

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

C202550

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202550

WBS 33537.3.1 BRSTP-0226(9)

T.I.P NO. B-4190

COUNTY OF MCDOWELL

THIS IS THE ROADWAY & CULVERT CONTRACT

ROUTE NUMBER NC 226 LENGTH 0.033 MILES

LOCATION BRIDGE #37 OVER HOPPER CREEK AND APPROACHES ON NC-226.

CONTRACTOR MILLER ENGINEERING COMPANY, INC

ADDRESS P.O. BOX 1048
MARION, NC 287521048

BIDS OPENED JUNE 15, 2010

CONTRACT EXECUTION JUL 13 2010

NCDOT/berc

Vendor 3755's Bid Information for Call 012, Letting L100615, 2010-06-15

MILLER ENGINEERING CO INC (3755).

Vendor 5 of 6 Vendors for Call Order 012 (Proposal ID C202550).

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

Phone Number: 8287388441

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

Time Bid Received: Tue Jun 15 12:34:53 2010

Bid Checksum: D24A639B

DBE GOAL SET 10.0

Amendment Count: 0

Bidding Errors: No bidding errors.

DBE GOAL MET 19.6

Bid Total: \$671,639.61

Bond ID: SNC10967079

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$33,581.98

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 6/7/2010 12:39:20 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
4898 WB	BULLINGTON CONSTRUCTION INC 417 FOXGLOVE LANE , INDIAN TRAIL, NC 28079		Sub 33,486.75 ✓ am
3269 WB	GML CONTRACTORS, INC. P O BOX 702 , MONROE, NC 28111		Sub 61,325.00 ✓ am
8003 WB	HUNTING CREEK CONSTRUCTION, INC 356 SHEFFIELD ROAD , HARMONY, NC 28634		Sub 36,520.00 ✓ am
TOTAL:			\$131,331.75 ✓ am 19.55% ✓ 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	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

Bid Bond Data Info - Contractor Responses:

BondID: SNC10967079
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Fidelity And Deposit Company of Maryland
Bond Execution Date: 6/7/2010 12:39:20 PM
Bond Amount: \$33,581.98 (Five Percent of Bid)

State of NC
 Dept of Transportation
 Contract ID: C202550
 Letting Date: 06-15-10
 Bidder: 3755 - MILLER ENGINEERING CO INC

Date: 05-18-10
 Revised:
 Project(s): BRSTP-0226(9)

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 MOBILIZATION	LUMP	LUMP			22,000.00
0002	0000400000-N CONSTRUCTION SURVEYING	LUMP	LUMP			8,000.00
0003	0022000000-E UNCLASSIFIED EXCAVATION	CY	12,600.000	5.00000		63,000.00
0004	0038000000-E SHALLOW UNDERCUT	CY	20.000	9.00000		180.00
0005	0050000000-E SUPPLEMENTARY CLEARING & GRUB-BING	ACR	1.000	1.00000		1.00
0006	0063000000-N GRADING	LUMP	LUMP			50,500.00
0007	0080000000-E CLASS IV SUBGRADE STABILIZATION	TON	20.000	18.00000		360.00
0008	0134000000-E DRAINAGE DITCH EXCAVATION	CY	710.000	7.00000		4,970.00
0009	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	750.000	2.00000		1,500.00
0010	0234000000-E GENERIC GRADING ITEM SELECT GRANULAR MATERIAL	CY	100.000	37.00000		3,700.00
0011	0320000000-E FOUNDATION CONDITIONING FABRIC	SY	90.000	2.00000		180.00

State of NC
Dept of Transportation

Date: 05-18-10
Revised:

Contract ID: C202550 Project(s): BRSTP-0226(9)
Letting Date: 06-15-10 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
0012	0330000000-E GENERIC DRAINAGE ITEM FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	10.000 TON	21.00000		210.00	
0013	0938000000-E *** X *** CS STRUCTURAL PLATE PIPE ARCH, ** GAUGE (154" X 100", 12)	52.000 LF	565.00000		29,380.00	
0014	0995000000-E PIPE REMOVAL	111.000 LF	7.00000		777.00	
0015	1121000000-E AGGREGATE BASE COURSE	1,271.000 TON	18.00000		22,878.00	
0016	1220000000-E INCIDENTAL STONE BASE	50.000 TON	23.00000		1,150.00	
0017	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	113.000 TON	79.25000		8,955.25	
0018	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	70.000 TON	79.25000		5,547.50	
0019	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	500.000 TON	79.25000		39,625.00	
0020	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	39.000 TON	524.00000		20,436.00	
0021	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	25.000 TON	200.00000		5,000.00	
0022	2000000000-N RIGHT OF WAY MARKERS	9.000 EA	200.00000		1,800.00	

State of NC
Dept of Transportation

Date: 05-18-10
Revised:

Contract ID: C202550 Project(s): BRSTP-0226(9)
Letting Date: 06-15-10 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
0023	2022000000-E SUBDRAIN EXCAVATION	45.000 CY	8.00000		360.00	
0024	2033000000-E SUBDRAIN FINE AGGREGATE	35.000 CY	30.00000		1,050.00	
0025	2044000000-E 6" PERFORATED SUBDRAIN PIPE	200.000 LF	8.00000		1,600.00	
0026	2055000000-E 6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	6.000 EA	14.00000		84.00	
0027	2066000000-N CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1.000 EA	180.00000		180.00	
0028	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	6.000 LF	6.00000		36.00	
0029	2199000000-E SANDBAG HEADWALL	340.000 SF	21.00000		7,140.00	
0030	2473000000-N GENERIC DRAINAGE ITEM ROCK INLET SILL	2.000 EA	1,000.00000		2,000.00	
0031	3030000000-E STEEL BM GUARDRAIL	762.500 LF	19.50000		14,868.75	
0032	3150000000-N ADDITIONAL GUARDRAIL POSTS	10.000 EA	13.00000		130.00	
0033	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	4.000 EA	2,000.00000		8,000.00	
0034	3360000000-E REMOVE EXISTING GUARDRAIL	818.000 LF	1.00000		818.00	

State of NC
Dept of Transportation

Date: 05-18-10
Revised:

Contract ID: C202550 Project(s): BRSTP-0226(9)
Letting Date: 06-15-10 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
0035	3380000000-E TEMPORARY STEEL BM GUARDRAIL	837.500 LF	4.00000		3,350.00	
0036	3389100000-N GUARDRAIL ANCHOR UNITS, TYPE 350 TEMPORARY	4.000 EA	500.00000		2,000.00	
0037	3503000000-E WOVEN WIRE FENCE, 47" FABRIC	410.000 LF	4.00000		1,640.00	
0038	3509000000-E 4" TIMBER FENCE POSTS, 7'-6" LONG	20.000 EA	21.00000		420.00	
0039	3515000000-E 5" TIMBER FENCE POSTS, 8'-0" LONG	20.000 EA	35.00000		700.00	
0040	3563000000-E TEMP **" WOVEN WIRE FENCE, COMPLETE W/POSTS (48")	130.000 LF	12.00000		1,560.00	
0041	3628000000-E RIP RAP, CLASS I	30.000 TON	28.00000		840.00	
0042	3649000000-E RIP RAP, CLASS B	110.000 TON	28.00000		3,080.00	
0043	3656000000-E FILTER FABRIC FOR DRAINAGE	1,750.000 SY	2.00000		3,500.00	
0044	4400000000-E WORK ZONE SIGNS (STATIONARY)	220.000 SF	4.65000		1,023.00	
0045	4405000000-E WORK ZONE SIGNS (PORTABLE)	96.000 SF	10.00000		960.00	
0046	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	72.000 SF	8.00000		576.00	

State of NC
Dept of Transportation

Date: 05-18-10
Revised:

Contract ID: C202550
Letting Date: 06-15-10 Call Order: 012
Bidder: 3755 - MILLER ENGINEERING CO INC
Project(s): BRSTP-0226(9)

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0047	4430000000-N DRUMS	EA 30.000	30.00000		900.00	
0048	4435000000-N CONES	EA 125.000	20.00000		2,500.00	
0049	4445000000-E BARRICADES (TYPE III)	LF 48.000	25.00000		1,200.00	
0050	4450000000-N FLAGGER	HR 960.000	20.00000		19,200.00	
0051	4480000000-N TMIA	EA 1.000	2,000.00000		2,000.00	
0052	4650000000-N TEMPORARY RAISED PAVEMENT MARKERS	EA 18.000	12.50000		225.00	
0053	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 27,007.000	0.22000		5,941.54	
0054	4847000000-E POLYUREA PAVEMENT MARKING LINES (4", *****) (STANDARD GLASS BEADS)	LF 5,452.000	1.22000		6,651.44	
0055	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	EA 17.000	52.75000		896.75	
0056	6000000000-E TEMPORARY SILT FENCE	LF 2,000.000	2.50000		5,000.00	
0057	6006000000-E STONE FOR EROSION CONTROL, CLASS A	TON 225.000	28.00000		6,300.00	

State of NC
 Dept of Transportation

Date: 05-18-10
 Revised:

Contract ID: C202550 Project(s): BRSTP-0226(9)
 Letting Date: 06-15-10 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
0058	6009000000-E STONE FOR EROSION CONTROL, CLASS B	270.000 TON	28.00000		7,560.00	
0059	6012000000-E SEDIMENT CONTROL STONE	135.000 TON	21.00000		2,835.00	
0060	6015000000-E TEMPORARY MULCHING	10.500 ACR	750.00000		7,875.00	
0061	6018000000-E SEED FOR TEMPORARY SEEDING	300.000 LB	3.00000		900.00	
0062	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	2.000 TON	800.00000		1,600.00	
0063	6024000000-E TEMPORARY SLOPE DRAINS	375.000 LF	10.00000		3,750.00	
0064	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	5.000 EA	110.00000		550.00	
0065	6029000000-E SAFETY FENCE	950.000 LF	5.00000		4,750.00	
0066	6030000000-E SILT EXCAVATION	900.000 CY	5.00000		4,500.00	
0067	6036000000-E MATTING FOR EROSION CONTROL	10,500.000 SY	1.50000		15,750.00	
0068	6037000000-E COIR FIBER MAT	100.000 SY	5.00000		500.00	
0069	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	600.000 SY	6.00000		3,600.00	

State of NC
 Dept of Transportation

Date: 05-18-10
 Revised:

Contract ID: C202550 Project(s): BRSTP-0226(9)
 Letting Date: 06-15-10 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
0070	6042000000-E 1/4" HARDWARE CLOTH	100.000 LF	4.00000		400.00	
0071	6069000000-E STILLING BASINS	135.000 CY	7.00000		945.00	
0072	6070000000-N SPECIAL STILLING BASINS	3.000 EA	800.00000		2,400.00	
0073	6071010000-E WATTLE	110.000 LF	7.00000		770.00	
0074	6071020000-E POLYACRYLAMIDE (PAM)	30.000 LB	20.00000		600.00	
0075	6071030000-E COIR FIBER BAFFLES	775.000 LF	4.00000		3,100.00	
0076	6071050000-E *** SKIMMER (1-1/2")	7.000 EA	700.00000		4,900.00	
0077	6084000000-E SEEDING & MULCHING	9.000 ACR	1,700.00000		15,300.00	
0078	6087000000-E MOWING	6.000 ACR	100.00000		600.00	
0079	6090000000-E SEED FOR REPAIR SEEDING	100.000 LB	10.00000		1,000.00	
0080	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	1,000.00000		250.00	
0081	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	175.000 LB	3.00000		525.00	

State of NC
Dept of Transportation

Date: 05-18-10
Revised:

Contract ID: C202550 Project(s): BRSTP-0226(9)
Letting Date: 06-15-10 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
0082	6108000000-E FERTILIZER TOPDRESSING	5.250 TON	900.00000		4,725.00	
0083	6111000000-E IMPERVIOUS DIKE	175.000 LF	50.00000		8,750.00	
0084	6114500000-N SPECIALIZED HAND MOWING	10.000 MHR	90.00000		900.00	
0085	6117000000-N RESPONSE FOR EROSION CONTROL	12.000 EA	600.00000		7,200.00	
0086	6120000000-E CULVERT DIVERSION CHANNEL	175.000 CY	34.00000		5,950.00	
0087	6123000000-E REFORESTATI ON	0.500 ACR	1,200.00000		600.00	
Section 0001 Total						509,965.23

Section 0002 CULVERT ITEMS

Alt Group

0088	8049000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (17+91.50-L-)	LUMP	LUMP		13,000.00	
0089	8126000000-N CULVERT EXCAVATION, STA ***** (17+91.50-L-)	LUMP	LUMP		8,000.00	
0090	8133000000-E FOUNDATION CONDITIONING MATER-IAL, BOX CULVERT	170.000 TON	30.00000		5,100.00	
0091	8196000000-E CLASS A CONCRETE (CULVERT)	281.700 CY	335.00000		94,369.50	

State of NC
Dept of Transportation

Date: 05-18-10
Revised:

Contract ID: C202550 Project(s): BRSTP-0226(9)
Letting Date: 06-15-10 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
0092	8245000000-E REINFORCING STEEL (CULVERT)	57,229.000 LB	0.72000		41,204.88	
	Section 0002 Total				161,674.38	
	Bid Total				671,639.61	

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:05-18-10
PAGE: 12

PROPOSAL: C202550
LETTING: L100615 CALL: 012
VENDOR: 3755 MILLER ENGINEERING CO INC

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 4898 BULLINGTON CONSTRUCTION INC						
Will Use Quote: Yes						
0031	3030000000-E	STL BM GUARD	LF	762.500	19.50000	14868.75
0032	3150000000-N	ADDIT GUARDR	EA	10.000	13.00000	130.00
0033	3270000000-N	GR ANCHOR TY	EA	4.000	2000.00000	8000.00
0034	3360000000-E	REMOVE EXIST	LF	818.000	1.00000	818.00
0035	3380000000-E	TEMP STL BM	LF	837.500	4.00000	3350.00
0036	3389100000-N	GDRL ANCH UN	EA	4.000	500.00000	2000.00
0037	3503000000-E	WOVEN WIRE F	LF	410.000	4.00000	1640.00
0038	3509000000-E	4" TIMBER PO	EA	20.000	21.00000	420.00
0039	3515000000-E	5" TIMBER PO	EA	20.000	35.00000	700.00
0040	3563000000-E	TEMP ***" WW	LF	130.000	12.00000	1560.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 33,486.75 ✓ am
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 33,486.

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

0060	6015000000-E	TEMPORARY MU	ACR	10.500	750.00000	7875.00
0061	6018000000-E	SEED FOR TEM	LB	300.000	3.00000	900.00
0062	6021000000-E	FERT FOR TEM	TON	2.000	800.00000	1600.00
0067	6036000000-E	MATTING FOR	SY	10500.000	1.50000	15750.00
0068	6037000000-E	COIR FIBER M	SY	100.000	5.00000	500.00
0069	6038000000-E	PERM SOIL RE	SY	600.000	6.00000	3600.00
0077	6084000000-E	SEEDING AND	ACR	9.000	1700.00000	15300.00
0078	6087000000-E	MOWING	ACR	6.000	100.00000	600.00
0079	6090000000-E	SEED FOR REP	LB	100.000	10.00000	1000.00
0080	6093000000-E	FERT FOR REP	TON	0.250	1000.00000	250.00
0081	6096000000-E	SEED FOR SUP	LB	175.000	3.00000	525.00
0082	6108000000-E	FERTILIZER T	TON	5.250	900.00000	4725.00
0084	6114500000-N	SPECIALIZED	MHR	10.000	90.00000	900.00
0085	6117000000-N	RESPONSE FOR	EA	12.000	600.00000	7200.00
0087	6123000000-E	REFORESTATIO	ACR	0.500	1200.00000	600.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 61,325.00 ✓ am
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor) 61,325.

DBE SUBCONTRACTOR: 8003 HUNTING CREEK CONSTRUCTION, INC.
Will Use Quote: Yes

0013	0938000000-E	**X***"CS STR	LF	52.000	565.00000	29380.00
0029	2199000000-E	SANDBAG HEAD	SF	340.000	21.00000	7140.00

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
 DBE COMMITMENT ITEMS

DATE:05-18-10
 PAGE: 13

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						36,520.00 ✓ am
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)						36,520.00
TOTAL DBE COMMITMENT FOR VENDOR:			Entered:	19.55% or	131331.75 ✓ am	
			Required:	10.00% or	67163.96	
			<GOAL MET>			

Contract Item Sheets For C202550

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	22,000.00	22,000.00
0002	0000400000-N	801	CONSTRUCTION SURVEYING	Lump Sum LS	8,000.00	8,000.00
0003	0022000000-E	225	UNCLASSIFIED EXCAVATION	12,600 CY	5.00	63,000.00
0004	0038000000-E	SP	SHALLOW UNDERCUT	20 CY	9.00	180.00
0005	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	1.00	1.00
0006	0063000000-N	SP	GRADING	Lump Sum LS	50,500.00	50,500.00
0007	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	20 TON	18.00	360.00
0008	0134000000-E	240	DRAINAGE DITCH EXCAVATION	710 CY	7.00	4,970.00
0009	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	750 SY	2.00	1,500.00
0010	0234000000-E	SP	GENERIC GRADING ITEM SELECT GRANULAR MATERIAL	100 CY	37.00	3,700.00
0011	0320000000-E	SP	FOUNDATION CONDITIONING FABRIC	90 SY	2.00	180.00
0012	0330000000-E	SP	GENERIC DRAINAGE ITEM FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	10 TON	21.00	210.00
0013	0938000000-E	320	*** X *** CS STRUCTURAL PLATE PIPE ARCH, ** GAUGE (154" X 100", 12)	52 LF	565.00	29,380.00
0014	0995000000-E	340	PIPE REMOVAL	111 LF	7.00	777.00
0015	1121000000-E	520	AGGREGATE BASE COURSE	1,271 TON	18.00	22,878.00
0016	1220000000-E	545	INCIDENTAL STONE BASE	50 TON	23.00	1,150.00
0017	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	113 TON	79.25	8,955.25
0018	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	70 TON	79.25	5,547.50

Contract Item Sheets For C202550

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0019	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	500 TON	79.25	39,625.00
0020	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	39 TON	524.00	20,436.00
0021	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	25 TON	200.00	5,000.00
0022	2000000000-N	806	RIGHT OF WAY MARKERS	9 EA	200.00	1,800.00
0023	2022000000-E	815	SUBDRAIN EXCAVATION	45 CY	8.00	360.00
0024	2033000000-E	815	SUBDRAIN FINE AGGREGATE	35 CY	30.00	1,050.00
0025	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	200 LF	8.00	1,600.00
0026	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	6 EA	14.00	84.00
0027	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA	180.00	180.00
0028	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF	6.00	36.00
0029	2199000000-E	SP	SANDBAG HEADWALL	340 SF	21.00	7,140.00
0030	2473000000-N	SP	GENERIC DRAINAGE ITEM ROCK INLET SILL	2 EA	1,000.00	2,000.00
0031	3030000000-E	862	STEEL BM GUARDRAIL	762.5 LF	19.50	14,868.75
0032	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	10 EA	13.00	130.00
0033	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	4 EA	2,000.00	8,000.00
0034	3360000000-E	863	REMOVE EXISTING GUARDRAIL	818 LF	1.00	818.00
0035	3380000000-E	862	TEMPORARY STEEL BM GUARDRAIL	837.5 LF	4.00	3,350.00
0036	3389100000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350 TEMPORARY	4 EA	500.00	2,000.00
0037	3503000000-E	866	WOVEN WIRE FENCE, 47" FABRIC	410 LF	4.00	1,640.00

Contract Item Sheets For C202550

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0038	3509000000-E	866	4" TIMBER FENCE POSTS, 7'-6" LONG	20 EA	21.00	420.00
0039	3515000000-E	866	5" TIMBER FENCE POSTS, 8'-0" LONG	20 EA	35.00	700.00
0040	3563000000-E	SP	TEMP *** WOVEN WIRE FENCE, COMPLETE W/POSTS (48")	130 LF	12.00	1,560.00
0041	3628000000-E	876	RIP RAP, CLASS I	30 TON	28.00	840.00
0042	3649000000-E	876	RIP RAP, CLASS B	110 TON	28.00	3,080.00
0043	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	1,750 SY	2.00	3,500.00
0044	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	220 SF	4.65	1,023.00
0045	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	96 SF	10.00	960.00
0046	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	72 SF	8.00	576.00
0047	4430000000-N	1130	DRUMS	30 EA	30.00	900.00
0048	4435000000-N	1135	CONES	125 EA	20.00	2,500.00
0049	4445000000-E	1145	BARRICADES (TYPE III)	48 LF	25.00	1,200.00
0050	4450000000-N	1150	FLAGGER	960 HR	20.00	19,200.00
0051	4480000000-N	1165	TMIA	1 EA	2,000.00	2,000.00
0052	4650000000-N	1251	TEMPORARY RAISED PAVEMENT MARKERS	18 EA	12.50	225.00
0053	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	27,007 LF	0.22	5,941.54
0054	4847000000-E	1205	POLYUREA PAVEMENT MARKING LINES (4", *****) (STANDARD GLASS BEADS)	5,452 LF	1.22	6,651.44
0055	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	17 EA	52.75	896.75
0056	6000000000-E	1605	TEMPORARY SILT FENCE	2,000 LF	2.50	5,000.00

Contract Item Sheets For C202550

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0057	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	225 TON	28.00	6,300.00
0058	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	270 TON	28.00	7,560.00
0059	6012000000-E	1610	SEDIMENT CONTROL STONE	135 TON	21.00	2,835.00
0060	6015000000-E	1615	TEMPORARY MULCHING	10.5 ACR	750.00	7,875.00
0061	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	300 LB	3.00	900.00
0062	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEED- ING	2 TON	800.00	1,600.00
0063	6024000000-E	1622	TEMPORARY SLOPE DRAINS	375 LF	10.00	3,750.00
0064	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	5 EA	110.00	550.00
0065	6029000000-E	SP	SAFETY FENCE	950 LF	5.00	4,750.00
0066	6030000000-E	1630	SILT EXCAVATION	900 CY	5.00	4,500.00
0067	6036000000-E	1631	MATTING FOR EROSION CONTROL	10,500 SY	1.50	15,750.00
0068	6037000000-E	SP	COIR FIBER MAT	100 SY	5.00	500.00
0069	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	600 SY	6.00	3,600.00
0070	6042000000-E	1632	1/4" HARDWARE CLOTH	100 LF	4.00	400.00
0071	6069000000-E	1638	STILLING BASINS	135 CY	7.00	945.00
0072	6070000000-N	SP	SPECIAL STILLING BASINS	3 EA	800.00	2,400.00
0073	6071010000-E	SP	WATTLE	110 LF	7.00	770.00
0074	6071020000-E	SP	POLYACRYLAMIDE (PAM)	30 LB	20.00	600.00
0075	6071030000-E	SP	COIR FIBER BAFFLES	775 LF	4.00	3,100.00

Contract Item Sheets For C202550

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0076	6071050000-E	SP	*** SKIMMER (1-1/2")	7 EA	700.00	4,900.00
0077	6084000000-E	1660	SEEDING & MULCHING	9 ACR	1,700.00	15,300.00
0078	6087000000-E	1660	MOWING	6 ACR	100.00	600.00
0079	6090000000-E	1661	SEED FOR REPAIR SEEDING	100 LB	10.00	1,000.00
0080	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	1,000.00	250.00
0081	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	175 LB	3.00	525.00
0082	6108000000-E	1665	FERTILIZER TOPDRESSING	5.25 TON	900.00	4,725.00
0083	6111000000-E	SP	IMPERVIOUS DIKE	175 LF	50.00	8,750.00
0084	6114500000-N	SP	SPECIALIZED HAND MOWING	10 MHR	90.00	900.00
0085	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	12 EA	600.00	7,200.00
0086	6120000000-E	SP	CULVERT DIVERSION CHANNEL	175 CY	34.00	5,950.00
0087	6123000000-E	1670	REFORESTATION	0.5 ACR	1,200.00	600.00

Contract Item Sheets For C202550

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0088	8049000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (17+91.50-L-)	Lump Sum LS	13,000.00	13,000.00
0089	8126000000-N	414	CULVERT EXCAVATION, STA ***** (17+91.50-L-)	Lump Sum LS	8,000.00	8,000.00
0090	8133000000-E	414	FOUNDATION CONDITIONING MATERIAL, BOX CULVERT	170 TON	30.00	5,100.00
0091	8196000000-E	420	CLASS A CONCRETE (CULVERT)	281.7 CY	335.00	94,369.50
0092	8245000000-E	425	REINFORCING STEEL (CULVERT)	57,229 LB	0.72	41,204.88

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$671,639.61 ✓

Contract Number C202550
County MCDOWELL

Rev 2-1-10

**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

P.O. BOX 1048 MARION, NC28752

Address as Prequalified

Attest Perchieleen E. Miller By Clifford H. Miller
Secretary/Assistant Secretary President/Vice President/Assistant Vice President
Select appropriate title Select appropriate title

PERCHIELEEN E. MILLER

Print or type Signer's name

CLIFFORD H. MILLER

Print or type Signer's name

CORPORATE SEAL

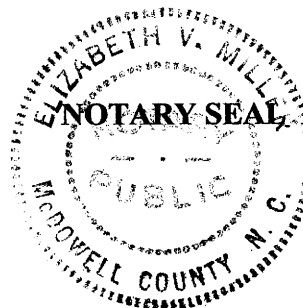
AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the
30 day of JUNE 2010

Elizabeth V. Miller
Signature of Notary Public

of MCDOWELL County
State of NC

My Commission Expires: 8-21-10



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 **C202550**

County (ies): **McDowell**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

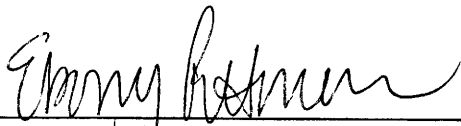


Contract Officer

7/13/10

Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Signature Sheet (Bid - Acceptance by Department)

Contract No. C202550
County McDowell

Rev 2-1-10

Bond No. 08608433

CONTRACT PAYMENT BOND

Date of Payment Bond Execution June 30, 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 Seventy One Thousand Six Hundred Thirty Nine Dollars and 61/100 (\$671,639.61)

Contract ID No.: C202550

County Name: McDowell

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. C202550
County McDowell

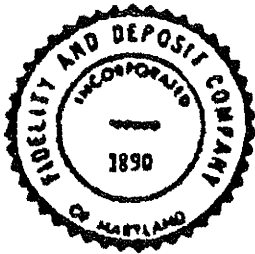
Rev 2-1-10

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



Tammy M. Laub
Signature of Attorney-in-Fact

Ronda W. Bush
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 No.
County

C202550
McDowell

Rev 2-1-10

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 Elizabeth V. Miller
Signature of Secretary, Assistant Secretary
Select appropriate title

Elizabeth V. 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 08608433, 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 30th day of June, 2010.



L.L. Goucher

Assistant Secretary



Contract No. C202550
County McDowell

Rev 2-1-10

Bond No. 08608433

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: June 30, 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 Seventy One Thousand Six Hundred Thirty Nine Dollars and 61/100 (\$671,639.61)

Contract ID No.: C202550

County Name: McDowell

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. G202550
County McDowell

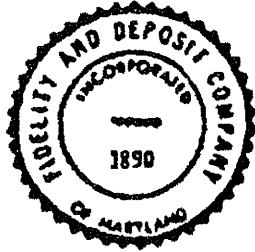
Rev 2-1-10

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



Tammy M. Laub
Signature of Attorney-in-Fact

Ronda W. Bush
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 No.
County

C202550
McDowell

Rev 2-1-10

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 A. Miller
Signature of President, ~~Vice President~~, Assistant Vice President
Select appropriate title

Clifford A. Miller
Print or type Signer's name

Affix Corporate Seal

Attest Elizabeth V. Miller
Signature of Secretary, Assistant Secretary
Select appropriate title

Elizabeth V. 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 08608433, 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.”

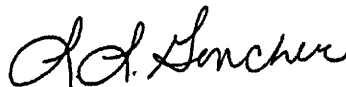
CERTIFICATE

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 30th day of June, 2010.



L.L. Goucher

Assistant Secretary

