

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

C202336

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202336

WBS 33717.3.1 BRSTP-1327(2)

T.I.P NO. B-4468

COUNTY OF CLEVELAND
THIS IS THE ROADWAY & STRUCTURE CONTRACT
ROUTE NUMBER SR 1327 LENGTH 0.096 MILES
LOCATION BRIDGE OVER SANDY RUN CREEK AND APPROACHES ON SR-1327.

CONTRACTOR MILLER ENGINEERING COMPANY, INC
ADDRESS P.O. BOX 1048
MARION, NC 287521048

BIDS OPENED MARCH 16, 2010
CONTRACT EXECUTION _____

MILLER ENGINEERING CO INC (3755).

Vendor 5 of 7 Vendors for Call Order 012 (Proposal ID C202336).

County: CLEVELAND
Address: P.O. BOX 1048
MARION, NC 28752

Good Faith Effort

Phone Number: 8287388441

Signature Check: This bid has been properly signed by Clifford_H_Miller_3755.

Time Bid Received: Tue Mar 16 13:24:11 2010

Bid Checksum: 49C66585

Amendment Count: 0

DBE GOAL SET 10.0

Bidding Errors: No bidding errors.

Bid Total: \$639,668.90 ✓

DBE GOAL OBT 7.7

Bond ID: SNC10694742

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$31,983.45

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 3/9/2010 4:36:09 PM

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	
3765	WB STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub 4,129.60	✓ am
4898	WB BULLINGTON CONSTRUCTION INC 417 FOXGLOVE LANE , INDIAN TRAIL, NC 28079		Sub 17,722.50	✓ am
4846	MCCOLLUM & ASSOCIATES PAVING, L P O BOX 3027 , INDIAN TRAIL, NC 28079		Sub 29,876.00 0.00	✓ am
3269	WB GML CONTRACTORS, INC. P O BOX 702 , MONROE, NC 28111		Sub 27,395.00 49,247.10	✓ am
TOTAL:			79,123.10 12.37% 7.7%	✓ am

Miscellaneous Data Info - Contractor Responses:
=====

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	

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

BondID: SNC10694742
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Fidelity And Deposit Company of Maryland

NCDOT/berc

Vendor 3755's Load Output for Call 012, Letting L100316, 2010-03-16

Bond Execution Date: 3/9/2010 4:36:09 PM

Bond Amount: \$31,983.45 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date: 02-16-10
 Revised:

Contract ID: C202336 Project(s): BRSTP-1327(2)
 Letting Date: 03-16-10 Call Order: 012
 Bidder: 3755 - MILLER ENGINEERING CO 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			18,000.00
+-----+-----+-----+-----+-----+-----+-----+						
0002	0030000000-N BRIDGE APPROACH FILL - SUB REGIONAL TIER, STATION ***** (16+97 -L-)	LUMP	LUMP			10,000.00
+-----+-----+-----+-----+-----+-----+-----+						
0003	0038000000-E SHALLOW UNDERCUT	CY 100.000		10.00000		1,000.00
+-----+-----+-----+-----+-----+-----+-----+						
0004	0043000000-N GRADING	LUMP	LUMP			30,000.00
+-----+-----+-----+-----+-----+-----+-----+						
0005	0050000000-E SUPPLEMENTA RY CLEARING & GRUB-BING	ACR 1.000		1.00000		1.00
+-----+-----+-----+-----+-----+-----+-----+						
0006	0057000000-E UNDERCUT EXCAVATION	CY 250.000		10.00000		2,500.00
+-----+-----+-----+-----+-----+-----+-----+						
0007	0080000000-E CLASS IV SUBGRADE STABILIZA- TION	TON 200.000		25.00000		5,000.00
+-----+-----+-----+-----+-----+-----+-----+						
0008	0196000000-E FABRIC FOR SOIL STABILIZATION	SY 550.000		3.00000		1,650.00
+-----+-----+-----+-----+-----+-----+-----+						
0009	0223000000-E ROCK PLATING	SY 230.000		40.00000		9,200.00
+-----+-----+-----+-----+-----+-----+-----+						
0010	0320000000-E FOUNDATION CONDITIONING FABRIC	SY 20.000		3.00000		60.00
+-----+-----+-----+-----+-----+-----+-----+						

State of NC
Dept of Transportation

Date: 02-16-10
Revised:

Contract ID: C202336 Project(s): BRSTP-1327(2)
Letting Date: 03-16-10 Call Order: 012
Bidder: 3755 - MILLER ENGINEERING CO INC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	0330000000-E GENERIC DRAINAGE ITEM FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	20.000 TON	30.00000		600.00	
0012	0335200000-E 15" DRAINAGE PIPE	52.000 LF	35.00000		1,820.00	
0013	0335850000-E **" DRAINAGE PIPE ELBOWS (15")	4.000 EA	150.00000		600.00	
0014	0986000000-E GENERIC PIPE ITEM 15" SIDE DRAIN PIPE	8.000 LF	45.00000		360.00	
0015	1220000000-E INCIDENTAL STONE BASE	25.000 TON	25.00000		625.00	
0016	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	120.000 TON	60.00000		7,200.00	
0017	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	200.000 TON	60.00000		12,000.00	
0018	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	20.000 TON	600.00000		12,000.00	
0019	2253000000-E PIPE COLLARS	0.500 CY	1,500.00000		750.00	
0020	2286000000-N MASONRY DRAINAGE STRUCTURES	2.000 EA	2,000.00000		4,000.00	
0021	2367000000-N FRAME WITH TWO GRATES, STD 840.29	2.000 EA	500.00000		1,000.00	

State of NC
Dept of Transportation

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Bidder: 3755 - MILLER ENGINEERING CO INC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	2556000000-E SHOULDER BERM GUTTER	40.000 LF	20.00000		800.00	
0023	3030000000-E STEEL BM GUARDRAIL	112.500 LF	15.00000		1,687.50	
0024	3150000000-N ADDITIONAL GUARDRAIL POSTS	5.000 EA	13.00000		65.00	
0025	3165000000-N GUARDRAIL ANCHOR UNITS, TYPE ***** (350, TL-2)	4.000 EA	1,800.00000		7,200.00	
0026	3317000000-N GUARDRAIL ANCHOR UNITS, TYPE B-77	4.000 EA	1,400.00000		5,600.00	
0027	3557000000-E ADDITIONAL BARBED WIRE	50.000 LF	1.00000		50.00	
0028	3559000000-E ** STRAND BARBED WIRE FENCE WITH POSTS (5)	504.000 LF	5.00000		2,520.00	
0029	3565000000-E DOUBLE GATES, *** HIGH, *** WIDE, **' OPENING (48" X 9-8" X 19'-4")	1.000 EA	600.00000		600.00	
0030	3649000000-E RIP RAP, CLASS B	2.000 TON	40.00000		80.00	
0031	3656000000-E FILTER FABRIC FOR DRAINAGE	1,360.000 SY	3.00000		4,080.00	
0032	4400000000-E WORK ZONE SIGNS (STATIONARY)	326.000 SF	6.00000		1,956.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0033	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	SF 94.000	8.00000		752.00	
0034	4445000000-E BARRICADES (TYPE III)	LF 96.000	25.00000		2,400.00	
0035	5325600000-E 6" WATER LINE	LF 352.000	34.00000		11,968.00	
0036	5540000000-E 6" VALVE	EA 2.000	900.00000		1,800.00	
0037	5800000000-E ABANDON 6" UTILITY PIPE	LF 310.000	8.00000		2,480.00	
0038	6000000000-E TEMPORARY SILT FENCE	LF 550.000	5.00000		2,750.00	
0039	6006000000-E STONE FOR EROSION CONTROL, CLASS A	TON 250.000	28.00000		7,000.00	
0040	6009000000-E STONE FOR EROSION CONTROL, CLASS B	TON 50.000	28.00000		1,400.00	
0041	6012000000-E SEDIMENT CONTROL STONE	TON 375.000	26.00000		9,750.00	
0042	6015000000-E TEMPORARY MULCHING	ACR 1.000	350.00000		350.00	
0043	6018000000-E SEED FOR TEMPORARY SEEDING	LB 50.000	6.00000		300.00	
0044	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	TON 1.250	600.00000		750.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0045	6024000000-E TEMPORARY SLOPE DRAINS	250.000 LF	15.00000		3,750.00	
0046	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4.000 EA	150.00000		600.00	
0047	6029000000-E SAFETY FENCE	900.000 LF	2.50000		2,250.00	
0048	6030000000-E SILT EXCAVATION	250.000 CY	10.00000		2,500.00	
0049	6036000000-E MATTING FOR EROSION CONTROL	7,800.000 SY	1.60000		12,480.00	
0050	6037000000-E COIR FIBER MAT	25.000 SY	5.00000		125.00	
0051	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	150.000 SY	6.00000		900.00	
0052	6042000000-E 1/4" HARDWARE CLOTH	425.000 LF	4.00000		1,700.00	
0053	6070000000-N SPECIAL STILLING BASINS	12.000 EA	800.00000		9,600.00	
0054	6071010000-E WATTLE	25.000 LF	9.00000		225.00	
0055	6071020000-E POLYACRYLAMIDE (PAM)	5.000 LB	3.00000		15.00	
0056	6071030000-E COIR FIBER BAFFLES	150.000 LF	6.00000		900.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0057	6071050000-E *** SKIMMER (1-1/2")	EA 2.000	1,000.00000		2,000.00	
0058	6084000000-E SEEDING & MULCHING	ACR 5.000	1,600.00000		8,000.00	
0059	6087000000-E MOWING	ACR 0.500	100.00000		50.00	
0060	6090000000-E SEED FOR REPAIR SEEDING	LB 50.000	6.00000		300.00	
0061	6093000000-E FERTILIZER FOR REPAIR SEEDING	TON 0.250	1,000.00000		250.00	
0062	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	LB 50.000	3.00000		150.00	
0063	6108000000-E FERTILIZER TOPDRESSING	TON 0.500	1,000.00000		500.00	
0064	6114500000-N SPECIALIZED HAND MOWING	MHR 12.000	70.00000		840.00	
0065	6117000000-N RESPONSE FOR EROSION CONTROL	EA 12.000	250.00000		3,000.00	
	Section 0001 Total				234,839.50	

Section 0004 STRUCTURE ITEMS

Alt Group

0066	8035000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (16+97.00-L-)	LUMP	LUMP		8,000.00	
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State of NC
 Dept of Transportation

Date: 02-16-10
 Revised:

Contract ID: C202336 Project(s): BRSTP-1327(2)
 Letting Date: 03-16-10 Call Order: 012
 Bidder: 3755 - MILLER ENGINEERING CO INC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0067	8105540000-E 3'-6" DIA DRILLED PIERS IN SOIL	81.750 LF	352.00000		28,776.00	
0068	8105640000-E 3'-6" DIA DRILLED PIERS NOT IN SOIL	36.000 LF	1,780.00000		64,080.00	
0069	8111400000-E PERMANENT STEEL CASING FOR 3'-6" DIA DRILLED PIER	19.640 LF	285.00000		5,597.40	
0070	8113000000-N SID INSPECTION	1.000 EA	500.00000		500.00	
0071	8114000000-N SPT TESTING	1.000 EA	1,000.00000		1,000.00	
0072	8115000000-N CROSSHOLE SONIC LOGGING	1.000 EA	2,500.00000		2,500.00	
0073	8121000000-N UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (16+97.00-L-)	LUMP	LUMP		1,200.00	
0074	8182000000-E CLASS A CONCRETE (BRIDGE)	71.200 CY	650.00000		46,280.00	
0075	8210000000-N BRIDGE APPROACH SLABS, STATION***** (16+97.00-L-)	LUMP	LUMP		14,000.00	
0076	8217000000-E REINFORCING STEEL (BRIDGE)	23,850.000 LB	1.00000		23,850.00	
0077	8238000000-E SPIRAL COLUMN REINFORCING STEEL (BRIDGE)	4,544.000 LB	1.50000		6,816.00	

State of NC
Dept of Transportation

Date: 02-16-10
Revised:

Contract ID: C202336 Project(s): BRSTP-1327(2)
Letting Date: 03-16-10 Call Order: 012
Bidder: 3755 - MILLER ENGINEERING CO INC

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0078	8364000000-E HP12X53 STEEL PILES	LF 330.000	36.00000		11,880.00	
0079	8505000000-E VERTICAL CONCRETE BARRIER RAIL	LF 285.500	40.00000		11,420.00	
0080	8608000000-E RIP RAP CLASS II (2'-0" THICK)	TON 330.000	40.00000		13,200.00	
0081	8622000000-E FILTER FABRIC FOR DRAINAGE	SY 365.000	6.00000		2,190.00	
0082	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP		8,500.00	
0083	8762000000-E 3'-0" X 1'-9" PRESTRESSED CONCCORED SLABS	LF 1,425.000	108.80000		155,040.00	
	Section 0004 Total				404,829.40	
	Bid Total				639,668.90	✓

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

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

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

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

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

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	

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

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT ITEMS

DATE:02-16-10
PAGE: 11

PROPOSAL: C202336
LETTING: L100316 CALL: 012
VENDOR: 3755 MILLER ENGINEERING CO INC

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

DBE SUBCONTRACTOR: 3765 STAY ALERT SAFETY SERVICES INC
Will Use Quote: Yes

0032	4400000000-E	WORK ZONE SI SF	326.000	4.95000	1613.70
0033	4410000000-E	WORK ZONE SI SF	94.000	6.85000	643.90
0034	4445000000-E	BARRICADES (LF	96.000	19.50000	1872.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 4,129.60 ✓ arm
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 4,129.6

DBE SUBCONTRACTOR: 4898 BULLINGTON CONSTRUCTION INC
Will Use Quote: Yes

0023	3030000000-E	STL BM GUARD LF	112.500	15.00000	1687.50
0024	3150000000-N	ADDIT GUARDR EA	5.000	13.00000	65.00
0025	3165000000-N	GR ANCHOR TY EA	4.000	1800.00000	7200.00
0026	3317000000-N	GR ANCHOR TY EA	4.000	1400.00000	5600.00
0027	3557000000-E	ADDITIONAL B LF	50.000	1.00000	50.00
0028	3559000000-E	** STRAND BW LF	504.000	5.00000	2520.00
0029	3565000000-E	DBL GATE **H EA	1.000	600.00000	600.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 17,722.50 ✓ arm
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 17,722.

DBE SUBCONTRACTOR: 4846 MCCOLLUM & ASSOCIATES PAVING, LLC
Will Use Quote: Yes

0016	1489000000-E	ASP CONC BAS TON	120.000	56.80000	6816.00
0017	1519000000-E	ASP CONC SUR TON	200.000	56.80000	11360.00
0018	1560000000-E	ASP FOR PLAN TON	20.000	585.00000	11700.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: ~~29,876.00~~ 0.00
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) ~~29,876.~~

DBE SUBCONTRACTOR: 3269 GML CONTRACTORS, INC.
Will Use Quote: Yes

0042	6015000000-E	TEMPORARY MU ACR	1.000	350.00000	350.00
0043	6018000000-E	SEED FOR TEM LB	50.000	6.00000	300.00
0044	6021000000-E	FERT FOR TEM TON	1.250	600.00000	750.00
0049	6036000000-E	MATTING FOR SY	7800.000	1.60000	12480.00
0050	6037000000-E	COIR FIBER M SY	25.000	5.00000	125.00
0051	6038000000-E	PERM SOIL RE SY	150.000	6.00000	900.00
0058	6084000000-E	SEEDING AND ACR	5.000	1600.00000	8000.00
0059	6087000000-E	MOWING ACR	0.500	100.00000	50.00
0060	6090000000-E	SEED FOR REP LB	50.000	6.00000	300.00
0061	6093000000-E	FERT FOR REP TON	0.250	1000.00000	250.00

Check: 49C66585 Page 11

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 DBE COMMITMENT ITEMS

DATE:02-16-10
 PAGE: 12

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
0062	6096000000-E	SEED FOR SUP	LB	50.000	3.00000	150.00
0063	6108000000-E	FERTILIZER T	TON	0.500	1000.00000	500.00
0064	6114500000-N	SPECIALIZED	MHR	12.000	70.00000	840.00
0065	6117000000-N	RESPONSE FOR	EA	12.000	200.00000	2400.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 27,395.00
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 27,395.00 ✓ am

TOTAL DBE COMMITMENT FOR VENDOR: Entered: 7.7 % 49,247.10 ✓ am
 Required: ~~12.37%~~ or ~~79123.10~~
 10.00% or 63966.89
 <GOAL MET>

Contract Item Sheets For C202336

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	18,000.00	18,000.00
0002	0030000000-N	SP	BRIDGE APPROACH FILL - SUB REGIONAL TIER, STATION ***** (16+97 -L-)	Lump Sum LS	10,000.00	10,000.00
0003	0038000000-E	SP	SHALLOW UNDERCUT	100 CY	10.00	1,000.00
0004	0043000000-N	226	GRADING	Lump Sum LS	30,000.00	30,000.00
0005	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	1.00	1.00
0006	0057000000-E	226	UNDERCUT EXCAVATION	250 CY	10.00	2,500.00
0007	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	200 TON	25.00	5,000.00
0008	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	550 SY	3.00	1,650.00
0009	0223000000-E	SP	ROCK PLATING	230 SY	40.00	9,200.00
0010	0320000000-E	SP	FOUNDATION CONDITIONING FABRIC	20 SY	3.00	60.00
0011	0330000000-E	SP	GENERIC DRAINAGE ITEM FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	20 TON	30.00	600.00
0012	0335200000-E	SP	15" DRAINAGE PIPE	52 LF	35.00	1,820.00
0013	0335850000-E	SP	*** DRAINAGE PIPE ELBOWS (15")	4 EA	150.00	600.00
0014	0986000000-E	SP	GENERIC PIPE ITEM 15" SIDE DRAIN PIPE	8 LF	45.00	360.00
0015	1220000000-E	545	INCIDENTAL STONE BASE	25 TON	25.00	625.00
0016	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	120 TON	60.00	7,200.00
0017	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	200 TON	60.00	12,000.00

Contract Item Sheets For C202336

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	20 TON	600.00	12,000.00
0019	2253000000-E	840	PIPE COLLARS	0.5 CY	1,500.00	750.00
0020	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	2 EA	2,000.00	4,000.00
0021	2367000000-N	840	FRAME WITH TWO GRATES, STD 840.29	2 EA	500.00	1,000.00
0022	2556000000-E	846	SHOULDER BERM GUTTER	40 LF	20.00	800.00
0023	3030000000-E	862	STEEL BM GUARDRAIL	112.5 LF	15.00	1,687.50
0024	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	13.00	65.00
0025	3165000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE ***** (350, TL-2)	4 EA	1,800.00	7,200.00
0026	3317000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE B-77	4 EA	1,400.00	5,600.00
0027	3557000000-E	866	ADDITIONAL BARBED WIRE	50 LF	1.00	50.00
0028	3559000000-E	866	** STRAND BARBED WIRE FENCE WITH POSTS (5)	504 LF	5.00	2,520.00
0029	3565000000-E	866	DOUBLE GATES, *** HIGH, *** WIDE, *** OPENING (48" X 9-8" X 19'-4")	1 EA	600.00	600.00
0030	3649000000-E	876	RIP RAP, CLASS B	2 TON	40.00	80.00
0031	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	1,360 SY	3.00	4,080.00
0032	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	326 SF	6.00	1,956.00
0033	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	94 SF	8.00	752.00
0034	4445000000-E	1145	BARRICADES (TYPE III)	96 LF	25.00	2,400.00
0035	5325600000-E	1510	6" WATER LINE	352 LF	34.00	11,968.00

Contract Item Sheets For C202336

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0036	5540000000-E	1515	6" VALVE	2 EA	900.00	1,800.00
0037	5800000000-E	1530	ABANDON 6" UTILITY PIPE	310 LF	8.00	2,480.00
0038	6000000000-E	1605	TEMPORARY SILT FENCE	550 LF	5.00	2,750.00
0039	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	250 TON	28.00	7,000.00
0040	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	50 TON	28.00	1,400.00
0041	6012000000-E	1610	SEDIMENT CONTROL STONE	375 TON	26.00	9,750.00
0042	6015000000-E	1615	TEMPORARY MULCHING	1 ACR	350.00	350.00
0043	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	50 LB	6.00	300.00
0044	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEED- ING	1.25 TON	600.00	750.00
0045	6024000000-E	1622	TEMPORARY SLOPE DRAINS	250 LF	15.00	3,750.00
0046	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4 EA	150.00	600.00
0047	6029000000-E	SP	SAFETY FENCE	900 LF	2.50	2,250.00
0048	6030000000-E	1630	SILT EXCAVATION	250 CY	10.00	2,500.00
0049	6036000000-E	1631	MATTING FOR EROSION CONTROL	7,800 SY	1.60	12,480.00
0050	6037000000-E	SP	COIR FIBER MAT	25 SY	5.00	125.00
0051	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	150 SY	6.00	900.00
0052	6042000000-E	1632	1/4" HARDWARE CLOTH	425 LF	4.00	1,700.00
0053	6070000000-N	SP	SPECIAL STILLING BASINS	12 EA	800.00	9,600.00
0054	6071010000-E	SP	WATTLE	25 LF	9.00	225.00

Contract Item Sheets For C202336

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0055	6071020000-E	SP	POLYACRYLAMIDE (PAM)	5 LB	3.00	15.00
0056	6071030000-E	SP	COIR FIBER BAFFLES	150 LF	6.00	900.00
0057	6071050000-E	SP	*** SKIMMER (1-1/2")	2 EA	1,000.00	2,000.00
0058	6084000000-E	1660	SEEDING & MULCHING	5 ACR	1,600.00	8,000.00
0059	6087000000-E	1660	MOWING	0.5 ACR	100.00	50.00
0060	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	6.00	300.00
0061	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	1,000.00	250.00
0062	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	3.00	150.00
0063	6108000000-E	1665	FERTILIZER TOPDRESSING	0.5 TON	1,000.00	500.00
0064	6114500000-N	SP	SPECIALIZED HAND MOWING	12 MHR	70.00	840.00
0065	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12 EA	250.00	3,000.00

Contract Item Sheets For C202336

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0066	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (16+97.00-L-)	Lump Sum LS	8,000.00	8,000.00
0067	8105540000-E	SP	3'-6" DIA DRILLED PIERS IN SOIL	81.75 LF	352.00	28,776.00
0068	8105640000-E	SP	3'-6" DIA DRILLED PIERS NOT IN SOIL	36 LF	1,780.00	64,080.00
0069	8111400000-E	SP	PERMANENT STEEL CASING FOR 3'-6" DIA DRILLED PIER	19.64 LF	285.00	5,597.40
0070	8113000000-N	SP	SID INSPECTION	1 EA	500.00	500.00
0071	8114000000-N	SP	SPT TESTING	1 EA	1,000.00	1,000.00
0072	8115000000-N	SP	CROSSHOLE SONIC LOGGING	1 EA	2,500.00	2,500.00
0073	8121000000-N	412	UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (16+97.00-L-)	Lump Sum LS	1,200.00	1,200.00
0074	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	71.2 CY	650.00	46,280.00
0075	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (16+97.00-L-)	Lump Sum LS	14,000.00	14,000.00
0076	8217000000-E	425	REINFORCING STEEL (BRIDGE)	23,850 LB	1.00	23,850.00
0077	8238000000-E	425	SPIRAL COLUMN REINFORCING STEEL (BRIDGE)	4,544 LB	1.50	6,816.00
0078	8364000000-E	SP	HP12X53 STEEL PILES	330 LF	36.00	11,880.00
0079	8505000000-E	SP	VERTICAL CONCRETE BARRIER RAIL	285.5 LF	40.00	11,420.00
0080	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	330 TON	40.00	13,200.00
0081	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	365 SY	6.00	2,190.00
0082	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	8,500.00	8,500.00

Contract Item Sheets For C202336

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0083	8762000000-E	430	3'-0" X 1'-9" PRESTRESSED CONC CORED SLABS	1,425 LF	108.80	155,040.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$639,668.90 ✓

1251/Apr12/Q47820.59/D397515940000/E83

Contract Number C202336
County Cleveland

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN 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.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

SIGNATURE OF CONTRACTOR

Miller Engineering Company Inc
Full name of Corporation

PO Box 1048 Marion NC 28752
Address as Prequalified

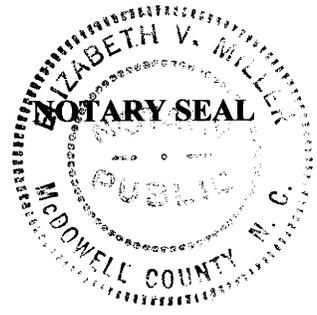
Attest Perchieleen Miller By Clifford H Miller
~~Secretary~~ Assistant Secretary President ~~Vice President~~ Assistant Vice President
Select appropriate title Select appropriate title

Perchieleen Miller Clifford H Miller
Print or type Signer's name Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the
14 day of April 2010
[Signature]
Signature of Notary Public
of McDowell County
State of NC
My Commission Expires: 8-21-2010



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. C202336
County Cleveland

Rev 2-1-10

Bond No. 08608431

CONTRACT PAYMENT BOND

Date of Payment Bond Execution April 13, 2010

Name of Principal Contractor Miller Engineering Company, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: Six Hundred Thirty Nine Thousand Six Hundred Sixty Eight Dollars and 90/100 (\$639,668.90)

Contract ID No.: C202336

County Name: Cleveland

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. C202336
County Cleveland

Rev 2-1-10

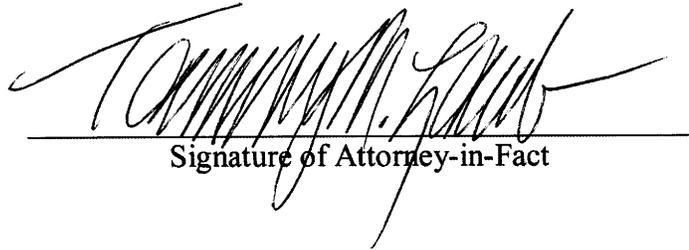
CONTRACT PAYMENT BOND

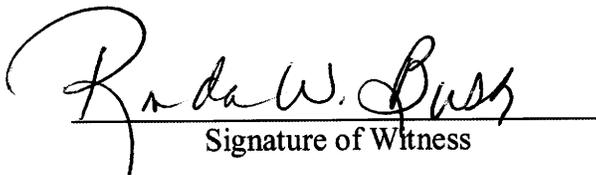
Affix Seal of Surety Company

Fidelity and Deposit Company of Maryland
Print or type Surety Company Name

By Tammy M. Laub
Print, stamp or type name of Attorney-in-Fact




Signature of Attorney-in-Fact


Signature of Witness

Ronda W. Bush

Print or type Signer's name

1001 Morehead Square Drive, Suite 400
Charlotte, NC 28203

Address of Attorney-in-Fact

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Miller Engineering Company, Inc.

Full name of Corporation

3523 Sugar Hill Road, Marion, NC 28752

Address as prequalified

By Clifford H. Miller
Signature of ~~President~~ Vice President, Assistant Vice President
Select appropriate title

Clifford H. Miller
Print or type Signer's name

Affix Corporate Seal

Attest Perchieleen Miller
Signature of ~~Secretary~~ Assistant Secretary
Select appropriate title

Perchieleen Miller
Print or type Signer's name

**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:

Tammy M. Laub

of Charlotte, NC, 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 08608431, issued on behalf of Miller Engineering Company, Inc., 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 13th day of April, 2010.



L.L. Goucher

Assistant Secretary



Contract No. C202336
County Cleveland

Rev 2-1-10

Bond No. 08608431

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: April 13, 2010

Name of Principal Contractor: Miller Engineering Company, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: Six Hundred Thirty Nine Thousand Six Hundred Sixty Eight Dollars and 90/100 (\$639,668.90)

Contract ID No.: C202336

County Name: Cleveland

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. C202336
County Cleveland

Rev 2-1-10

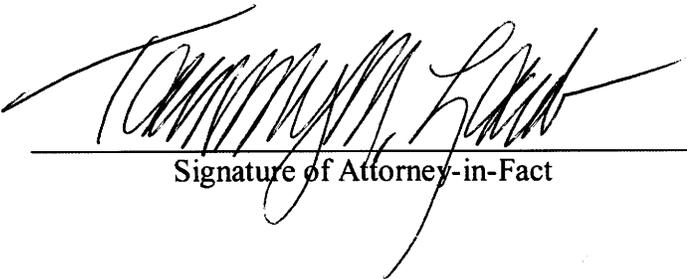
CONTRACT PERFORMANCE BOND

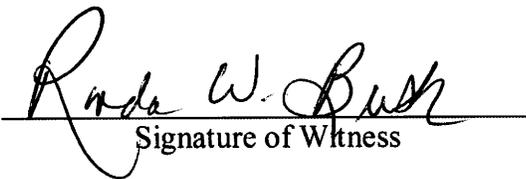
Affix Seal of Surety Company

Fidelity and Deposit Company of Maryland
Print or type Surety Company Name

By Tammy M. Laub
Print, stamp or type name of Attorney-in-Fact




Signature of Attorney-in-Fact


Signature of Witness

Ronda W. Bush

Print or type Signer's name

1001 Morehead Square Drive, Suite 400
Charlotte, NC 28203

Address of Attorney-in-Fact

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Miller Engineering Company, Inc.

Full name of Corporation

3523 Sugar Hill Road, Marion, NC 28752

Address as prequalified

By Clifford H. Miller
Signature of President Vice President Assistant Vice President
Select appropriate title

Clifford H. Miller
Print or type Signer's name

Affix Corporate Seal

Attest Perchieleen Miller
Signature of Secretary Assistant Secretary
Select appropriate title

Perchieleen Miller
Print or type Signer's name

**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:

Tammy M. Laub

of Charlotte, NC, 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 08608431, issued on behalf of Miller Engineering Company, Inc., 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 depose 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 13th day of April, 2010.



L.L. Goucher

Assistant Secretary



