Project(s): STATE FUNDED
Letting Date: 11-17-09 Call Order: 003
Bidder: 3516 - Barnhill Contracting Company

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			44,000.00
0002	0106000000-E BORROW EXCAVATION	CY 4,526.000	1.10000			4,978.60
0003	0234000000-E GENERIC GRADING ITEM BORROW EXCAVATION (STATE FURNISHED SOURCES)	CY 10,427.000	8.30000			86,544.10
0004	0241000000-E GENERIC GRADING ITEM REMOVAL OF CONCRETE ISLAND	SY 30.000	42.20000			1,266.00
0005	1220000000-E INCIDENTAL STONE BASE	TON 1,150.000	38.50000			44,275.00
0006	1245000000-E SHOULDER RECONSTRUCTION	SMI 27.640	2,290.00000			63,295.60
0007	1330000000-E INCIDENTAL MILLING	SY 1,703.000	5.00000			8,515.00
0008	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	TON 189.000	110.90000			20,960.10
0009	1491000000-E ASPHALT CONC BASE COURSE, TYPE B25.0C	TON 3,854.000	44.90000			173,044.60
0010	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	TON 11,681.000	41.90000			489,433.90

State of NC
Dept of Transportation

Date: 10-20-09
Revised:

Contract ID: C202475 Project(s): STATE FUNDED
Letting Date: 11-17-09 Call Order: 003
Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	26,748.000 TON	40.75000		1,089,981.00	
0012	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	6,036.000 TON	39.50000		238,422.00	
0013	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	2,329.000 TON	395.00000		919,955.00	
0014	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	362.000 TON	405.00000		146,610.00	
0015	1880000000-E GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (FULL DEPTH)	130.000 TON	135.60000		17,628.00	
0016	1880000000-E GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (MILL)	1,315.000 TON	130.50000		171,607.50	
0017	2738000000-E GENERIC PAVING ITEM INCIDENTAL CONCRETE	75.000 SY	62.25000		4,668.75	
0018	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	2.000 EA	301.50000		603.00	
0019	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	145,938.000 LF	0.36000		52,537.68	
0020	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	107,328.000 LF	0.40000		42,931.20	
0021	4695000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 90 MILS)	600.000 LF	2.00000		1,200.00	

State of NC
 Dept of Transportation

Date: 10-20-09
 Revised:

Contract ID: C202475 Project(s): STATE FUNDED
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 Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	150.000 LF	7.00000		1,050.00	
0023	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	12.000 EA	100.00000		1,200.00	
0024	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	30.000 EA	100.00000		3,000.00	
0025	4810000000-E PAINT PAVEMENT MARKING LINES (4")	253,267.000 LF	0.08000		20,261.36	
0026	4820000000-E PAINT PAVEMENT MARKING LINES (8")	600.000 LF	1.50000		900.00	
0027	4835000000-E PAINT PAVEMENT MARKING LINES (24")	50.000 LF	2.00000		100.00	
0028	4840000000-N PAINT PAVEMENT MARKING CHARACTER	12.000 EA	20.00000		240.00	
0029	4845000000-N PAINT PAVEMENT MARKING SYMBOL	30.000 EA	20.00000		600.00	
0030	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	1,064.000 EA	20.50000		21,812.00	
0031	6000000000-E TEMPORARY SILT FENCE	1,403.000 LF	1.80000		2,525.40	
0032	6009000000-E STONE FOR EROSION CONTROL, CLASS B	351.000 TON	64.40000		22,604.40	

State of NC
 Dept of Transportation

Date: 10-20-09
 Revised:

Contract ID: C202475 Project(s): STATE FUNDED
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 Bidder: 3516 - Barnhill Contracting Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0033	6012000000-E SEDIMENT CONTROL STONE	351.000 TON	43.30000		15,198.30	
0034	6015000000-E TEMPORARY MULCHING	14.030 ACR	410.20000		5,755.11	
0035	6018000000-E SEED FOR TEMPORARY SEEDING	702.000 LB	7.15000		5,019.30	
0036	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	3.510 TON	816.35000		2,865.39	
0037	6036000000-E MATTING FOR EROSION CONTROL	50.000 SY	3.10000		155.00	
0038	6042000000-E 1/4" HARDWARE CLOTH	702.000 LF	3.00000		2,106.00	
0039	6084000000-E SEEDING & MULCHING	20.750 ACR	1,330.00000		27,597.50	
0040	7444000000-E INDUCTIVE LOOP SAWCUT	350.000 LF	6.25000		2,187.50	
0041	7456000000-E LEAD-IN CABLE (***** (14-2)	50.000 LF	4.25000		212.50	
	Section 0001 Total				3,757,846.79	
	Bid Total				3,757,846.79	✓

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.

Contract Item Sheets For C202475

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	44,000.00	44,000.00
0002	0106000000-E	230	BORROW EXCAVATION	4,526 CY	1.10	4,978.60
0003	0234000000-E	SP	GENERIC GRADING ITEM BORROW EXCAVATION (STATE FURNISHED SOURCES)	10,427 CY	8.30	86,544.10
0004	0241000000-E	SP	GENERIC GRADING ITEM REMOVAL OF CONCRETE ISLAND	30 SY	42.20	1,266.00
0005	1220000000-E	545	INCIDENTAL STONE BASE	1,150 TON	38.50	44,275.00
0006	1245000000-E	SP	SHOULDER RECONSTRUCTION	27.64 SMI	2,290.00	63,295.60
0007	1330000000-E	607	INCIDENTAL MILLING	1,703 SY	5.00	8,515.00
0008	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	189 TON	110.90	20,960.10
0009	1491000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0C	3,854 TON	44.90	173,044.60
0010	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	11,681 TON	41.90	489,433.90
0011	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	26,748 TON	40.75	1,089,981.00
0012	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	6,036 TON	39.50	238,422.00
0013	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	2,329 TON	395.00	919,955.00
0014	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	362 TON	405.00	146,610.00
0015	1880000000-E	SP	GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (FULL DEPTH)	130 TON	135.60	17,628.00
0016	1880000000-E	SP	GENERIC PAVING ITEM PATCHING EXISTING PAVEMENT (MILL)	1,315 TON	130.50	171,607.50

Contract Item Sheets For C202475

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	2738000000-E	SP	GENERIC PAVING ITEM INCIDENTAL CONCRETE	75 SY	62.25	4,668.75
0018	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	2 EA	301.50	603.00
0019	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	145,938 LF	0.36	52,537.68
0020	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	107,328 LF	0.40	42,931.20
0021	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	600 LF	2.00	1,200.00
0022	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	150 LF	7.00	1,050.00
0023	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	12 EA	100.00	1,200.00
0024	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	30 EA	100.00	3,000.00
0025	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	253,267 LF	0.08	20,261.36
0026	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	600 LF	1.50	900.00
0027	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	50 LF	2.00	100.00
0028	4840000000-N	1205	PAINT PAVEMENT MARKING CHARAC- TER	12 EA	20.00	240.00
0029	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	30 EA	20.00	600.00
0030	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	1,064 EA	20.50	21,812.00
0031	6000000000-E	1605	TEMPORARY SILT FENCE	1,403 LF	1.80	2,525.40
0032	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	351 TON	64.40	22,604.40
0033	6012000000-E	1610	SEDIMENT CONTROL STONE	351 TON	43.30	15,198.30

Contract Item Sheets For C202475

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0034	6015000000-E	1615	TEMPORARY MULCHING	14.03 ACR	410.20	5,755.11
0035	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	702 LB	7.15	5,019.30
0036	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	3.51 TON	816.35	2,865.39
0037	6036000000-E	1631	MATTING FOR EROSION CONTROL	50 SY	3.10	155.00
0038	6042000000-E	1632	1/4" HARDWARE CLOTH	702 LF	3.00	2,106.00
0039	6084000000-E	1660	SEEDING & MULCHING	20.75 ACR	1,330.00	27,597.50
0040	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	350 LF	6.25	2,187.50
0041	7456000000-E	1726	LEAD-IN CABLE (***** (14-2)	50 LF	4.25	212.50

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$3,757,846.79 ✓

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT AND DEBARMENT CERTIFICATION
CORPORATION**

The Contractor being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this Contract, and that the Contractor intends to do the work with his own bonafide employees or subcontractors and did not bid for the benefit of another contractor.

By submitting this Execution of Contract, Non-Collusion affidavit and Debarment Certification, the Contractor is certifying his status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

SIGNATURE OF CONTRACTOR

Barnhill Contracting Company

Full name of Corporation

PO Box 1529, Tarboro, NC 27886

Address as Prequalified

Attest Charlie E. Gates
Secretary/Assistant Secretary
Select appropriate title

By Carey M. Swann, III
President/Vice President/Assistant Vice President
Select appropriate title

Charlie E. Gates
Print or type Signer's name

Carey M. Swann, III
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

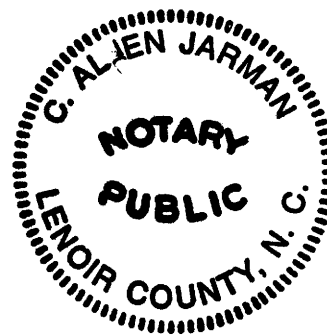
3rd day of December 2009

C. Allen Jarman
Signature of Notary Public

of Lenoir County

State of North Carolina

My Commission Expires: Dec. 30 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.

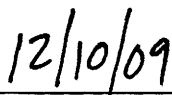
Contract No **C202475**

County (ies): **Onslow & Pender**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

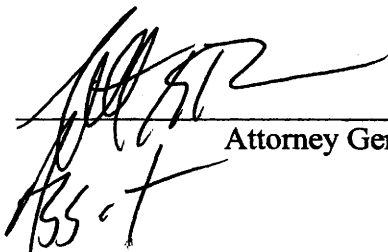


Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

BOND NO. 105353533

CONTRACT PAYMENT BOND

Date of Payment

Bond Execution:

November 24th, 2009

Name of Principal:

Contractor

BARNHILL CONTRACTING COMPANY

P.O. BOX 1529, TARBORO, NC 27886

Name of Surety:

TRAVELERS CASUALTY AND SURETY COMPANY OF
AMERICA

11440 CARMEL COMMONS BLVD, CHARLOTTE, NC 28226

Name of Contracting Body:

RALEIGH, NC 27699-1591

Amount of Bond:

\$ 3,757,846.79

THREE MILLION SEVEN HUNDRED FIFTY SEVEN THOUSAND EIGHT HUNDRED FORTY SIX AND 79/100

Contract ID No.:

C202475

County Name:

ONslow,PENDER

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

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

NOW THEREFORE, if the principal shall promptly make payment to all persons supplying labor and material in the prosecution of the work provided for in said contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

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

Contract Number C202475
County ONSLOW,PENDER

Rev 07-10-08

CONTRACT PAYMENT BOND

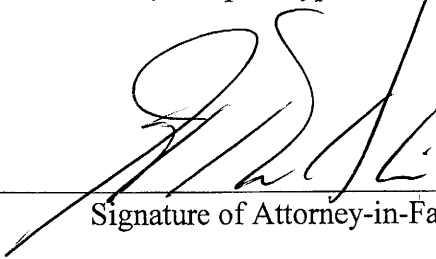
Affix Seal of Surety Company

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA**

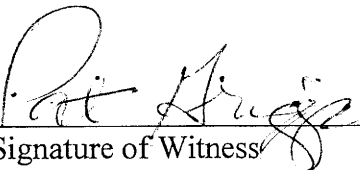
Print or type Surety Company Name

By **H. THOMAS DAWKINS**

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



Signature of Attorney-in-Fact



Signature of Witness

Pat Griggs

Print or type Witness's name

P. O. BOX 6054
Charlotte, NC 28207-0000

Address of Attorney-in-Fact

CONTRACT PAYMENT BOND

CORPORATION

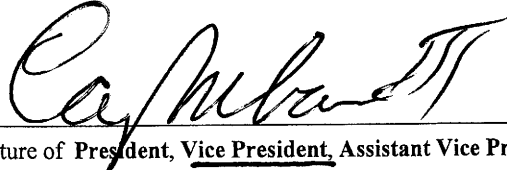
SIGNATURE OF CONTRACTOR (Principal)

BARNHILL CONTRACTING COMPANY

Full name of Corporation

P.O. BOX 1529, TARBORO, NC 27886

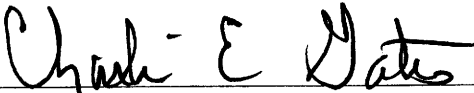
Address as prequalified

By 
Signature of President, Vice President, Assistant Vice President

Selete appropriate title

Carey M. Swann, III
Print or type Signer's name

Affix Corporate Seal

Attest 
Signature of Secretary, Assistant Secretary
Selete appropriate title

Charlie E. Gates
Print or type Signer's name

BOND NO. 105353533

CONTRACT PERFORMANCE BOND

Date of Performance

Bond Execution: November 24th, 2009

Name of Principal:

BARNHILL CONTRACTING COMPANY

Contractor

P.O. BOX 1529, TARBORO, NC 27886

Name of Surety:

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
11440 CARMEL COMMONS BLVD, CHARLOTTE, NC 28226

Name of Contracting Body:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
RALEIGH, NC 27699-1591

Amount of Bond:

\$ 3,757,846.79

THREE MILLION SEVEN HUNDRED FIFTY SEVEN THOUSAND EIGHT HUNDRED FORTY SIX AND 79/100

Contract ID No.:

C202475

County Name(s):

ONslow,PENDER

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

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

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

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

CONTRACT PERFORMANCE BOND

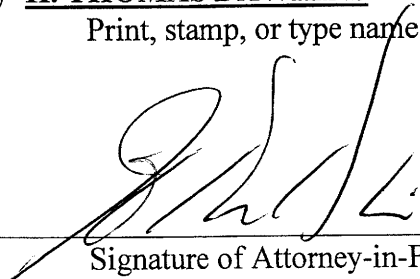
Affix Seal of Surety Company

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA**

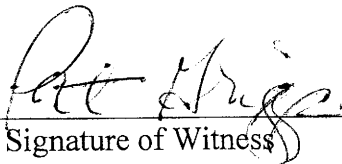
Print or type Surety Company Name

By **H. THOMAS DAWKINS**

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



Signature of Attorney-in-Fact



Signature of Witness

Pat Griggs

Print or type Witness' name

P. O. BOX 6054

Charlotte, NC 28207-0000

Address of Attorney-in-Fact

CONTRACT PERFORMANCE BOND

CORPORATION


SIGNATURE OF CONTRACTOR (Principal)

BARNHILL CONTRACTING COMPANY

Print full name of Corporation

P.O. BOX 1529, TARBORO, NC 27886

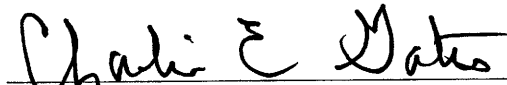
Address as prequalified

By 
Signature of President, Vice President, Assistant Vice President

Select appropriate title

Carey M. Swann, III
Print or type Signer's name

Affix Corporate Seal

Attest 
Signature of Secretary, Assistant Secretary
Select appropriate title

Charlie E. Gates
Print or type Signer's name



POWER OF ATTORNEY

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

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

Attorney-In Fact No. 219366

Certificate No. 003281701

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

H. Thomas Dawkins, and Anissa A. Millen

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

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

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

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



State of Connecticut
City of Hartford ss.

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

On this the 28th day of November, 2007, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., 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., 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., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

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

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. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.