

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

C202505

CONTRACT AND  
CONTRACT BONDS  
FOR CONTRACT NO. C202505

WBS 45163.3.ST2, 5CR.20921.25 STM-1435(8), STATE FUNDED

T.I.P NO. R-5169B

COUNTY OF WAKE

THIS IS THE ROADWAY CONTRACT

ROUTE NUMBER LENGTH 2.650 MILES

LOCATION 3 SECTIONS OF SECONDARY ROADS.

CONTRACTOR REA CONTRACTING A DIVISION OF LANE CONSTRUCTION CORPORATION  
ADDRESS P.O. BOX 32487  
CHARLOTTE, NC 28232

BIDS OPENED JANUARY 19, 2010

CONTRACT EXECUTION FEB 15 2010

**Rea Contracting, A Division of the Lane Construction Corporation (9066).  
Vendor 6 of 6 Vendors for Call Order 014 (Proposal ID C202505).**

County: WAKE  
Address: 3010 Gresham Lake Road  
Raleigh, NC 27615

Phone Number: 919-876-4550

Signature Check: This bid has been properly signed by David\_J.\_Rankin\_9066.

Time Bid Received: Tue Jan 19 12:58:27 2010

Bid Checksum: 8F5C213B

DBE GOAL SET 7.0

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$586,229.46✓

DBE GOAL MET 7.1

Bond ID: SNC10722111

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$29,311.47

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 1/7/2010 8:57:43 AM

Surety Name: Fidelity And Deposit Company of Maryland

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT	
3766 MB	KELVIN WHITEHURST TRUCKING 4912 CUPINE CT , RALEIGH, NC 27604		Sub 20,942.25	✓ am
5915 MB	LFC TRUCKING 5176 FOREST VIEW HEIGHT RD , OXFORD, NC 27565		Sub 20,942.25	✓ am
			TOTAL: \$41,884.50	✓ am
			7.14%	

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	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

Bid Bond Data Info - Contractor Responses:  
=====

BondID: SNC10722111  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Fidelity And Deposit Company of Maryland  
Bond Execution Date: 1/7/2010 8:57:43 AM  
Bond Amount: \$29,311.47 (Five Percent of Bid)

State of NC  
 Dept of Transportation

Date: 12-22-09  
 Revised:

Contract ID: C202505 Project(s): STM-1435(8)  
 Letting Date: 01-19-10 Call Order: 014  
 Bidder: 9066 - Rea Contracting, A Division of the Lane Construction Co

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars   Cts	Bid Amount Dollars   Ct
Section 0001 ROADWAY ITEMS				
Alt Group				
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP	28,500.00
0002	0106000000-E BORROW EXCAVATION	CY 27.000	50.00000	1,350.00
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI 1.340	2,750.00000	3,685.00
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2")	SY 22,648.000	1.06000	24,006.88
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2-1/2")	SY 11,788.000	1.26000	14,852.88
0006	1330000000-E INCIDENTAL MILLING	SY 9,316.000	1.56000	14,532.96
0007	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	TON 1,760.000	26.75000	47,080.00
0008	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	TON 6,218.000	23.00000	143,014.00
0009	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON 457.000	470.00000	214,790.00
0010	1704000000-E PATCHING EXISTING PAVEMENT	TON 450.000	80.50000	36,225.00
0011	2830000000-N ADJUSTMENT OF MANHOLES	EA 6.000	175.00000	1,050.00

State of NC  
Dept of Transportation

Date: 12-22-09  
Revised:

Contract ID: C202505

Project(s): STM-1435(8)

Letting Date: 01-19-10 Call Order: 014

Bidder: 9066 - Rea Contracting, A Division of the Lane Construction Co

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	15.000 EA	175.00000		2,625.00	
0013	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		8,000.00	
0014	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	32,171.000 LF	0.30000		9,651.30	
0015	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	34,974.000 LF	0.44000		15,388.56	
0016	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	141.000 LF	4.75000		669.75	
0017	4721000000-E THERMOPLAST IC PAVEMENT MARKING CHARACTER (120 MILS)	38.000 EA	40.00000		1,520.00	
0018	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	88.000 EA	65.00000		5,720.00	
0019	4810000000-E PAINT PAVEMENT MARKING LINES (4")	36,612.000 LF	0.15000		5,491.80	
0020	4835000000-E PAINT PAVEMENT MARKING LINES (24")	75.000 LF	3.00000		225.00	
0021	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	377.000 EA	3.25000		1,225.25	
0022	6084000000-E SEEDING & MULCHING	0.980 ACR	1,520.00000		1,489.60	

State of NC  
Dept of Transportation

Date: 12-22-09  
Revised:

Contract ID: C202505

Project(s): STM-1435(8)

Letting Date: 01-19-10 Call Order: 014

Bidder: 9066 - Rea Contracting, A Division of the Lane Construction Co

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	7444000000-E INDUCTIVE LOOP SAWCUT	1,392.000 LF	3.69000		5,136.48	
	Section 0001 Total				586,229.46	
	Bid Total				586,229.46	

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED

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

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

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

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

The Award Limits shall apply to the following projects:

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

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



NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
 DBE COMMITMENT ITEMS

DATE: 12-22-09  
 PAGE: 6

PROPOSAL: C202505  
 LETTING: L100119 CALL: 014  
 VENDOR: 9066 Rea Contracting, A Division of the Lane Construction Corporation

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

DBE SUBCONTRACTOR: 3766 KELVIN WHITEHURST TRUCKING  
 Will Use Quote: Yes

0007	1498000000-E	ASP CONC INT TON	880.000	5.25000	4620.00
0008	1519000000-E	ASP CONC SUR TON	3109.000	5.25000	16322.25

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:					20,942.25	✓ am
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )					20,942.	

DBE SUBCONTRACTOR: 5915 LFC TRUCKING  
 Will Use Quote: Yes

0007	1498000000-E	ASP CONC INT TON	880.000	5.25000	4620.00
0008	1519000000-E	ASP CONC SUR TON	3109.000	5.25000	16322.25

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:					20,942.25	✓ am
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )					20,942.	

TOTAL DBE COMMITMENT FOR VENDOR:	Entered:	7.14% or	41884.50	✓ am
	Required:	7.00% or	41036.06	
		<GOAL MET>		

## Contract Item Sheets For C202505

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	28,500.00	28,500.00
0002	0106000000-E	230	BORROW EXCAVATION	27 CY	50.00	1,350.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	1.34 SMI	2,750.00	3,685.00
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2")	22,648 SY	1.06	24,006.88
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2-1/2")	11,788 SY	1.26	14,852.88
0006	1330000000-E	607	INCIDENTAL MILLING	9,316 SY	1.56	14,532.96
0007	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	1,760 TON	26.75	47,080.00
0008	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	6,218 TON	23.00	143,014.00
0009	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	457 TON	470.00	214,790.00
0010	1704000000-E	SP	PATCHING EXISTING PAVEMENT	450 TON	80.50	36,225.00
0011	2830000000-N	858	ADJUSTMENT OF MANHOLES	6 EA	175.00	1,050.00
0012	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	15 EA	175.00	2,625.00
0013	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	8,000.00	8,000.00
0014	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	32,171 LF	0.30	9,651.30
0015	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	34,974 LF	0.44	15,388.56
0016	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	141 LF	4.75	669.75
0017	4721000000-E	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTER (120 MILS)	38 EA	40.00	1,520.00

## Contract Item Sheets For C202505

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	88 EA	65.00	5,720.00
0019	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	36,612 LF	0.15	5,491.80
0020	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	75 LF	3.00	225.00
0021	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	377 EA	3.25	1,225.25
0022	6084000000-E	1660	SEEDING & MULCHING	0.98 ACR	1,520.00	1,489.60
0023	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	1,392 LF	3.69	5,136.48

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$586,229.46

Contract Number C202505  
County Wake

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**

Rea Contracting, A Division of The Lane Construction Corporation

Full name of Corporation

P.O. Box 32487, Charlotte, NC 28232

Address as Prequalified

Attest Ann M. Falsey  
Secretary/Assistant Secretary  
Select appropriate title  
**ANN M. FALSEY**  
Asst. Treasurer &  
Asst. Secretary  
Print or type Signer's name

By D.P. Dobbs  
President/Vice President/Assistant Vice President  
~~Executive~~  
Select appropriate title  
**D. P. Dobbs**  
Exec. V.P. &  
Secretary  
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

**NOTARY SEAL**

Subscribed and sworn to before me this the

15<sup>th</sup> day of February 2010

Lori A. Nickerson  
Signature of Notary Public

of New Haven County

State of Connecticut

My Commission Expires: **LORI A. NICKERSON**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES OCT. 31, 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**     C202505

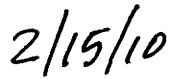
**County (ies):**   Wake

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION



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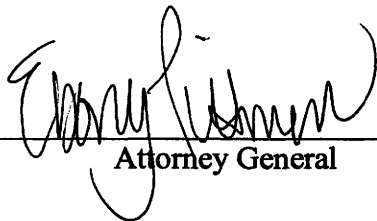
Contract Officer



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Date

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



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Attorney General

Executed 2 originals

Contract No. C202505  
County Wake

(Rev 7-10-08)

Bond No. 08995516 / 82192015

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution February 1, 2010

Name of Principal Contractor Rea Contracting, A Division of The Lane Construction Corporation

Name of Surety: Fidelity and Deposit Company of Maryland / Federal Insurance Company

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

Amount of Bond: Five Hundred Eighty Six Thousand Two Hundred Twenty Nine Dollars and 46/100 (\$586,229.46 )

Contract ID No.: C202505

County Name: Wake

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

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

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

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



Contract No. C202505  
County Wake

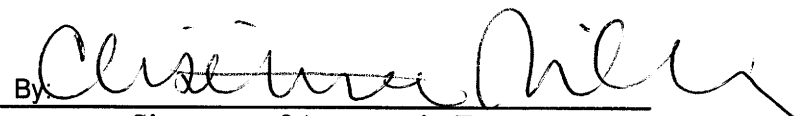
(Rev 7-10-08)


**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

Fidelity and Deposit Company of  
Maryland / Federal Insurance Company  
\_\_\_\_\_  
Print or type Surety Company Name

By Christina Williams  
Print, stamp or type name of Attorney-in-Fact

By   
Signature of Attorney-in-Fact  
Surety Phone No.

  
Signature of Witness

Tammy Quiles  
Print or type Witness's name

195 Scott Swamp Road, Suite 201  
Farmington, CT 06032  
\_\_\_\_\_  
Address of Attorney-in-Fact

Contract No. C202505  
County Wake

(Rev 7-10-08)

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Rea Contracting, A Division of The Lane Construction Corporation

Full name of Corporation

P.O. Box 32487, Charlotte, NC 28232

Address as prequalified

By OP Dobbs  
Signature of ~~President, Vice President, Assistant Vice President~~  
*Executive*  
Select appropriate title

**OP Dobbs  
Exec. V.P. &  
Secretary**

Print or type Signer's name

*Affix Corporate Seal*

Attest Ann M. Falsey  
Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

**ANN M. FALSEY  
Asst. Treasurer &  
Asst. Secretary**

Print or type Signer's name

Executed 2 originals

Contract No. C202505  
County Wake

(Rev 7-10-08)

Bond No. 08995516 / 82192015

### CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: February 1, 2010

Name of Principal Contractor: Rea Contracting, A Division of The Lane Construction Corporation

Name of Surety: Fidelity and Deposit Company of Maryland / Federal Insurance Company

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

Amount of Bond: Five Hundred Eighty Six Thousand Two Hundred Twenty Nine Dollars and 46/100 ( \$586,229.46 )

Contract ID No.: C202505

County Name: Wake

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

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

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

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

Contract No. C202505  
County Wake

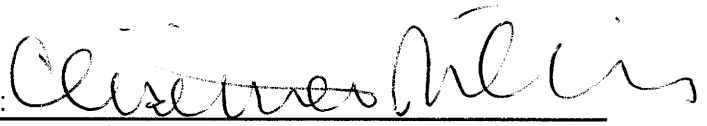
(Rev 7-10-08)

**CONTRACT PERFORMANCE BOND**

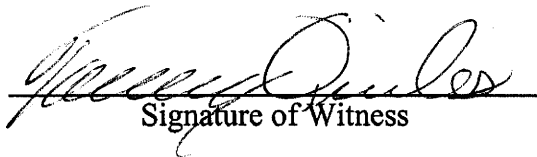
*Affix Seal of Surety Company*

Fidelity and Deposit Company of  
Maryland / Federal Insurance Company  
\_\_\_\_\_  
Print or type Surety Company Name

By Christina Williams  
\_\_\_\_\_  
Print, stamp or type name of Attorney-in-Fact

By:   
\_\_\_\_\_  
Signature of Attorney-in-Fact

Surety Phone No.

  
\_\_\_\_\_  
Signature of Witness

Tammy Quiles  
\_\_\_\_\_  
Print or type Witness's name

195 Scott Swamp Road, Suite 201  
Farmington, CT 06032  
\_\_\_\_\_  
Address of Attorney-in-Fact

Contract No. C202505  
County Wake

(Rev 7-10-08)

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

SIGNATURE OF CONTRACTOR (Principal)

Rea Contracting, A Division of The Lane Construction Corporation

\_\_\_\_\_  
Full name of Corporation

PO Box 32487, Charlotte, NC 28232

\_\_\_\_\_  
Address as prequalified

By

*DP Dobbs*

\_\_\_\_\_  
Signature of ~~President, Vice President, Assistant Vice President~~  
*Executive*  
Select appropriate title

**D. P. Dobbs**  
**Exec. V.P. &**  
**Secretary**

\_\_\_\_\_  
Print or type Signer's name

*Affix Corporate Seal*

Attest

*Ann M. Falsey*

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

**ANN M. FALSEY**  
**Asst. Treasurer &**  
**Asst. Secretary**

\_\_\_\_\_  
Print or type Signer's name

Bond Number: 08995516 / 82192015

Obligee: North Carolina Dept of Transportation

**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

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

**Christina Williams**

of Farmington, CT, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: Bond or undertaking number 08995516 / 82192015, issued on behalf of Rea Contracting, A Division of The Lane Construction Corporation, as Principal in a penalty not to exceed the sum of See Bond Form (\$See Bond Form) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, MD, in their own proper persons.

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

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

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gerald F. Haley*

Gerald F. Haley *Assistant Secretary*

*Frank E. Martin Jr.*

Frank E. Martin, Jr. *Vice President*

State of Maryland }  
County of Baltimore } ss:

On this 4th day of September, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came Frank E. Martin, Jr., Vice President, and Gerald F. Haley, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposed and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

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



*Connie A. Dunn*

Connie A. Dunn *Notary Public*  
My Commission Expires: July 14, 2011

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President or any Vice President that is specially authorized by the Board of Directors or the Chairman in concurrence with the Corporate Secretary, shall have the power, by and with the concurrence of the Secretary, to appoint Attorney-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto.”

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: “That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.”

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 1st day of February, 2010.



L.L. Goucher

*Assistant Secretary*





**Chubb  
Surety**

**POWER  
OF  
ATTORNEY**

**Federal Insurance Company  
Vigilant Insurance Company  
Pacific Indemnity Company**

**Attn: Surety Department  
15 Mountain View Road  
Warren, NJ 07059**

Know All by These Presents, That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint

**Christina Williams**

as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, the following Surety Bond:

Surety Bond Number :08995516 / 82192015  
Obligee :North Carolina Dept of Transportation

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

In Witness Whereof, said **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** have each executed and attested these presents and affixed their corporate seals on this 20<sup>th</sup> day of November, 2008.

*Kenneth C. Wendel*

**Kenneth C. Wendel, Assistant Secretary**

*Richard A. Ciullo*

**Richard A. Ciullo, Vice President**

STATE OF NEW JERSEY

ss.

County of Somerset

On this 20<sup>th</sup> day of November, 2008, before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with Richard A. Ciullo, and knows him to be Vice President of said Companies; and that the signature of Richard A. Ciullo, subscribed to said Power of Attorney is in the genuine handwriting of Richard A. Ciullo, and was thereto subscribed by authority of said By- Laws and in deponent's presence.

Notarial  
Seal



**WENDIE WALSH**  
Notary Public, State of New Jersey  
No. 0054504  
Commission Expires April 18, 2013

*Wendie Walsh*

Notary

Public

**CERTIFICATION**

Extract from the By- Laws of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY**:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- in- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, **Kenneth C. Wendel**, Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** (the "Companies") do hereby certify that

- (i) the foregoing extract of the By- Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 1st day of February, 2010



*Kenneth C. Wendel*

**Kenneth C. Wendel, Assistant Secretary**

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com