

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

C202497

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202497

WBS 12CR.10551.7, 12CR.20551.9 STATE FUNDED

COUNTY OF LINCOLN
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER LENGTH 25.760 MILES
LOCATION 1 SECTION OF NC-16, 2 SECTIONS OF NC-73, 1 SECTION OF NC-182
AND 17 SECTIONS OF SECONDARY ROADS.

CONTRACTOR BLYTHE CONSTRUCTION, INC.
ADDRESS P.O. BOX 31635
CHARLOTTE, NC 28231

BIDS OPENED DECEMBER 15, 2009
CONTRACT EXECUTION JAN 07 2010

Blythe Construction, Inc (3655).

Vendor 2 of 3 Vendors for Call Order 026 (Proposal ID C202497).

County: LINCOLN

Address:

Signature Check: This bid has been properly signed by JAMES]AUL_McBRYDE_3655.

Time Bid Received: Tue Dec 15 13:32:452009

Bid Checksum: 5C48A9B1

MBE GOAL SET 4.0

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$2,999,531.20 ✓

MBE GOAL MET 4.0

Bond ID: SNC09135441

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$149,976.56

WBE GOAL SET 4.0

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 12/9/2009 2:37:52 PM

WBE GOAL MET 4.0

Surety Name: Travelers Casualty and Surety Company of Arne

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

NCDOT/berc

Vendor 3655's Load Output for Call 026, Letting L091215, 2009-12-15

Bid Bond Data Info - Contractor Responses:

=====

BondID: SNC09135441
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Travelers Casualty and Surety Company of America
Bond Execution Date: 12/9/2009 2:37:52 PM
Bond Amount: \$149,976.56 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date: 11-17-09
 Revised:

Contract ID: C202497 Project(s): STATE FUNDED
 Letting Date: 12-15-09 Call Order: 026
 Bidder: 3655 - Blythe Construction, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts

Section 0001 ROADWAY ITEMS

Alt Group

0001	0000100000-N MOBILIZATIO N	LUMP		LUMP		75,000.00
0002	1220000000-E INCIDENTAL STONE BASE	TON	500.000	35.00000		17,500.00
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI	50.380	2,500.00000		125,950.00
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (4")	SY	1,350.000	3.00000		4,050.00
0005	1308000000-E MILLING ASPHALT PAVEMENT, ***"TO *****" DEPTH (1-1/2" TO 3")	SY	16,000.000	1.75000		28,000.00
0006	1330000000-E INCIDENTAL MILLING	SY	3,333.000	3.50000		11,665.50
0007	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	TON	275.000	40.00000		11,000.00
0008	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	32,603.000	36.00000		1,173,708.00
0009	1520000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B (LEVELING COURSE)	TON	3,530.000	36.00000		127,080.00
0010	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	2,199.000	420.00000		923,580.00

State of NC
Dept of Transportation

Date: 11-17-09
Revised:

Contract ID: C202497 Project(s): STATE FUNDED
Letting Date: 12-15-09 Call Order: 026
Bidder: 3655 - Blythe Construction, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	1704000000-E PATCHING EXISTING PAVEMENT	3,740.000 TON	80.00000		299,200.00	
0012	2800000000-N ADJUSTMENT OF CATCH BASINS	1.000 EA	550.00000		550.00	
0013	2830000000-N ADJUSTMENT OF MANHOLES	21.000 EA	475.00000		9,975.00	
0014	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	37.000 EA	325.00000		12,025.00	
0015	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	68,110.000 LF	0.41000		27,925.10	
0016	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	80,810.000 LF	0.46000		37,172.60	
0017	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	200.000 LF	1.00000		200.00	
0018	4705000000-E THERMOPLAST IC PAVEMENT MARKING LINES (16", 120 MILS)	100.000 LF	3.00000		300.00	
0019	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	800.000 LF	5.00000		4,000.00	
0020	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	34.000 EA	50.00000		1,700.00	
0021	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	110.000 EA	90.00000		9,900.00	

State of NC
 Dept of Transportation

Date: 11-17-09
 Revised:

Contract ID: C202497 Project(s): STATE FUNDED
 Letting Date: 12-15-09 Call Order: 026
 Bidder: 3655 - Blythe Construction, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	4810000000-E PAINT PAVEMENT MARKING LINES (4")	722,700.000 LF	0.10000		72,270.00	
0023	4905000000-N SNOWPLOWABL E PAVEMENT MARKERS	1,210.000 EA	18.00000		21,780.00	
0024	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		5,000.00	
Section 0001 Total					2,999,531.20	
Bid Total					2,999,531.20	

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
 MBE COMMITMENT ITEMS

DATE:11-17-09
 PAGE: 6

PROPOSAL: C202497
 LETTING: L091215 CALL: 026
 VENDOR: 3655 Blythe Construction, Inc

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
MBE SUBCONTRACTOR: 5804 HOWDEL TRUCKING INC						
Will Use Quote: Yes						
0003	1245000000-E	SHOULDER REC SMI		50.380	790.00000	39800.20
Unit price is based on hourly rates provided by the subcontractor.						
0002	1220000000-E	INCIDENTAL S TON		500.000	8.25000	4125.00
Unit prices based on hourly rates provided by subcontractor.						
0011	1704000000-E	PATCHING EXI TON		3740.000	10.00000	37400.00
Unit prices based on hourly rates provided by subcontractor.						
0009	1520000000-E	ASP CONC SUR TON		3530.000	8.00000	28240.00
Unit prices based on hourly rates provided by subcontractor.						
0006	1330000000-E	INCIDENTAL M SY		3333.000	0.85000	2833.05
Unit prices based on hourly prices provided by the subcontractor.						
0005	1308000000-E	MILLN ASPHAL SY		16000.000	0.55000	8800.00
Unit prices based on hourly rates provided by the subcontractor.						

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 121,198.25 ✓ arm

TOTAL MBE COMMITMENT FOR VENDOR: Entered: 4.04% or 121198.25 ✓ arm
 Required: 4.00% or 119981.25
 <GOAL MET>

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 WBE COMMITMENT ITEMS

DATE: 11-17-09
 PAGE: 7

PROPOSAL: C202497
 LETTING: L091215 CALL: 026
 VENDOR: 3655 Blythe Construction, Inc

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT	
WEE SUBCONTRACTOR: 10291 EVERGREEN LANDSCAPING, LLC Will Use Quote: Yes							
0003	1245000000-E	SHOULDER REC	SMI	50.380	850.00000	42823.00	✓ am
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						42,823.00	✓ am
WEE SUBCONTRACTOR: 4221 MORETZ HAULING, INC Will Use Quote: Yes							
0008	1519000000-E	ASP CONC SUR	TON	32603.000	2.40000	78247.20	✓ am
The unit price is based on hourly haul rates provided by the							
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						78,247.20	✓ am
TOTAL WBE COMMITMENT FOR VENDOR:					Entered:	4.04% or	121070.20 ✓ am
					Required:	4.00% or	119981.25
						<GOAL MET>	

Contract Item Sheets For C202497

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	75,000.00	75,000.00
0002	1220000000-E	545	INCIDENTAL STONE BASE	500 TON	35.00	17,500.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	50.38 SMI	2,500.00	125,950.00
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (4")	1,350 SY	3.00	4,050.00
0005	1308000000-E	607	MILLING ASPHALT PAVEMENT, **** TO ***** DEPTH (1-1/2" TO 3")	16,000 SY	1.75	28,000.00
0006	1330000000-E	607	INCIDENTAL MILLING	3,333 SY	3.50	11,665.50
0007	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	275 TON	40.00	11,000.00
0008	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	32,603 TON	36.00	1,173,708.00
0009	1520000000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE S9.5B (LEVELING COURSE)	3,530 TON	36.00	127,080.00
0010	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	2,199 TON	420.00	923,580.00
0011	1704000000-E	SP	PATCHING EXISTING PAVEMENT	3,740 TON	80.00	299,200.00
0012	2800000000-N	858	ADJUSTMENT OF CATCH BASINS	1 EA	550.00	550.00
0013	2830000000-N	858	ADJUSTMENT OF MANHOLES	21 EA	475.00	9,975.00
0014	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	37 EA	325.00	12,025.00
0015	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	68,110 LF	0.41	27,925.10
0016	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	80,810 LF	0.46	37,172.60
0017	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	200 LF	1.00	200.00

Contract Item Sheets For C202497

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4705000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (16", 120 MILS)	100 LF	3.00	300.00
0019	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	800 LF	5.00	4,000.00
0020	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	34 EA	50.00	1,700.00
0021	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	110 EA	90.00	9,900.00
0022	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	722,700 LF	0.10	72,270.00
0023	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	1,210 EA	18.00	21,780.00
0024	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	5,000.00	5,000.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,999,531.20 ✓

1156/Jan04/Q937715.38/D70575100000/E24

Contract Number G202497
County Lincoln

Rev 7-20-08

**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

BLYTHE CONSTRUCTION, INC.

Full name of Corporation

P.O. Box 31635, Charlotte, NC 28231

Address as Prequalified

Attest

Lawrence G. Schmidt, II By James P. McBryde
~~Secretary~~ Assistant Secretary
Select appropriate title

James P. McBryde
~~President~~ Vice President / ~~Assistant Vice President~~
Select appropriate title

Lawrence G. Schmidt, II
Print or type Signer's name

James P. McBryde
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

NOTARY SEAL

Subscribed and sworn to before me this the

04 day of January 2010

Karen M. Rumyon-Coe
Signature of Notary Public

of Mechlenburg County

State of North Carolina

My Commission Expires: Oct. 27, 2014

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 C202497

County (ies): Lincoln

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION



Contract Officer

1/7/10

Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202497
County Lincoln

(Rev 7-10-08)

CONTRACT PAYMENT BOND

Date of Payment Bond Execution December 28, 2009

Name of Principal Contractor Blythe Construction, Inc.

Name of Surety: Travelers Casualty and Surety Company of America

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

Amount of Bond: \$2,999,531.20

Contract ID No.: C202497

County Name: Lincoln

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. C202497
County Lincoln

(Rev 7-10-08)

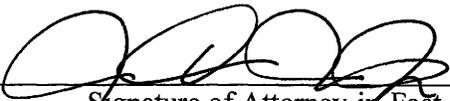
CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Travelers Casualty and Surety Company of America

Print or type Surety Company Name

By Joseph D. Johnson, Jr., Attorney-in-Fact
Print, stamp or type name of Attorney-in-Fact


Signature of Attorney-in-Fact


Signature of Witness

JoAnn H. Bebout
Print or type Witness's name

801 N. Orange Ave., Suite 510 Orlando, FL 32801
Address of Attorney-in-Fact

Contract No. C202497
County Lincoln

(Rev 7-10-08)

CONTRACT PAYMENT BOND

CORPORATION

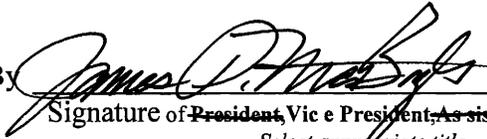
SIGNATURE OF CONTRACTOR (Principal)

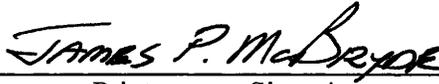
Blythe Construction, Inc.

Full name of Corporation

P. O. Box 31635, Charlotte, North Carolina 28231

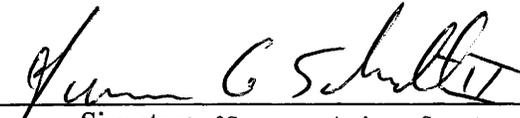
Address as prequalified

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



Print or type Signer's name

Affix Corporate Seal

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

Lawrence C. Schmidt, II, Asst. Sec.
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. 216556

Certificate No. 003315156

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

Todd L. Johnson, Joseph D. Johnson Jr., and Francis T. O'Reardon

of the City of Orlando, State of Florida, 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 29th day of October, 2009.

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 29th day of October, 2009, 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

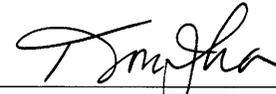
FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice 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 28th day of December, 20 09

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


Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

Contract No. C202497
County Lincoln

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: December 28, 2009

Name of Principal Contractor: Blythe Construction, Inc.

Name of Surety: Travelers Casualty and Surety Company of America

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

Amount of Bond: \$2,999,531.20

Contract ID No.: C202497

County Name: Lincoln

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. C202497
County Lincoln

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

Travelers Casualty and Surety Company of America

Print or type Surety Company Name

By Joseph D. Johnson, Jr., Attorney-in-Fact
Print, stamp or type name of Attorney-in-Fact



Signature of Attorney-in-Fact


Signature of Witness

JoAnn H. Bebout

Print or type Witness's name

801 N. Orange Ave., Suite 510 Orlando, FL 32801

Address of Attorney-in-Fact

Contract No. C202497
County Lincoln

(Rev 7-10-08)

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Blythe Construction, Inc.

Full name of Corporation

P. O. Box 31635, Charlotte, North Carolina 28231

Address as prequalified

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

JAMES P. McBRIDE
Print or type Signer's name

Affix Corporate Seal

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

Lawrence C. Schmidt, II, Asst. Sec.
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. 216556

Certificate No. 003315155

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

Todd L. Johnson, Joseph D. Johnson Jr., and Francis T. O'Reardon

of the City of Orlando, State of Florida, 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 29th day of October, 2009.

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 29th day of October, 2009, 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

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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 28th day of December, 20 09

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Kori M. Johanson, Assistant Secretary



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