

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

C202788

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202788

WBS 45438.3.4 BRNHS-0064(150)

T.I.P NO. BP-5300D

COUNTY OF FRANKLIN, EDGECOMBE, NASH  
THIS IS THE STRUCTURE CONTRACT  
ROUTE NUMBER US 64 LENGTH 0.000 MILES  
LOCATION BRIDGES NO 11, 154 AND 169 OVER US-64 AND BRIDGE NO 104 ON  
US-64 OVER THE TAR RIVER.

CONTRACTOR PRECON MARINE INC.  
ADDRESS 1401 PRECON DRIVE, SUITE 102  
CHESAPEAKE, VA 23320

BIDS OPENED JUNE 21, 2011  
CONTRACT EXECUTION JUL 22 2011

**Precon Marine Inc. (12832).****Vendor 1 of 8 Vendors for Call Order 004 (Proposal ID C202788).**

County: FRANKLIN, NASH, EDGECOMBE

Address: 1401 Precon Drive, Suite 102  
Chesapeake, Virginia 23320

Phone Number: 757-545-4400

Signature Check: This bid has been properly signed by Matthew\_Miller\_12832.

Time Bid Received: Tue Jun 21 13:28:55 2011

Bid Checksum: 6021DBF1

Amendment Count: 0

Bidding Errors: No bidding errors.

Bid Total: \$2,095,046.00 ✓

Bond ID: SNC11103279

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$104,752.30

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 6/15/2011 11:26:40 AM

Surety Name: Fidelity And Deposit Company of Maryland

Surety State of Incorporation:

Bond Company:

Bond Type:

Bond Appr Flag:

Bond Affirm:

Bond was Paid by Check: No.

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: SNC11103279  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Fidelity And Deposit Company of Maryland  
Bond Execution Date: 6/15/2011 11:26:40 AM  
Bond Amount: \$104,752.30 (Five Percent of Bid)

Contract ID: C202788

Project(s): BRNHS-0064(150)

Letting Date: 06-21-11 Call Order: 004

Bidder: 12832 - Precon Marine Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP			99,750.00
0002	4400000000-E WORK ZONE SIGNS (STATIONARY)	SF	95.000	6.50000		617.50
0003	4405000000-E WORK ZONE SIGNS (PORTABLE)	SF	647.000	7.00000		4,529.00
0004	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	SF	94.000	6.50000		611.00
0005	4415000000-N FLASHING ARROW PANELS, TYPE C	EA	5.000	900.00000		4,500.00
0006	4420000000-N CHANGEABLE MESSAGE SIGN	EA	7.000	2,600.00000		18,200.00
0007	4430000000-N DRUMS	EA	500.000	52.00000		26,000.00
0008	4445000000-E BARRICADES (TYPE III)	LF	176.000	23.00000		4,048.00
0009	4480000000-N TMIA	EA	4.000	8,500.00000		34,000.00
0010	4510000000-N LAW ENFORCEMENT	HR	726.000	55.00000		39,930.00
0011	8657000000-N ELASTOMERIC BEARINGS	LUMP	LUMP			95,000.00

State of NC  
Dept of Transportation

Date: 05-23-11  
Revised:

Contract ID: C202788 Project(s): BRNHS-0064(150)  
Letting Date: 06-21-11 Call Order: 004  
Bidder: 12832 - Precon Marine Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	8860000000-N GENERIC STRUCTURE ITEM CLEANING & REPAINTING BRIDGE #104	LUMP	LUMP			290,000.00
0013	8860000000-N GENERIC STRUCTURE ITEM CLEANING & REPAINTING BRIDGE #11	LUMP	LUMP			260,000.00
0014	8860000000-N GENERIC STRUCTURE ITEM CLEANING & REPAINTING BRIDGE #154	LUMP	LUMP			138,000.00
0015	8860000000-N GENERIC STRUCTURE ITEM CLEANING & REPAINTING BRIDGE #169	LUMP	LUMP			250,000.00
0016	8860000000-N GENERIC STRUCTURE ITEM POLLUTION CONTROL	LUMP	LUMP			475,000.00
0017	8889000000-E GENERIC STRUCTURE ITEM DIAPHRAGM MODIFICATION BRIDGE #104	LB	18,538.000	5.25000		97,324.50
0018	8889000000-E GENERIC STRUCTURE ITEM GIRDER REPAIR BRIDGE #104	LB	10,996.000	16.00000		175,936.00
0019	8897000000-N GENERIC STRUCTURE ITEM SPAN JACKING BRIDGE #104	EA	12.000	6,800.00000		81,600.00
	Section 0001 Total					2,095,046.00
	Bid Total					2,095,046.00

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.

## Contract Item Sheets For C202788

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	99,750.00	99,750.00
0002	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	95 SF	6.50	617.50
0003	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	647 SF	7.00	4,529.00
0004	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	94 SF	6.50	611.00
0005	4415000000-N	1115	FLASHING ARROW PANELS, TYPE C	5 EA	900.00	4,500.00
0006	4420000000-N	1120	CHANGEABLE MESSAGE SIGN	7 EA	2,600.00	18,200.00
0007	4430000000-N	1130	DRUMS	500 EA	52.00	26,000.00
0008	4445000000-E	1145	BARRICADES (TYPE III)	176 LF	23.00	4,048.00
0009	4480000000-N	1165	TMIA	4 EA	8,500.00	34,000.00
0010	4510000000-N	SP	LAW ENFORCEMENT	726 HR	55.00	39,930.00
0011	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum LS	95,000.00	95,000.00
0012	8860000000-N	SP	GENERIC STRUCTURE ITEM CLEANING & REPAINTING BRIDGE #104	Lump Sum LS	290,000.00	290,000.00
0013	8860000000-N	SP	GENERIC STRUCTURE ITEM CLEANING & REPAINTING BRIDGE #11	Lump Sum LS	260,000.00	260,000.00
0014	8860000000-N	SP	GENERIC STRUCTURE ITEM CLEANING & REPAINTING BRIDGE #154	Lump Sum LS	138,000.00	138,000.00
0015	8860000000-N	SP	GENERIC STRUCTURE ITEM CLEANING & REPAINTING BRIDGE #169	Lump Sum LS	250,000.00	250,000.00
0016	8860000000-N	SP	GENERIC STRUCTURE ITEM POLLUTION CONTROL	Lump Sum LS	475,000.00	475,000.00
0017	8889000000-E	SP	GENERIC STRUCTURE ITEM DIAPHRAGM MODIFICATION BRIDGE #104	18,538 LB	5.25	97,324.50



Contract Item Sheets For C202788

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0018	8889000000-E	SP	GENERIC STRUCTURE ITEM GIRDER REPAIR BRIDGE #104	10,996 LB	16.00	175,936.00
0019	8897000000-N	SP	GENERIC STRUCTURE ITEM SPAN JACKING BRIDGE #104	12 EA	6,800.00	81,600.00
<b>TOTAL AMOUNT OF BID FOR ENTIRE PROJECT</b>						<b>\$2,095,046.00</b>

1142/Jul01/Q31807/D119547100000/E19



**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.

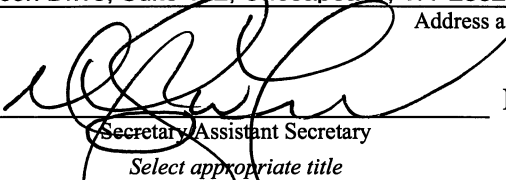
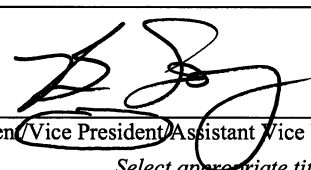
By submitting this Execution of Contract, Non-Collusion affidavit and Debarment Certification, the Contractor is certifying his status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes 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**

Precon Marine Incorporated  
Full name of Corporation

1401 Precon Drive, Suite 102, Chesapeake, VA 23320  
Address as Prequalified

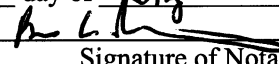
Attest  By   
Secretary / Assistant Secretary      President / Vice President / Assistant Vice President  
*Select appropriate title*      *Select appropriate title*

Douglas W. Fuller  
Print or type Signer's name

Brian S. Magee  
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the 11<sup>th</sup> day of July 2011.  
  
Signature of Notary Public  
of Va Beach County  
State of VA  
My Commission Expires: 2/29/12



**NOTARY SEAL**

## 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**     **C202788**

**County (ies):**   **Franklin, Edgecombe, Nash**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**

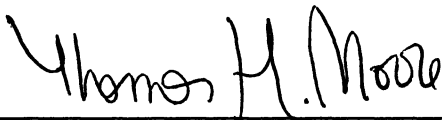


\_\_\_\_\_  
Contract Officer



\_\_\_\_\_  
Date

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



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

Contract No. C202788  
 County Franklin, Edgecombe, Nash

Rev 5-17-11

**CONTRACT PAYMENT BOND**

Date of Payment Bond Execution 30 June 2011

Name of Principal Contractor Precon Marine, 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: Two Million Ninety Five Thousand Forty Six Dollars and 00/100----(\$2,095,046.00)

Contract ID No.: C202788

County Name: Franklin, Edgecombe, Nash

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. C202788  
County Franklin, Edgecombe, Nash

Rev 5-17-11

**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

Fidelity and Deposit Company of Maryland

\_\_\_\_\_  
Print or type Surety Company Name

By Terri K. Strawhand, Attorney-in-Fact

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

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

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

Kathryn Snell

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

1400 American Lane, Tower I, 19th Floor Schaumburg, IL 60196

\_\_\_\_\_  
Address of Attorney-in-Fact

Contract No.  
County

C202788

Franklin, Edgecombe, Nash

Rev 5-17-11

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Precon Marine, Inc.

Full name of Corporation

1401 Precon Drive, Suite 102, Chesapeake, VA 23320

Address as prequalified

By



Signature of President, Vice President, Assistant Vice President  
*Select appropriate title*

**BRIAN MAGEE**

Print or type Signer's name

*Affix Corporate Seal*

Attest



Signature of Secretary, Assistant Secretary  
*Select appropriate title*

**Douglas W. Fuller**  
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 THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, 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 reverse side hereof and are hereby certified to be in full force and effect on the date hereof does hereby nominate, constitute and appoint **Mark C. BUNDY, Tammy A. WARD, William E. CRAWLEY, Terri K. STRAWHAND and Kathryn SNELL, all of Virginia Beach, Virginia, EACH 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: ~~any and all bonds and undertakings~~, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they 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. This power of attorney revokes that issued on behalf of Mark C. BUNDY, Nancy R. CHENCA, Tammy A. WARD, William E. CRAWLEY, dated July 29, 2003.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side 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 16th day of January, A.D. 2009.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Eric D. Barnes*

*Theodore G. Martinez*

By:

*Eric D. Barnes*      *Assistant Secretary*      *Theodore G. Martinez*

State of Maryland }  
City of Baltimore } ss:

**FOR YOUR PROTECTION,  
LOOK FOR THE ZURICH WATERMARK**

On this 16th day of January, A.D. 2009, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, 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.



*Maria D. Adamski*

*Maria D. Adamski*

*Notary Public*

My Commission Expires: July 8, 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 of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-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 judgements, decrees, mortgages and instruments in the nature of mortgages...and to affix the seal of the Company thereto.”

**CERTIFICATE**

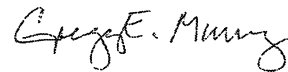
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was 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 10th day of May, 1990.

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, 2011.



*Assistant Secretary*

Contract No. **C202788**  
 County **Franklin, Edgecombe, Nash**

Rev 5-17-11

### CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: **30 June 2011**

Name of Principal Contractor: **Precon Marine, Inc.**

Name of Surety: **Fidelity and Deposit Company of Maryland**

Name of Contracting Body: **North Carolina Department of Transportation**  
**Raleigh, North Carolina**  
**Two Million Ninety Five Thousand Forty Six Dollars and 00/100**  
**\$2,095,046.00**

Amount of Bond:

Contract ID No.: **C202788**

County Name: **Franklin, Edgecombe, Nash**

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.  
County

C202788

Franklin, Edgecombe, Nash

Rev 5-17-11

**CONTRACT PERFORMANCE BOND**

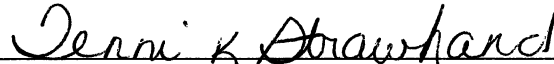
*Affix Seal of Surety Company*


Fidelity and Deposit Company of Maryland

Print or type Surety Company Name

By Terri K. Strawhand, Attorney-in-Fact

Print, stamp or type name of Attorney-in-Fact

  
Signature of Attorney-in-Fact

  
Signature of Witness

Kathryn Snell

Print or type Signer's name

1400 American Lane, Tower I, 19th Floor, Schaumburg, IL 60196

Address of Attorney-in-Fact

Contract No. **C202788**  
County **Franklin, Edgecombe, Nash**

Rev 5-17-11


**CONTRACT PERFORMANCE BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

**Precon Marine, Inc.**  
\_\_\_\_\_  
Full name of Corporation

**1401 Precon Drive, Suite 102, Chesapeake, VA 23320**  
\_\_\_\_\_  
Address as prequalified

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

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

*Affix Corporate Seal*

Attest   
\_\_\_\_\_  
Signature of Secretary, Assistant Secretary  
*Select appropriate title*

Douglas W. Fuller  
\_\_\_\_\_  
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 THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, 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 reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Mark C. BUNDY, Tammy A. WARD, William E. CRAWLEY, Terri K. STRAWHAND and Kathryn SNELL, all of Virginia Beach, Virginia, EACH 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: ~~any and all bonds and undertakings~~, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they 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. This power of attorney revokes that issued on behalf of Mark C. BUNDY, Nancy R. CHENCA, Tammy A. WARD, William E. CRAWLEY, dated July 29, 2003.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side 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 16th day of January, A.D. 2009.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Eric D. Barnes*

*Theodore G. Martinez*

By:

*Eric D. Barnes*      *Assistant Secretary*      *Theodore G. Martinez*

State of Maryland } ss:  
City of Baltimore }

**FOR YOUR PROTECTION,  
LOOK FOR THE ZURICH WATERMARK**

On this 16th day of January, A.D. 2009, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, 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.



*Maria D. Adamski*

*Maria D. Adamski*      *Notary Public*  
My Commission Expires: July 8, 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 of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-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 judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

**CERTIFICATE**

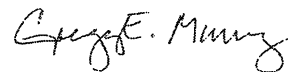
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was 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 10th day of May, 1990.

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, 2011.



*Assistant Secretary*