

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

C202610

CONTRACT AND
CONTRACT BONDS
FOR CONTRACT NO. C202610

WBS 45158.3.ST4 STM-0147(3)

T.I.P NO. R-5164D

COUNTY OF DURHAM
THIS IS THE ROADWAY CONTRACT
ROUTE NUMBER NC 147 LENGTH 6.800 MILES
LOCATION NC-147 FROM NORTH OF SR-1322 (BROAD ST) TO NORTH OF SR-2028
(TW ALEXANDER BLVD).

CONTRACTOR FSC II LLC DBA FRED SMITH COMPANY
ADDRESS P.O. BOX 31768
RALEIGH, NC 27622

BIDS OPENED SEPTEMBER 21, 2010
CONTRACT EXECUTION OCT 12 2010

NCDOT/berc

Vendor 5072's Bid Information for Call 008, Letting L100921, 2010-09-21

FSC II LLC DBA FRED SMITH COMPANY (5072).

Vendor 2 of 4 Vendors for Call Order 008 (Proposal ID C202610).

County: DURHAM

Address: PO Box 31768

Raleigh, NC 27622

Signature Check: This bid has been properly signed by Thomas_T_Johnson_Jr_5072.

Time Bid Received: Tue Sep 21 13:50:35 2010

Bid Checksum: FD824E57

Amendment Count: 0

Bidding Errors: No bidding errors. ✓

DBE GOAL SET 5.0

Bid Total: \$4,274,880.20 ✓

Bond ID: DA6Y-2R5H-UK6R-D6F3

Bond was Verified: Yes.

DBE GOAL MET 5.0

Bond Required Percent: 5.00%

Minimum Check Amount: \$213,744.01

Bid Security Maximum: \$5,800,000.00

Bond Agency Name:

Agency Execution Date:

Surety Name:

Surety State of Incorporation: CT

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		
3346 WB	LINEBERRY, INC. POST OFFICE BOX 307 , CLIMAX, NC 27233		Sub 9,750.00	✓	arm
4761 WB	TRAFFIC CONTROL SAFETY SERVICES POST OFFICE BOX 24511 , WINSTON-SALEM, NC 27114		Sub 131,900.00	✓	arm
7155 WB	TRIANGLE ADJUSTMENTS LLC 88 GREENLYN DRIVE , CLAYTON, NC 27520		Sub 72,690.00	✓	arm
			TOTAL: \$214,340.00	✓	arm
			5.01%		

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: DA6Y-2R5H-UK6R-D6F3
Surety Registry Agency: SurePathNetwork
Verified?: Yes
Surety Agency:
Bond Execution Date:
Bond Amount: \$213,744.01 (Five Percent of Bid)

State of NC
 Dept of Transportation

Date: 08-24-10
 Revised:

Contract ID: C202610 Project(s): STM-0147(3)
 Letting Date: 09-21-10 Call Order: 008
 Bidder: 5072 - FSC II LLC DBA FRED SMITH COMPANY

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		200,000.00
0002	0036000000-E UNDERCUT EXCAVATION	CY	15.000	100.00000	1,500.00
0003	0106000000-E BORROW EXCAVATION	CY	80.000	60.00000	4,800.00
0004	0170000000-E REMOVAL OF EXISTING CONCRETE PAVEMENT SLABS	SY	200.000	100.00000	20,000.00
0005	0196000000-E FABRIC FOR SOIL STABILIZATION	SY	105.000	3.00000	315.00
0006	0314000000-E SELECT MATERIAL, CLASS ***** (IV)	TON	15.000	60.00000	900.00
0007	1022000000-E SEALING EXISTING PAVEMENT CRACKS	LB	2,400.000	9.00000	21,600.00
0008	1121000000-E AGGREGATE BASE COURSE	TON	25.000	65.00000	1,625.00
0009	1245000000-E SHOULDER RECONSTRUCTION	SMI	4.000	5,250.00000	21,000.00
0010	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (1-1/2")	SY	2,231.000	1.80000	4,015.80
0011	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (4")	SY	103,036.000	0.70000	72,125.20

State of NC
 Dept of Transportation

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	25.000 TON	115.00000		2,875.00	
0013	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	13,044.000 TON	34.00000		443,496.00	
0014	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	1,638.000 TON	36.00000		58,968.00	
0015	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	7,689.000 TON	42.00000		322,938.00	
0016	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	1,153.000 TON	46.00000		53,038.00	
0017	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,153.000 TON	512.00000		590,336.00	
0018	1565000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	69.000 TON	512.00000		35,328.00	
0019	1702000000-E SEALING EXISTING PAVEMENT CRACKS & JOINTS	180.000 LB	3.00000		540.00	
0020	1737000000-E PATCHING CONCRETE PAVEMENT SPALLS	339.000 SF	210.00000		71,190.00	
0021	1840000000-E MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	119,538.000 LF	0.17000		20,321.46	
0022	1847000000-E *****" PORT CEM CONC PAVEMENT, THROUGH LANES (WITH DOWELS) (10")	200.000 SY	163.00000		32,600.00	
0023	1881000000-E GENERIC PAVING ITEM MILLED RUMBLE STRIPS (CONCRETESHoulder)	50.000 LF	133.00000		6,650.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	1891000000-E GENERIC PAVING ITEM DIAMOND GRINDING PCC PAVEMENT	230,587.000 SY	2.60000		599,526.20	
0025	1891500000-N GENERIC PAVING ITEM SURFACE TESTING DIAMOND GROUND PAVEMENT	LUMP	LUMP		5,000.00	
0026	2591000000-E 4" CONCRETE SIDEWALK	200.000 SY	24.00000		4,800.00	
0027	2605000000-N CONCRETE WHEELCHAIR RAMPS	14.000 EA	800.00000		11,200.00	
0028	2752000000-E GENERIC PAVING ITEM JOINT CONSTRUCTION, REPAIR & SEALING	208,685.000 LF	1.40000		292,159.00	
0029	2752000000-E GENERIC PAVING ITEM REMOVE AND REPLACE 2' 6" CURB & GUTTER	295.000 LF	40.00000		11,800.00	
0030	4589000000-N GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	LUMP	LUMP		148,000.00	
0031	4685000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 90 MILS)	6,880.000 LF	0.60000		4,128.00	
0032	4686000000-E THERMOPLAST IC PAVEMENT MARKING LINES (4", 120 MILS)	1,353.000 LF	0.68000		920.04	
0033	4700000000-E THERMOPLAST IC PAVEMENT MARKING LINES (12", 90 MILS)	1,665.000 LF	2.00000		3,330.00	
0034	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	95.000 LF	5.00000		475.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0035	4725000000-E THERMOPLASTIC PAVEMENT MARKINGSYMBOL (90 MILS)	26.000 EA	200.00000		5,200.00	
0036	4795000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (24") (II)	135.000 LF	5.00000		675.00	
0037	4800000000-N COLD APPLIED PLASTIC PAVEMENT MARKING CHARACTER, TYPE ** (II)	18.000 EA	200.00000		3,600.00	
0038	4805000000-N COLD APPLIED PLASTIC PAVEMENT MARKING SYMBOL, TYPE ** (II)	71.000 EA	200.00000		14,200.00	
0039	4810000000-E PAINT PAVEMENT MARKING LINES (4")	173,960.000 LF	0.25000		43,490.00	
0040	4820000000-E PAINT PAVEMENT MARKING LINES (8")	16,810.000 LF	0.50000		8,405.00	
0041	4835000000-E PAINT PAVEMENT MARKING LINES (24")	95.000 LF	3.50000		332.50	
0042	4845000000-N PAINT PAVEMENT MARKING SYMBOL	24.000 EA	50.00000		1,200.00	
0043	4847000000-E POLYUREA PAVEMENT MARKING LINES (4", *****) (HIGHLY REFLECTIVE ELEMENTS)	7,355.000 LF	0.61000		4,486.55	
0044	4847100000-E POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	185,905.000 LF	0.89000		165,455.45	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0045	4847110000-E POLYUREA PAVEMENT MARKING LINES (8", *****) (HIGHLY REFLECTIVE ELEMENTS)	110.000 LF	1.22000		134.20	
0046	4847120000-E POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	15,145.000 LF	1.78000		26,958.10	
0047	4850000000-E REMOVAL OF PAVEMENT MARKING LINES (4")	6,250.000 LF	0.12000		750.00	
0048	4860000000-E REMOVAL OF PAVEMENT MARKING LINES (8")	186,015.000 LF	0.16000		29,762.40	
0049	4865000000-E REMOVAL OF PAVEMENT MARKING LINES (12")	15,145.000 LF	0.50000		7,572.50	
0050	4870000000-E REMOVAL OF PAVEMENT MARKING LINES (24")	135.000 LF	5.00000		675.00	
0051	4875000000-N REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	1.000 EA	200.00000		200.00	
0052	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	56.000 EA	10.00000		560.00	
0053	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	2,307.000 EA	28.00000		64,596.00	
0054	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		85,000.00	
0055	6084000000-E SEEDING & MULCHING	3.000 ACR	3,250.00000		9,750.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0056	7300000000-E UNPAVED TRENCHING (*****) (1, 1")	150.000 LF	6.50000		975.00	
0057	7324000000-N JUNCTION BOX (STANDARD SIZE)	4.000 EA	154.00000		616.00	
0058	7444000000-E INDUCTIVE LOOP SAWCUT	1,592.000 LF	4.90000		7,800.80	
0059	7456000000-E LEAD-IN CABLE (*****) (14-2)	50.000 LF	2.00000		100.00	
0060	8867000000-E GENERIC STRUCTURE ITEM EVAZOTE JOINT REPLACEMENT	3,595.000 LF	26.00000		93,470.00	
0061	8892000000-E GENERIC STRUCTURE ITEM CLASS II CONCRETE DECK REPAIR FOR EPOXY / ASPHALT OVERLAY	339.000 SF	120.00000		40,680.00	
0062	8892000000-E GENERIC STRUCTURE ITEM PLACEMENT OF EPOXY OVERLAY	147,684.000 SF	4.00000		590,736.00	
	Section 0001 Total				4,274,880.20	
	Bid Total				4,274,880.20	

NON-COLLUSION AND DEBARMENT CERTIFICATION

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

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

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

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

Explanation:
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED
NOT ANSWERED

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

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

AWARD LIMITS ON MULTIPLE PROJECTS

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

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

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

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

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
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: 08-24-10
PAGE: 9

PROPOSAL: C202610
LETTING: L100921 CALL: 008
VENDOR: 5072 FSC II LLC DBA FRED SMITH COMPANY

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

DBE SUBCONTRACTOR: 3346 LINEBERRY, INC.
Will Use Quote: Yes

0055	6084000000-E	SEEDING AND	ACR	3.000	3250.00000	9750.00	

						9,750.00	✓ arm
						DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:	
						DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)	9,750.0

DBE SUBCONTRACTOR: 4761 TRAFFIC CONTROL SAFETY SERVICES, INC.
Will Use Quote: Yes

0030	4589000000-N	GENERIC TRAF LS		1.000	75500.00000	75500.00	
		permanent signs & 60 lane closures @ \$1175.00 ea					
0015	1519000000-E	ASP CONC SUR TON		335.714	42.00000	14100.00	
		12 lane closures @ \$1175.00 ea					
0024	1891000000-E	GENERIC PAVI SY		13557.692	2.60000	35250.00	
		30 lane closures @ \$1175.00 ea					
0013	1498000000-E	ASP CONC INT TON		207.353	34.00000	7050.00	
		6 lane closures @ \$1175 EA					

						131,900.00	✓ arm
						DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:	
						DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)	131,900

DBE SUBCONTRACTOR: 7155 TRIANGLE ADJUSTMENTS LLC
Will Use Quote: Yes

0004	0170000000-E	REMOVAL OF C SY		200.000	65.00000	13000.00	
0022	1847000000-E	*****PCC P SY		200.000	163.00000	32600.00	
0026	2591000000-E	4" CONCRETE SY		200.000	23.40000	4680.00	
0027	2605000000-N	CONC WHEELCH EA		14.000	800.00000	11200.00	
0029	2752000000-E	GENERIC PAVI LF		295.000	38.00000	11210.00	

						72,690.00	✓ arm
						DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:	
						DBE COMMITMENT TOTAL FOR VENDOR (SubContractor)	72,690.

TOTAL DBE COMMITMENT FOR VENDOR:	Entered:	5.01% or	214340.00	✓ arm
	Required:	5.00% or	213744.01	
			<GOAL MET>	

Contract Item Sheets For C202610

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	200,000.00	200,000.00
0002	0036000000-E	225	UNDERCUT EXCAVATION	15 CY	100.00	1,500.00
0003	0106000000-E	230	BORROW EXCAVATION	80 CY	60.00	4,800.00
0004	0170000000-E	SP	REMOVAL OF EXISTING CONCRETE PAVEMENT SLABS	200 SY	100.00	20,000.00
0005	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	105 SY	3.00	315.00
0006	0314000000-E	SP	SELECT MATERIAL, CLASS ***** (IV)	15 TON	60.00	900.00
0007	1022000000-E	SP	SEALING EXISTING PAVEMENT CRACKS	2,400 LB	9.00	21,600.00
0008	1121000000-E	520	AGGREGATE BASE COURSE	25 TON	65.00	1,625.00
0009	1245000000-E	SP	SHOULDER RECONSTRUCTION	4 SMI	5,250.00	21,000.00
0010	1297000000-E	607	MILLING ASPHALT PAVEMENT, ***** DEPTH (1-1/2")	2,231 SY	1.80	4,015.80
0011	1297000000-E	607	MILLING ASPHALT PAVEMENT, ***** DEPTH (4")	103,036 SY	0.70	72,125.20
0012	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	25 TON	115.00	2,875.00
0013	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	13,044 TON	34.00	443,496.00
0014	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	1,638 TON	36.00	58,968.00
0015	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	7,689 TON	42.00	322,938.00
0016	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	1,153 TON	46.00	53,038.00
0017	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	1,153 TON	512.00	590,336.00

Contract Item Sheets For C202610

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	1565000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 70-22	69 TON	512.00	35,328.00
0019	1702000000-E	657	SEALING EXISTING PAVEMENT CRACKS & JOINTS	180 LB	3.00	540.00
0020	1737000000-E	SP	PATCHING CONCRETE PAVEMENT SPALLS	339 SF	210.00	71,190.00
0021	1840000000-E	665	MILLED RUMBLE STRIPS (ASPHALT CEMENT CONCRETE)	119,538 LF	0.17	20,321.46
0022	1847000000-E	710	***** PORT CEM CONC PAVEMENT, THROUGH LANES (WITH DOWELS) (10")	200 SY	163.00	32,600.00
0023	1881000000-E	SP	GENERIC PAVING ITEM MILLED RUMBLE STRIPS (CONCRETE SHOULDER)	50 LF	133.00	6,650.00
0024	1891000000-E	SP	GENERIC PAVING ITEM DIAMOND GRINDING PCC PAVMENT	230,587 SY	2.60	599,526.20
0025	1891500000-N	SP	GENERIC PAVING ITEM SURFACE TESTING DIAMOND GROUND PAVEMENT	Lump Sum LS	5,000.00	5,000.00
0026	2591000000-E	848	4" CONCRETE SIDEWALK	200 SY	24.00	4,800.00
0027	2605000000-N	848	CONCRETE WHEELCHAIR RAMPS	14 EA	800.00	11,200.00
0028	2752000000-E	SP	GENERIC PAVING ITEM JOINT CONSTRUCTION, REPAIR & SEALING	208,685 LF	1.40	292,159.00
0029	2752000000-E	SP	GENERIC PAVING ITEM REMOVE AND REPLACE 2' 6" CURB & GUTTER	295 LF	40.00	11,800.00
0030	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	148,000.00	148,000.00
0031	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	6,880 LF	0.60	4,128.00
0032	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	1,353 LF	0.68	920.04

Contract Item Sheets For C202610

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0033	4700000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (12", 90 MILS)	1,665 LF	2.00	3,330.00
0034	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	95 LF	5.00	475.00
0035	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	26 EA	200.00	5,200.00
0036	4795000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (24") (II)	135 LF	5.00	675.00
0037	4800000000-N	1205	COLD APPLIED PLASTIC PAVEMENT MARKING CHARACTER, TYPE ** (II)	18 EA	200.00	3,600.00
0038	4805000000-N	1205	COLD APPLIED PLASTIC PAVEMENT MARKING SYMBOL, TYPE ** (II)	71 EA	200.00	14,200.00
0039	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	173,960 LF	0.25	43,490.00
0040	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	16,810 LF	0.50	8,405.00
0041	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	95 LF	3.50	332.50
0042	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	24 EA	50.00	1,200.00
0043	4847000000-E	1205	POLYUREA PAVEMENT MARKING LINES (4", *****) (HIGHLY REFLECTIVE ELEMENTS)	7,355 LF	0.61	4,486.55
0044	4847100000-E	1205	POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	185,905 LF	0.89	165,455.45
0045	4847110000-E	1205	POLYUREA PAVEMENT MARKING LINES (8", *****) (HIGHLY REFLECTIVE ELEMENTS)	110 LF	1.22	134.20
0046	4847120000-E	1205	POLYUREA PAVEMENT MARKING LINES (12", *****) (HIGHLY REFLECTIVE ELEMENTS)	15,145 LF	1.78	26,958.10

Contract Item Sheets For C202610

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0047	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	6,250 LF	0.12	750.00
0048	4860000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (8")	186,015 LF	0.16	29,762.40
0049	4865000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (12")	15,145 LF	0.50	7,572.50
0050	4870000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (24")	135 LF	5.00	675.00
0051	4875000000-N	1205	REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	1 EA	200.00	200.00
0052	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	56 EA	10.00	560.00
0053	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	2,307 EA	28.00	64,596.00
0054	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	85,000.00	85,000.00
0055	6084000000-E	1660	SEEDING & MULCHING	3 ACR	3,250.00	9,750.00
0056	7300000000-E	1715	UNPAVED TRENCHING (*****) (1, 1")	150 LF	6.50	975.00
0057	7324000000-N	1716	JUNCTION BOX (STANDARD SIZE)	4 EA	154.00	616.00
0058	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	1,592 LF	4.90	7,800.80
0059	7456000000-E	1726	LEAD-IN CABLE (*****) (14-2)	50 LF	2.00	100.00
0060	8867000000-E	SP	GENERIC STRUCTURE ITEM EVAZOTE JOINT REPLACEMENT	3,595 LF	26.00	93,470.00
0061	8892000000-E	SP	GENERIC STRUCTURE ITEM CLASS II CONCRETE DECK REPAIR FOR EPOXY / ASPHALT OVERLAY	339 SF	120.00	40,680.00

Contract Item Sheets For C202610

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0062	8892000000-E	SP	GENERIC STRUCTURE ITEM PLACEMENT OF EPOXY OVERLAY	147,684 SF	4.00	590,736.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$4,274,880.20

1128/Sep30/Q1465947/D223782930000/E62

C202610

Contract No. _____
County Durham

Rev. 7-12-10

**EXECUTION OF CONTRACT
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN CERTIFICATION
LIMITED LIABILITY COMPANY**

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, that the Contractor has not been convicted of violating N.C.G.S. § 133-24 within the last three years, and that the Contractor intends to do the work with its 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

FSC II LLC, dba, Fred Smith Company

Full Name of Firm

Post Office Box 31768 Raleigh, NC 27622

Address as Prequalified

Jay Vick
Signature of Witness

Jay Vick

Print or type Signer's name

Signature of Manager
**AUTHORIZED
AGENT**

Thomas Johnson, Jr.
Individually

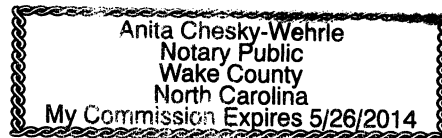
Thomas Johnson, Jr.

Print or type Signer's Name

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the
8 day of October 2010
Anita Chesky-Wehrle
Signature of Notary Public
of Wake County
State of North Carolina
My Commission Expires: 5/26/14

NOTARY SEAL



DEBARMENT CERTIFICATION

Conditions for certification:

1. The prequalified bidder shall provide immediate written notice to the Department if at any time the bidder learns that his certification was erroneous when he submitted his debarment certification or explanation filed 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 prequalified bidder 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 prequalified bidder 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 prequalified bidder 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 bidder 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 6 herein, the Department may terminate any contract if the bidder 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 prequalified 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.
- e. Will submit a revised Debarment Certification immediately if his status changes and will show in his bid proposal an explanation for the change in status.

If the prequalified bidder 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 prequalified bidder's bid being considered non-responsive.

Check here if an explanation is attached to this certification.

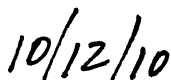
Contract No **C202610**

County (ies): **Durham**

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION




Contract Officer



Date

Execution of Contract and Bonds
Approved as to Form:



Attorney General

Contract No. C202610
County Durham

Rev 2-1-10

Bond No. 105487307

CONTRACT PAYMENT BOND

Date of Payment Bond Execution September 30, 2010

Name of Principal Contractor FSC II, LLC dba Fred Smith Company

Name of Surety: Travelers Casualty and Surety Company of America

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

Amount of Bond: Four Million Two Hundred Seventy Four
Thousand Eight Hundred Eighty Dollars and 20/100 (\$4,274,880.20)

Contract ID No.: C202610

County Name: Durham

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. C202610
County Durham

Rev 2-1-10

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Travelers Casualty and Surety Company of America
Print or type Surety Company Name

By Bobbi D. Pendleton
Print, stamp or type name of Attorney-in-Fact



Bobbi D. Pendleton
Signature of Attorney-in-Fact

Cathy Bailey
Signature of Witness

Cathy Bailey
Print or type Signer's name

4000 CentreGreen Way Suite 250, Cary, NC 27513
Address of Attorney-in-Fact

Contract No. C202610
County Durham

Rev 2-1-10

CONTRACT PAYMENT BOND
LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor FSC II, LLC dba Fred Smith Company
Full name of Firm

P.O. Box 31768, Raleigh, NC 27622
Address as prequalified

Signature of Member/Manager 
Individually

Thomas Johnson, Jr
Print or type Signer's name

Contract No. C202610
County Durham

Rev 2-1-10

Bond No. 105487307

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: September 30, 2010

Name of Principal Contractor: FSC II, LLC dba Fred Smith Company

Name of Surety: Travelers Casualty and Surety Company of America

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

Amount of Bond: Four Million Two Hundred Seventy Four Thousand Eight Hundred Eighty Dollars and 20/100 (\$4,274,880.20)

Contract ID No.: C202610

County Name: Durham

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. C202610
County Durham

Rev 2-1-10

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

Travelers Casualty and Surety Company of America
Print or type Surety Company Name

By Bobbi D. Pendleton
Print, stamp or type name of Attorney-in-Fact



Bobbi D. Pendleton
Signature of Attorney-in-Fact

Cathy Bailey
Signature of Witness

Cathy Bailey
Print or type Signer's name

4000 CentreGreen Way Suite 250, Cary, NC 27513
Address of Attorney-in-Fact

Contract No. C202610

Rev 2-1-10

County Durham

CONTRACT PERFORMANCE BOND

LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor FSC II, LLC dba Fred Smith Company
Full name of Firm

P.O. Box 31768, Raleigh, NC 27622
Address as prequalified

Signature of Member/Manager 
Individually

Thomas Johnson, Jr.
Print or type Signer's name



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Surety Bond No. 105487307

Principal: FSC II, LLC dba Fred Smith Company

OR

Project Description: C202610 Durham County

Obligee: North Carolina Dept of Transportation

KNOW ALL MEN BY THESE PRESENTS: That St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint Bobbi D. Pendleton of the City of Cary, State of NC, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 5th day of August, 2009.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut

City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 5th day of August, 2009, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2011.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

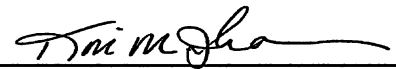
FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 30th day of September, 2010.



Kori M. Johanson, Assistant Secretary



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