

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

C202509

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202509

WBS 2CR.10401.12, 2CR.10541.11 STATE FUNDED

COUNTY OF GREENE, LENOIR  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER US 258 LENGTH 9.000 MILES  
LOCATION 2 SECTIONS OF US-258.

CONTRACTOR GREENVILLE PAVING & CONTRACTING, INC.  
ADDRESS P.O. BOX 7088  
GREENVILLE, NC 27835

BIDS OPENED JANUARY 19, 2010  
CONTRACT EXECUTION FEB 09 2010

**Greenville Paving and Contracting Inc (3708).  
Vendor 3 of 3 Vendors for Call Order 005 (Proposal ID C202509).**

County: GREENE, LENOIR  
Address: P.O. Box 7088  
Greenville, NC 27835

Phone Number: 252-752-8842

Signature Check: This bid has been properly signed by Jerry\_A.\_Smith\_3708.

Time Bid Received: Tue Jan 19 12:09:31 2010

Bid Checksum: F6534C34

Amendment Count: 0

Bidding Errors: No bidding errors.

MBE GOAL SET 2.0

Bid Total: \$2,668,203.39 ✓

Bond ID: SNC10728840

MBE GOAL MET 2.1

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$133,410.17

Bid Security Maximum: \$

WBE GOAL SET 2.0

Bond Agency Name:

Agency Execution Date: 1/13/2010

WBE GOAL MET 2.1

Surety Name: Wells Fargo

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

LIST OF MBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
12844 MB	MICKEY BRASWELL TRUCKING 1901 MYRTLE AVENUE , GREENVILLE, NC 27834		Sub 54,604.00 ✓ am
TOTAL:			\$54,604.00 ✓ am 2.05%

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT
3056 WB	HOLLAND LANDSCAPING, INC 953 BLACK ROCK ROAD , MERRY HILL, NC 27957		Sub 25,200.00 ✓ am
2299 WB	EVELYN E. BAYS DEN TRUCKING POST OFFICE BOX 1398 , BEULAVILLE, NC 28518		Sub 29,979.84 ✓ am
TOTAL:			\$55,179.84 ✓ am 2.07%

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. Yes

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of 3,000,000.00 for those projects indicated herein, for which bids will be opened on 01/19/10 (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
C202509	Greene, Lenior
C202510	Greene, Pitt
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

NCDOT/berc

Vendor 3708's Load Output for Call 005, Letting L100119, 2010-01-19

Bid Bond Data Info - Contractor Responses:

=====

BondID: SNC10728840  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Wells Fargo  
Bond Execution Date: 1/13/2010  
Bond Amount: \$133,410.17 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 12-22-09  
Revised:

Contract ID: C202509 Project(s): STATE FUNDED  
Letting Date: 01-19-10 Call Order: 005  
Bidder: 3708 - Greenville Paving and Contracting Inc

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		47,000.00
0002	0106000000-E BORROW EXCAVATION	CY	360.000	27.93000		10,054.80
0003	1220000000-E INCIDENTAL STONE BASE	TON	500.000	26.51000		13,255.00
0004	1245000000-E SHOULDER RECONSTRUCTION	SMI	18.000	2,996.00000		53,928.00
0005	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	TON	7,311.000	36.29000		265,316.19
0006	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	TON	23,347.000	33.32000		777,922.04
0007	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON	13,721.000	34.12000		468,160.52
0008	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	2,235.000	417.46000		933,023.10
0009	2612000000-E 6" CONCRETE DRIVEWAY	SY	182.000	51.03000		9,287.46
0010	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	EA	4.000	278.87000		1,115.48
0011	4685000000-E THERMOPLAST IC PAVEMENT MARKINGLINES (4", 90 MILS)	LF	96,840.000	0.21000		20,336.40

State of NC  
Dept of Transportation

Date: 12-22-09  
Revised:

Contract ID: C202509  
Letting Date: 01-19-10 Call Order: 005  
Bidder: 3708 - Greenville Paving and Contracting Inc

Project(s): STATE FUNDED

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	59,400.000 LF	0.38000		22,572.00	
0013	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	500.000 LF	6.18000		3,090.00	
0014	4810000000-E PAINT PAVEMENT MARKING LINES (4")	156,240.000 LF	0.11000		17,186.40	
0015	6084000000-E SEEDING & MULCHING	18.000 ACR	1,442.00000		25,956.00	
Section 0001 Total					2,668,203.39	
Bid Total					2,668,203.39	✓

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. Yes

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 3,000,000.00 for those projects indicated herein, for which bids will be opened on 01/19/10 (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
C202509	Greene, Lenior
C202510	Greene, Pitt
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

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



NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
MBE COMMITMENT ITEMS

DATE:12-22-09  
PAGE: 5

PROPOSAL: C202509  
LETTING: L100119 CALL: 005  
VENDOR: 3708 Greenville Paving and Contracting Inc

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
-----						
MBE SUBCONTRACTOR: 12844 MICKEY BRASWELL TRUCKING						
Will Use Quote: Yes						
0005	1489000000-E	ASP CONC BAS	TON	1170.000	7.48000	8751.60
0006	1498000000-E	ASP CONC INT	TON	3935.000	7.48000	29433.80
0007	1519000000-E	ASP CONC SUR	TON	2195.000	7.48000	16418.60
MBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						54,604.00 ✓ am

TOTAL MBE COMMITMENT FOR VENDOR: Entered: 2.05% or 54604.00 ✓ am  
Required: 2.00% or 53364.07  
<GOAL MET>

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
 WBE COMMITMENT ITEMS

DATE: 12-22-09  
 PAGE: 6

PROPOSAL: C202509  
 LETTING: L100119 CALL: 005  
 VENDOR: 3708 Greenville Paving and Contracting Inc

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT	
-----							
WBE SUBCONTRACTOR: 3056 HOLLAND LANDSCAPING, INC							
Will Use Quote: Yes							
0015	6084000000-E	SEEDING AND	ACR	18.000	1400.00000	25200.00	✓ am
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						25,200.00	✓ am
-----							
WBE SUBCONTRACTOR: 2299 EVELYN E. BAYSDEN TRUCKING							
Will Use Quote: Yes							
0005	1489000000-E	ASP CONC BAS	TON	658.000	7.48000	4921.84	
0006	1498000000-E	ASP CONC INT	TON	2100.000	7.48000	15708.00	
0007	1519000000-E	ASP CONC SUR	TON	1250.000	7.48000	9350.00	
WBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						29,979.84	✓ am
-----							
TOTAL WBE COMMITMENT FOR VENDOR:				Entered:	2.07% or	55179.84	✓ am
				Required:	2.00% or	53364.07	
							<GOAL MET>

## Contract Item Sheets For C202509

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	47,000.00	47,000.00
0002	0106000000-E	230	BORROW EXCAVATION	360 CY	27.93	10,054.80
0003	1220000000-E	545	INCIDENTAL STONE BASE	500 TON	26.51	13,255.00
0004	1245000000-E	SP	SHOULDER RECONSTRUCTION	18 SMI	2,996.00	53,928.00
0005	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	7,311 TON	36.29	265,316.19
0006	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	23,347 TON	33.32	777,922.04
0007	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	13,721 TON	34.12	468,160.52
0008	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	2,235 TON	417.46	933,023.10
0009	2612000000-E	848	6" CONCRETE DRIVEWAY	182 SY	51.03	9,287.46
0010	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	4 EA	278.87	1,115.48
0011	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	96,840 LF	0.21	20,336.40
0012	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	59,400 LF	0.38	22,572.00
0013	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	500 LF	6.18	3,090.00
0014	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	156,240 LF	0.11	17,186.40
0015	6084000000-E	1660	SEEDING & MULCHING	18 ACR	1,442.00	25,956.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,668,203.39 ✓

**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.

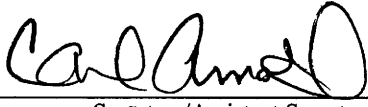
**SIGNATURE OF CONTRACTOR**

Greenville Paving & Contracting, Inc.

Full name of Corporation

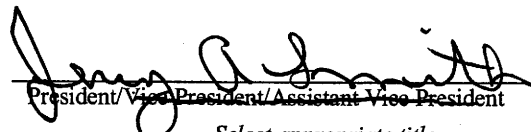
P.O. Box 7088 Greenville, NC 27835

Address as Prequalified

Attest   
~~Secretary~~/Assistant Secretary  
Select appropriate title

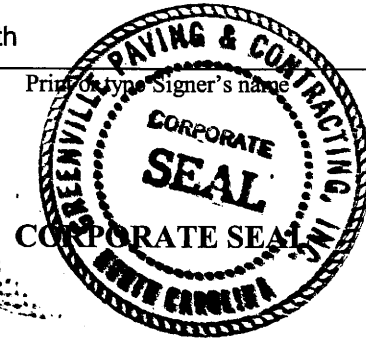
Carl Arnold

Print or type Signer's name

By   
President/Vice President/Assistant Vice President  
Select appropriate title

Jerry A. Smith

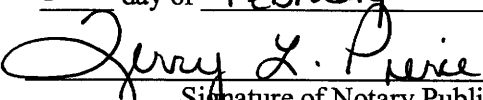
Print or type Signer's name



**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the

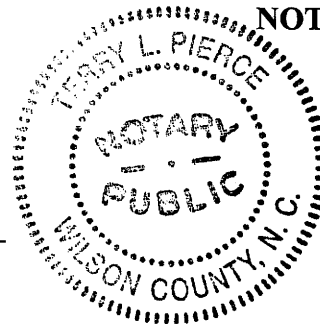
3rd day of February 2010

  
Signature of Notary Public

of Wilson County

State of North Carolina

My Commission Expires February 19, 2012  
My Commission Expires: \_\_\_\_\_



**NOTARY SEAL**

## 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**      **C202509**

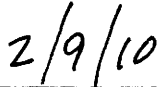
**County (ies):**    **Greene & Lenoir**

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION



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Contract Officer



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Date

Execution of Contract and Bonds  
Approved as to Form:



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Attorney General

Contract No. C202509

(Rev 7-10-08)

County Greene, Lenoir

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution: February 2, 2010

Name of Principal Contractor: Greenville Paving & Contracting, Inc.

Name of Surety: Western Surety Company

Name of Contracting Body: North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond: \$2,668,203.39

Contract ID No.: C202509

County Name: Greene, Lenoir

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. C202509  
County Greene, Lenoir

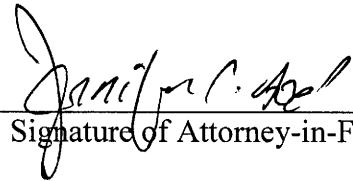
(Rev 7-10-08)

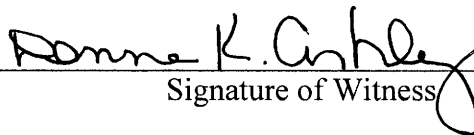
**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

WESTERN SURETY COMPANY  
Print or type Surety Company Name

By Jennifer C. Hoehn  
Print, stamp, or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

Donna K. Ashley  
Print or type Witness's name

Wells Fargo Insurance Services USA, Inc.  
P.O. Box 220748, Charlotte, NC 28222  
Address of Attorney-in-Fact

Contract No. C202509  
County Greene, Lenoir

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**  
**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

GREENVILLE PAVING & CONTRACTING, INC.

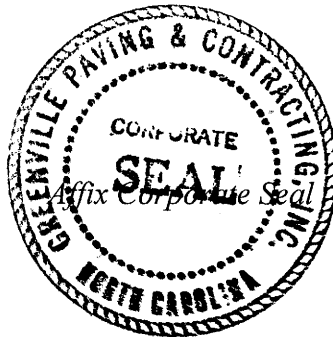
Full name of Corporation

P.O. Box 7088, Greenville, NC 27835

Address as prequalified

By Jerry A. Smith  
Signature of  President,  Vice President,  Assistant Vice President  
*Select appropriate title*

Jerry A. Smith  
Print or type Signer's name



Attest Call Arnold  
Signature of  Secretary,  Assistant Secretary  
*Select appropriate title*

CALL ARNOLD  
Print or type Signer's name

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**John D Leak III, William J Quinn, G Timothy Wilkerson, Wendy E Lahm, Donna K Ashley, Angela D Ramsey, Jennifer C Hoehn, John F Thomas, Individually, of Charlotte, NC  
Scott D Mathers, Jennifer S Beasley, Individually, of Raleigh, NC**

its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 17th day of June, 2008.



WESTERN SURETY COMPANY

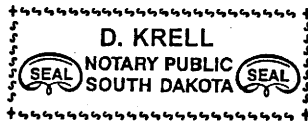
Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 17th day of June, 2008, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 2nd day of February, 2010.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

Contract No. C202509

(Rev 7-10-08)

County Greene, Lenoir

Bond #929-494-262

### CONTRACT PERFORMANCE BOND

Date of Payment Bond Execution: February 2, 2010

Name of Principal Contractor: Greenville Paving & Contracting, Inc.

Name of Surety: Western Surety Company

Name of Contracting Body: North Carolina Department of Transportation

Raleigh, North Carolina

Amount of Bond: \$2,668,203.39

Contract ID No.: C202509

County Name: Greene, Lenoir

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 agreement 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. C202509  
County Greene, Lenoir

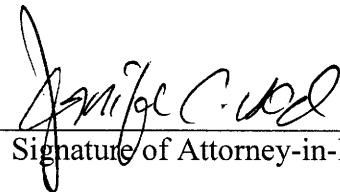
(Rev 7-10-08)

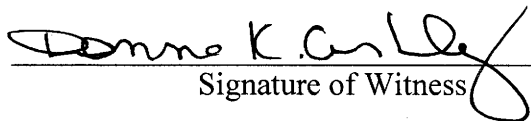
**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

WESTERN SURETY COMPANY  
Print or type Surety Company Name

By Jennifer C. Hoehn  
Print, stamp, or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

Donna K. Ashley  
Print or type Witness's name

Wells Fargo Insurance Services USA, Inc.  
P.O. Box 220748, Charlotte, NC 28222  
Address of Attorney-in-Fact

Contract No. C202509  
County Greene, Lenoir

(Rev 7-10-08)

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

SIGNATURE OF CONTRACTOR (Principal)

GREENVILLE PAVING & CONTRACTING, INC.

Full name of Corporation

P.O. Box 7088, Greenville, NC 27835

Address as prequalified

By Jerry A. Smith  
Signature of  President,  Vice President,  Assistant Vice President  
*Select appropriate title*

Jerry A. Smith  
Print or type Signer's name



Attest Call Arnold  
Signature of  Secretary,  Assistant Secretary  
*Select appropriate title*

CALL ARNOLD  
Print or type Signer's name

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**John D Leak III, William J Quinn, G Timothy Wilkerson, Wendy E Lahm, Donna K Ashley, Angela D Ramsey, Jennifer C Hoehn, John F Thomas, Individually, of Charlotte, NC  
Scott D Mathers, Jennifer S Beasley, Individually, of Raleigh, NC**

its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 17th day of June, 2008.



WESTERN SURETY COMPANY

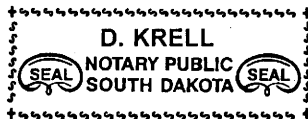
Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 17th day of June, 2008, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 2nd day of February, 2010.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary



**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

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