

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

C202709

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202709

WBS

14CR.20451.10, 14CR.20751.9 STATE FUNDED

COUNTY OF HENDERSON, POLK  
THIS IS THE ROADWAY CONTRACT  
ROUTE NUMBER \_\_\_\_\_ LENGTH 11.520 MILES  
LOCATION 11 SECTIONS OF SECONDARY ROADS.

CONTRACTOR APAC- ATLANTIC, INC. ASHEVILLE DIVISION  
ADDRESS P.O. BOX 6939  
ASHEVILLE, NC 28816

BIDS OPENED FEBRUARY 15, 2011  
CONTRACT EXECUTION MAR 07 2011

**APAC-Atlantic, Inc. Asheville Division (4317).**

**Vendor 2 of 3 Vendors for Call Order 039 (Proposal ID C202709).**

County: HENDERSON, POLK

Address: P.O. Box 6939  
Asheville, NC 28816

Phone Number: 828-665-1180

Signature Check: This bid has been properly signed by Daniel\_B\_Caldwell\_4317.

Time Bid Received: Tue Feb 15 13:25:12 2011

Bid Checksum: E769493C **MBE GOAL SET 2.0**

Amendment Count: 0

Bidding Errors: No bidding errors. ✓

Bid Total: \$1,109,482.34 ✓ **MBE GOAL MET 2.0**

Bond ID: SNC11131816

Bond was Verified: Yes.

**WBE GOAL SET 3.0**

Bond Required Percent: 5.00%

Minimum Check Amount: \$55,474.12

Bid Security Maximum: \$

**WBE GOAL MET 3.4**

Bond Agency Name:

Agency Execution Date: 1/24/2011 5:52:34 PM

Surety Name: Liberty Mutual Insurance Company

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

LIST OF MBE PARTICIPANTS

2635 MB ASPHALT UNLIMITED OF ASHEVILLE PO BOX 17772 , ASHEVILLE, NC 28816	Sub	15,800.00	✓	arm
12392 MB HAMILTON HAULING LLC 12 BARCLAY RD. , CANDLER, NC 28715	Sub	6,513.60	✓	arm
	TOTAL:	\$22,313.60	✓	arm
		2.01%		

LIST OF WBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE	AMOUNT		
5762	WB JLS COMPANY LLC P.O. BOX 1265 , SKYLAND, NC 28776		Sub	3,872.00	✓	arm
5319	WB NEW DIMENSIONS IN PAVEMENT MARK P.O. BOX 9928 , ASHEVILLE, NC 28815		Sub	33,573.15	✓	arm
			TOTAL:	\$37,445.15	✓	arm
				3.38%		

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:  
=====

NCDOT/berc

Vendor 4317's Load Output for Call 039, Letting L110215, 2011-02-15

BondID. SNC11131816  
Surety Registry Agency. surety2000  
Verified? Yes  
Surety Agency. Liberty Mutual Insurance Company  
Bond Execution Date. 1/24/2011 5.52.34 PM  
Bond Amount. \$55,474.12 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date 01-18-11  
Revised.

Contract ID C202709 Project(s): STATE FUNDED  
Letting Date. 02-15-11 Call Order. 039  
Bidder. 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP			35,000.00
0002	1220000000-E INCIDENTAL STONE BASE	TON	30.000	31.00000		930.00
0003	1245000000-E SHOULDER RECONSTRUCTION	SMI	22.790	4,300.00000		97,997.00
0004	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (3")	SY	3,707.000	2.17000		8,044.19
0005	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (8")	SY	704.000	5.50000		3,872.00
0006	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	TON	321.000	68.00000		21,828.00
0007	1498000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	TON	633.000	43.00000		27,219.00
0008	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9 5B	TON	11,157.000	42.00000		468,594.00
0009	1560000000-E ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	TON	830.000	475.00000		394,250.00
0010	2830000000-N ADJUSTMENT OF MANHOLES	EA	8.000	1,000.00000		8,000.00
0011	2845000000-N ADJUSTMENT OF METER BOXES OR VALVE BOXES	EA	6.000	800.00000		4,800.00

State of NC  
 Dept of Transportation

Date. 01-18-11  
 Revised

Contract ID C202709 Project(s). STATE FUNDED  
 Letting Date 02-15-11 Call Order 039  
 Bidder. 4317 - APAC-Atlantic, Inc. Asheville Division

Line No.	Item Description	Approx Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	4810000000-E PAINT PAVEMENT MARKING LINES (4")	373,035.000 LF	0.09000		33,573.15	
0013	4830000000-E PAINT PAVEMENT MARKING LINES (16")	100.000 LF	1.00000		100.00	
0014	4835000000-E PAINT PAVEMENT MARKING LINES (24")	1,350.000 LF	3.00000		4,050.00	
0015	4840000000-N PAINT PAVEMENT MARKING CHARAC-TER	16.000 EA	35.00000		560.00	
0016	4845000000-N PAINT PAVEMENT MARKING SYMBOL	19.000 EA	35.00000		665.00	
Section 0001 Total					1,109,482.34	
Bid Total					1,109,482.34	

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  
 MBE COMMITMENT ITEMS

DATE:01-18-11  
 PAGE: 5

PROPOSAL: C202709  
 LETTING: L110215 CALL: 039  
 VENDOR: 4317 APAC-Atlantic, Inc. Asheville Division

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
MBE SUBCONTRACTOR: 2635 ASPHALT UNLIMITED OF ASHEVILLE INC						
Will Use Quote: Yes						
0001	0000100000-N	MOBILIZATION	LS	1.000	3000.00000	3000.00
0010	2830000000-N	ADJ MANHOLES	EA	8.000	1000.00000	8000.00
0011	2845000000-N	ADJ METER OR	EA	6.000	800.00000	4800.00

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 15,800.00 ✓ arm

MBE SUBCONTRACTOR: 12392 HAMILTON HAULING LLC  
 Will Use Quote: Yes

0008	1519000000-E	ASP CONC SUR	TON	1380.000	4.72000	6513.60
------	--------------	--------------	-----	----------	---------	---------

MBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 6,513.60 ✓ arm

TOTAL MBE COMMITMENT FOR VENDOR: Entered: 2.01% or 22313.60 ✓ arm  
 Required: 2.00% or 22189.65  
 <GOAL MET>



Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	35,000.00	35,000.00
0002	1220000000-E	545	INCIDENTAL STONE BASE	30 TON	31.00	930.00
0003	1245000000-E	SP	SHOULDER RECONSTRUCTION	22.79 SMI	4,300.00	97,997.00
0004	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (3")	3,707 SY	2.17	8,044.19
0005	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (8")	704 SY	5.50	3,872.00
0006	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	321 TON	68.00	21,828.00
0007	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	633 TON	43.00	27,219.00
0008	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	11,157 TON	42.00	468,594.00
0009	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	830 TON	475.00	394,250.00
0010	2830000000-N	858	ADJUSTMENT OF MANHOLES	8 EA	1,000.00	8,000.00
0011	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	6 EA	800.00	4,800.00
0012	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	373,035 LF	0.09	33,573.15
0013	4830000000-E	1205	PAINT PAVEMENT MARKING LINES (16")	100 LF	1.00	100.00
0014	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	1,350 LF	3.00	4,050.00
0015	4840000000-N	1205	PAINT PAVEMENT MARKING CHARAC- TER	16 EA	35.00	560.00
0016	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	19 EA	35.00	665.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

**\$1,109,482.34**

Contract No. C202709  
County Henderson/Polk

Rev. 7-12-10

**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, 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.

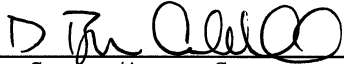
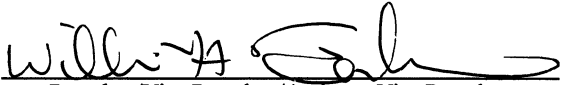
**SIGNATURE OF CONTRACTOR**

APAC-Atlantic Inc - Asheville Division

Full name of Corporation

PO Box 6939; Asheville, NC 28816

Address as Prequalified

Attest  By   
~~Secretary~~/Assistant Secretary      President/~~Vice President~~/~~Assistant Vice President~~  
Select appropriate title      Select appropriate title

D. Brian Caldwell

Print or type Signer's name

William H. Tomlinson

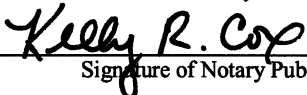
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the

25<sup>th</sup> day of February 2011.

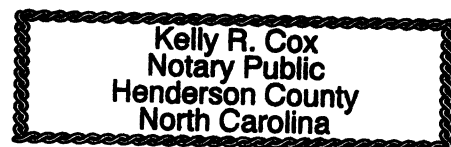
  
Signature of Notary Public

of Henderson County

State of North Carolina

My Commission Expires: 3/15/2015

**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.

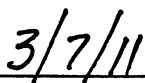
**Contract No**      **C202709**

**County (ies):**    **Henderson-Polk**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**



\_\_\_\_\_  
**Contract Officer**



\_\_\_\_\_  
**Date**

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



\_\_\_\_\_  
**Attorney General**

Contract No. C202709  
 County HENDERSON AND POLK

Rev 2-1-10

### CONTRACT PAYMENT BOND

Date of Payment Bond Execution FEBRUARY 23, 2011

Name of Principal Contractor APAC-ATLANTIC, INC. - ASHEVILLE DIVISION

Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY

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

Amount of Bond: \$1,109,482.34

Contract ID No.: C202709

County Name: HENDERSON AND POLK

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. C202709  
County HENDERSON AND POLK

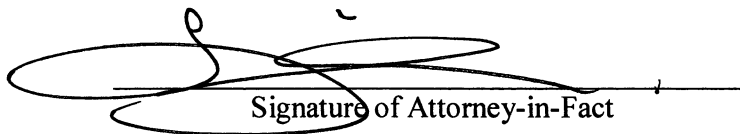
Rev 2-1-10

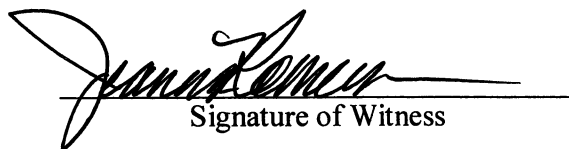
**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

LIBERTY MUTUAL INSURANCE COMPANY  
Print or type Surety Company Name

By TINA DAVIS  
Print, stamp or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

JEANNA ROMERO  
Print or type Signer's name

15 W. SOUTH TEMPLE, STE. 700  
SALT LAKE CITY, UT 84101  
Address of Attorney-in-Fact

Contract No. C202709  
County HENDERSON AND POLK

Rev 2-1-10

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

APAC-ATLANTIC, INC. - ASHEVILLE DIVISION

Full name of Corporation

P O. BOX 6939, ASHEVILLE, NC 28816

Address as prequalified

By William H Tomlinson  
Signature of ~~President, Vice President, Assistant Vice President~~  
Select appropriate title

William H. Tomlinson  
Print or type Signer's name

*Affix Corporate Seal*

Attest D. Brian Caldwell  
Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

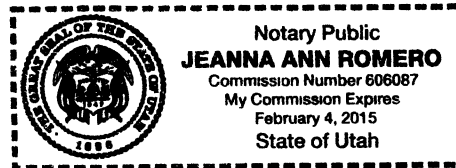
D. Brian Caldwell  
Print or type Signer's name

**SURETY ACKNOWLEDGMENT**

STATE OF UTAH                    }  
COUNTY OF SALT LAKE        } **SS**

**On this 23RD day of FEBRUARY, 2011, before me personally came TINA DAVIS to me known, who, being by me duly sworn, did depose and say that she is an Attorney-In-Fact of LIBERTY MUTUAL INSURANCE COMPANY the corporation described in and which executed the within instrument; that she knows the corporate seal of said corporation, that the seal affixed to the within instrument is such corporate seal, and that she signed the said instrument and affixed the said seal as Attorney-In-Fact of the Board of Directors of said corporation and by authority of this office under the Standing Resolutions thereof.**

  
Notary Public



THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint

TINA DAVIS, JEANNA ROMERO, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH.....

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding SEVENTY FIVE MILLION AND 00/100 DOLLARS (\$ 75,000,000.00) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 11th day of May 2010

LIBERTY MUTUAL INSURANCE COMPANY

By Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 11th day of May, 2010, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, 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 officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, 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 23RD day of FEBRUARY, 2011



By David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Contract No. C202709  
County HENDERSON AND POLK

**CONTRACT PERFORMANCE BOND**

Date of Performance Bond Execution: FEBRUARY 23, 2011

Name of Principal Contractor: APAC-ATLANTIC, INC. - ASHEVILLE DIVISION

Name of Surety: LIBERTY MUTUAL INSURANCE COMPANY

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

Amount of Bond: \$1,109,482.34

Contract ID No.: C202709

County Name: HENDERSON AND POLK

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. C202709  
County HENDERSON AND POLK

Rev 2-1-10


**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

LIBERTY MUTUAL INSURANCE COMPANY  
Print or type Surety Company Name

By TINA DAVIS  
Print, stamp or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

JEANNA ROMERO  
Print or type Signer's name

15 W. SOUTH TEMPLE, STE. 700  
SALT LAKE CITY, UT 84101  
Address of Attorney-in-Fact

**CONTRACT PERFORMANCE BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

APAC-ATLANTIC, INC. - ASHEVILLE DIVISION

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

P.O. BOX 6939, ASHEVILLE, NC 28816

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

By William H. Tomlinson  
Signature of ~~President, Vice President, Assistant Vice President~~  
Select appropriate title

William H. Tomlinson  
Print or type Signer's name

*Affix Corporate Seal*

Attest D. Brian Caldwell  
Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

D. Brian Caldwell  
Print or type Signer's name

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint

TINA DAVIS, JEANNA ROMERO, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH.....

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding SEVENTY FIVE MILLION AND 00/100 DOLLARS (\$ 75,000,000.00 ) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 11th day of May, 2010

LIBERTY MUTUAL INSURANCE COMPANY

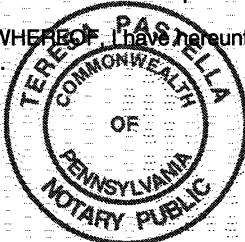
By Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 11th day of May, 2010, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, 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 officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, 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 23RD day of FEBRUARY, 2011



By David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.



