

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

C202399

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202399

WBS 45114.3.ST1 STM-040-1(204)59

T.I.P NO. I-5131

COUNTY OF BUNCOMBE

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER I 40 LENGTH 11.720 MILES

LOCATION I-40 FROM SR-2838 TO THE MCDOWELL COUNTY LINE.

CONTRACTOR APAC- ATLANTIC, INC. ASHEVILLE DIVISION

ADDRESS P.O. BOX 6939  
ASHEVILLE, NC 28816

BIDS OPENED DECEMBER 15, 2009

CONTRACT EXECUTION JAN 0 7 2010

NCDOT/berc

Vendor 4317'8 Bid Information for Call 030, Letting L091215, 2009-12-15

**APAC-Atlantic, Inc. Asheville Division (4317).**

**Vendor 1 of 2 Vendors for Call Order 030 (Proposal ID C202399).**

County: BUNCOMBE  
Address: PO Box 6939  
Asheville, NC 28816

Phone Number: 828-665-1180

Signature Check: This bid has been properly signed by David\_B\_Caldwell\_4317.

Time Bid Received: Tue Dec 15 13:29:032009

Bid Checksum: 4A23C1FC

Amendment Count: 0

Bidding Errors: No bidding errors.

DBE GOAL SET 6.0

Bid Total: \$7,798,764.73 ✓

DBE GOAL MET 6.2

Bond ID: SNC09961064

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$389,938.24

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 11/30/2009 03:57 PM

Surety Name: Liberty Mutual Insurance Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT	
3404	<b>WB</b> HERITAGE GRADING & PAVING, INC. POST OFFICE BOX 1076 , BURNSVILLE, NC 28714		Sub 196,693.00	✓ arm
1293	<b>WB</b> CAROLINA LANDSCAPING & CONST IN PO BOX 645 , HENDERSONVILLE, NC 28793		Sub 29,992.00	✓ arm
3376	<b>WB</b> REYNOLDS FENCE & GUARDRAIL INC 9320 MACHADO DRIVE , INDIAN TRAIL, NC 28079		Sub 47,750.00	✓ arm
7876	<b>WB</b> EMERY SEALCO, INC. DBA EMERY AS P.O. BOX 814 , ARDEN, NC 28704		Man 64,069.10	✓ arm
4761	<b>WB</b> TRAFFIC CONTROL SAFETY SERVICES POST OFFICE BOX 24511 , WINSTON-SALEM, NC 27114		Sub 146,980.00	✓ arm
			TOTAL:	\$485,484.10 ✓ arm 6.23%

Miscellaneous Data Info - Contractor Responses:

NON-COLLUSION AND DEBARMENT CERTIFICATION

Explanation of the prospective bidder that is unable to certify to any of the statements in this certification:

- Explanation:
- NOT ANSWERED
- NOT ANSWERED
- NOT ANSWERED
- NOT ANSWERED

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	

Bid Bond Data Info - Contractor Responses:

BondID: SNC09961064  
Surety Registry Agency: surety2000

NCDOT/berc

Vendor 4317's Load Output for Call 030, Letting L091215, 2009-12-15

Verified?: Yes

Surety Agency: Liberty Mutual Insurance Company

Bond Execution Date: 11/30/2009 7:03:57 PM

Bond Amount: \$389,938.24 (Five Percent of Bid)

State of NC  
 Dept of Transportation

Date: 11-17-09  
 Revised:

Contract ID: C202399 Project(s): STM-040-1(204)59  
 Letting Date: 12-15-09 Call Order: 030  
 Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

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		240,000.00
0002	1245000000-E SHOULDER RECONSTRUCTION	SMI	39.870	4,500.00000		179,415.00
0003	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	221,577.000	0.95000		210,498.15
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2-1/2")	SY	121,652.000	1.10000		133,817.20
0005	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (0" TO 1-1/2")	SY	29,970.000	0.95000		28,471.50
0006	1491000000-E ASPHALT CONC BASE COURSE, TYPE B25.0C	TON	280.000	75.00000		21,000.00
0007	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	TON	17,486.000	42.50000		743,155.00
0008	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	TON	73,267.000	41.50000		3,040,580.50
0009	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	834.000	475.00000		396,150.00
0010	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	TON	4,396.000	500.00000		2,198,000.00

State of NC  
Dept of Transportation

Date: 11-17-09  
Revised:

Contract ID: C202399 Project(s): STM-040-1(204)59  
Letting Date: 12-15-09 Call Order: 030  
Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1704000000-E PATCHING EXISTING PAVEMENT	150.000 TON	140.00000		21,000.00	
0012	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	247,528.000 LF	0.06000		14,851.68	
0013	2815000000-N ADJUSTMENT OF DROP INLETS	17.000 EA	1,900.00000		32,300.00	
0014	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	17.000 EA	1,950.00000		33,150.00	
0015	3345000000-E REMOVE & RESET EXISTING GUARD-RAIL	4,500.000 LF	4.50000		20,250.00	
0016	4405000000-E WORK ZONE SIGNS (PORTABLE)	192.000 SF	25.00000		4,800.00	
0017	4415000000-N FLASHING ARROW PANELS, TYPE C	4.000 EA	4,000.00000		16,000.00	
0018	4420000000-N CHANGEABLE MESSAGE SIGN	4.000 EA	10,000.00000		40,000.00	
0019	4430000000-N DRUMS	620.000 EA	20.00000		12,400.00	
0020	4480000000-N TMIA	2.000 EA	10,000.00000		20,000.00	
0021	4510000000-N LAW ENFORCEMENT	1,200.000 HR	27.78000		33,336.00	
0022	4688000000-E THERMOPLAST IC PAVEMENT MARKING LINES (6", 90 MILS)	288,133.000 LF	0.54000		155,591.82	

State of NC  
 Dept of Transportation

Date: 11-17-09  
 Revised:

Contract ID: C202399 Project(s): STM-040-1(204)59  
 Letting Date: 12-15-09 Call Order: 030  
 Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	4690000000-E THERMOPLAST IC PAVEMENT MARKING LINES (6", 120 MILS)	34,068.000 LF	0.68000		23,166.24	
0024	4700000000-E THERMOPLAST IC PAVEMENT MARKING LINES (12", 90 MILS)	12,030.000 LF	1.10000		13,233.00	
0025	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	48.000 LF	15.00000		720.00	
0026	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	10.000 EA	135.00000		1,350.00	
0027	4810000000-E PAINT PAVEMENT MARKING LINES (4")	328,261.000 LF	0.24000		78,782.64	
0028	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	2,220.000 EA	18.00000		39,960.00	
0029	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		5,000.00	
0030	6084000000-E SEEDING & MULCHING	24.160 ACR	1,350.00000		32,616.00	
0031	7324000000-N JUNCTION BOX (STANDARD SIZE)	2.000 EA	175.00000		350.00	
0032	7444000000-E INDUCTIVE LOOP SAWCUT	980.000 LF	5.60000		5,488.00	
0033	7456000000-E LEAD-IN CABLE (***** (14-2)	1,960.000 LF	1.70000		3,332.00	
Section 0001 Total						7,798,764.73

State of NC  
Dept of Transportation

Date: 11-17-09  
Revised:

Contract ID: C202399

Project(s): STM-040-1(204)59

Letting Date: 12-15-09 Call Order: 030

Bidder: 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
	Bid Total				7,798,764.73	

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED

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

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

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

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

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	

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

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
DBE COMMITMENT ITEMS

DATE:11-17-09  
PAGE: 7

PROPOSAL: C202399  
LETTING: L091215 CALL: 030  
VENDOR: 4317 APAC-Atlantic, Inc. Asheville Division

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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DBE SUBCONTRACTOR: 3404 HERITAGE GRADING & PAVING, INC.  
Will Use Quote: Yes

0001	0000100000-N	MOBILIZATION	LS	1.000	1500.00000	1500.00
0002	1245000000-E	SHOULDER REC	SMI	39.870	3900.00000	155493.00
0011	1704000000-E	PATCHING EXI	TON	150.000	72.00000	10800.00
0013	2815000000-N	ADJ DROP INL	EA	17.000	1700.00000	28900.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 196,693.00  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 196,693 ✓ arm

DBE SUBCONTRACTOR: 1293 CAROLINA LANDSCAPING & CONST INC  
Will Use Quote: Yes

0001	0000100000-N	MOBILIZATION	LS	1.000	1000.00000	1000.00
0030	6084000000-E	SEEDING AND	ACR	24.160	1200.00000	28992.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 29,992.00 ✓ arm  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 29,992.

DBE SUBCONTRACTOR: 3376 REYNOLDS FENCE & GUARDRAIL INC  
Will Use Quote: Yes

0014	3270000000-N	GR ANCHOR TY	EA	17.000	1750.00000	29750.00
0015	3345000000-E	REMOVE & RES	LF	4500.000	4.00000	18000.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 47,750.00 ✓ arm  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 47,750.

DBE SUBCONTRACTOR: 7876 EMERY SEALCO, INC. DBA EMERY ASPHALT EMULSION  
Will Use Quote: Yes

0007	1503000000-E	ASP CONC INT	TON	17486.000	1.15000	20108.90
0008	1523000000-E	ASP CONC SUR	TON	73267.000	0.60000	43960.20

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 64,069.10 ✓ arm  
DBE COMMITMENT TOTAL FOR VENDOR (Manufacturer) 64,069.

DBE SUBCONTRACTOR: 4761 TRAFFIC CONTROL SAFETY SERVICES, INC.  
Will Use Quote: Yes

0001	0000100000-N	MOBILIZATION	LS	1.000	96980.00000	96980.00
0017	4415000000-N	FLASHING ARR	EA	4.000	3500.00000	14000.00
0018	4420000000-N	CHANGEABLE M	EA	4.000	9000.00000	36000.00

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
DBE COMMITMENT ITEMS

DATE:11-17-09  
PAGE: 8

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
						146,980.00 ✓ am
						146,980
						485484.10 ✓ am
						467925.88
						<GOAL MET>

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor

TOTAL DBE COMMITMENT FOR VENDOR:

Entered: 6.23% or 485484.10 ✓ am  
Required: 6.00% or 467925.88  
<GOAL MET>

## Contract Item Sheets For C202399

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	240,000.00	240,000.00
0002	1245000000-E	SP	SHOULDER RECONSTRUCTION	39.87 SMI	4,500.00	179,415.00
0003	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (1-1/2")	221,577 SY	0.95	210,498.15
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2-1/2")	121,652 SY	1.10	133,817.20
0005	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO *****" DEPTH (0" TO 1-1/2")	29,970 SY	0.95	28,471.50
0006	1491000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0C	280 TON	75.00	21,000.00
0007	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	17,486 TON	42.50	743,155.00
0008	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	73,267 TON	41.50	3,040,580.50
0009	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	834 TON	475.00	396,150.00
0010	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	4,396 TON	500.00	2,198,000.00
0011	1704000000-E	SP	PATCHING EXISTING PAVEMENT	150 TON	140.00	21,000.00
0012	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	247,528 LF	0.06	14,851.68
0013	2815000000-N	858	ADJUSTMENT OF DROP INLETS	17 EA	1,900.00	32,300.00
0014	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	17 EA	1,950.00	33,150.00
0015	3345000000-E	864	REMOVE & RESET EXISTING GUARD- RAIL	4,500 LF	4.50	20,250.00
0016	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	192 SF	25.00	4,800.00

## Contract Item Sheets For C202399

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	4 EA	4,000.00	16,000.00
0018	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	4 EA	10,000.00	40,000.00
0019	4430000000-N	1130	DRUMS	620 EA	20.00	12,400.00
0020	4480000000-N	1165	TMIA	2 EA	10,000.00	20,000.00
0021	4510000000-N	SP	LAW ENFORCEMENT	1,200 HR	27.78	33,336.00
0022	4688000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 90 MILS)	288,133 LF	0.54	155,591.82
0023	4690000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 120 MILS)	34,068 LF	0.68	23,166.24
0024	4700000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (12", 90 MILS)	12,030 LF	1.10	13,233.00
0025	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	48 LF	15.00	720.00
0026	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	10 EA	135.00	1,350.00
0027	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	328,261 LF	0.24	78,782.64
0028	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	2,220 EA	18.00	39,960.00
0029	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	5,000.00	5,000.00
0030	6084000000-E	1660	SEEDING & MULCHING	24.16 ACR	1,350.00	32,616.00
0031	7324000000-N	1716	JUNCTION BOX (STANDARD SIZE)	2 EA	175.00	350.00
0032	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	980 LF	5.60	5,488.00
0033	7456000000-E	1726	LEAD-IN CABLE (*****) (14-2)	1,960 LF	1.70	3,332.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$7,798,764.73

**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**

APAC-ATLANTIC INC - ASHEVILLE DIVISION

Full name of Corporation

PO BOX 6939; ASHEVILLE, NC 28816

Address as Prequalified

Attest Charles L. Salmon  
Secretary/Assistant Secretary  
Select appropriate title

By William H. Tomlinson  
President/Vice President/Assistant Vice President  
Select appropriate title

Charles L. Salmon  
Print or type Signer's name

William H. Tomlinson  
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

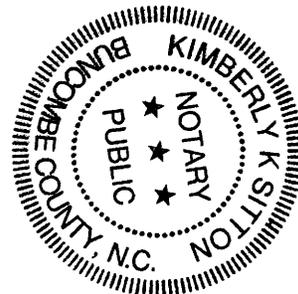
4<sup>th</sup> day of January 2010.

Kimberly K. Sittan  
Signature of Notary Public Kimberly K. Sittan

of Buncombe County

State of North Carolina

My Commission Expires: Nov. 23, 2013



## 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.

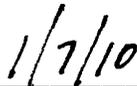
**Contract No**     **C202399**

**County (ies):**   **Buncombe**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**



\_\_\_\_\_  
**Contract Officer**



\_\_\_\_\_  
**Date**

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



\_\_\_\_\_  
**Attorney General**

Contract No. C202399  
 County BUNCOMBE

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution DECEMBER 30, 2009

Name of Principal Contractor APAC - ATLANTIC, INC. - ASHEVILLE DIVISION

Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY

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

Amount of Bond: \$7,798,764.73

Contract ID No.: C202399

County Name: BUNCOMBE

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. C202399  
County BUNCOMBE

(Rev 7-10-08)

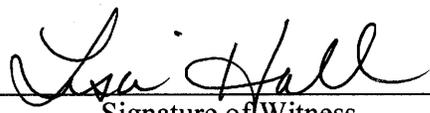
### CONTRACT PAYMENT BOND

*Affix Seal of Surety Company*

LIBERTY MUTUAL INSURANCE COMPANY  
Print or type Surety Company Name

By MARCINDA DRYSDALE, ATTORNEY-IN-FACT  
Print, stamp or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

LISA HALL, WITNESS  
Print or type Witness's name

15 W. SOUTH TEMPLE, STE. 700  
SALT LAKE CITY, UT 84101  
Address of Attorney-in-Fact

Contract No.  
County

C202399  
BUNCOMBE

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

APAC - ATLANTIC, INC. - ASHEVILLE DIVISION

Full name of Corporation

PO BOX 6939, ASHEVILLE, NC 28816

Address as prequalified

By William H. Tomlinson  
Signature of ~~President, Vice President, Assistant Vice President~~  
Select appropriate title

William H. Tomlinson  
Print or type Signer's name

*Affix Corporate Seal*

Attest Charles L. Salmon  
Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

Charles L. Salmon  
Print or type Signer's name

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint TINA DAVIS, MARCINDA DRYSDALE, KIRIE MARTIN, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH ..

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding SEVENTY FIVE MILLION AND 00/100\*\*\*\*\* DOLLARS (\$ 75,000,000.00\*\*\*\*\* ) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 27th day of May, 2009

LIBERTY MUTUAL INSURANCE COMPANY

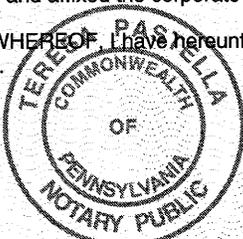
By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 27th day of May, 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, 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 officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, 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 30TH day of DECEMBER, 2009.



By David M. Carey
David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Contract No. C202399  
County BUNCOMBE

**CONTRACT PERFORMANCE BOND**

Date of Performance Bond Execution: DECEMBER 30, 2009

Name of Principal Contractor: APAC - ATLANTIC, INC. - ASHEVILLE DIVISION

Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY

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

Amount of Bond: \$7,798,764.73

Contract ID No.: C202399

County Name: BUNCOMBE

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.  
County

C202399  
BUNCOMBE

(Rev 7-10-08)

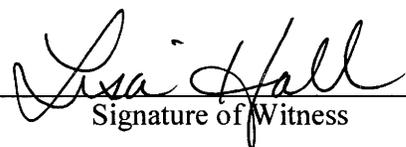
**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

LIBERTY MUTUAL INSURANCE COMPANY  
Print or type Surety Company Name

By MARCINDA DRYSDALE, ATTORNEY-IN-FACT  
Print, stamp or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

LISA HALL, WITNESS  
Print or type Witness's name

15 W. SOUTH TEMPLE, STE. 700  
SALT LAKE CITY, UT 84101  
Address of Attorney-in-Fact

Contract No.  
County

C202399  
BUNCOMBE

(Rev 7-10-08)

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

SIGNATURE OF CONTRACTOR (Principal)

APAC - ATLANTIC, INC. - ASHEVILLE DIVISION

Full name of Corporation

PO BOX 6939, ASHEVILLE, NC 28816

Address as prequalified

By William H Tomlinson  
Signature of ~~President, Vice President, Assistant Vice President~~  
Select appropriate title

William H. Tomlinson  
Print or type Signer's name

*Affix Corporate Seal*

Attest

Charles L. Salmon

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

Charles L. Salmon

Print or type Signer's name

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint TINA DAVIS, MARCINDA DRYSDALE, KIRIE MARTIN, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH ..

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding SEVENTY FIVE MILLION AND 00/100\*\*\*\*\* DOLLARS (\$ 75,000,000.00\*\*\*\*\*) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 27th day of May, 2009.

LIBERTY MUTUAL INSURANCE COMPANY

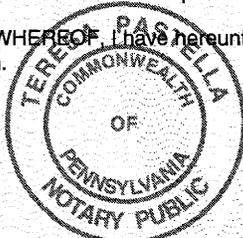
By Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 27th day of May, 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, 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 officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, 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 30TH day of DECEMBER, 2009.



By David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

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