

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

C202655

CONTRACT AND
CONTRACT BONDS

FOR CONTRACT NO. C202655

WBS 46147.3.1 STPNHS-0220(49)

T.I.P NO. W-5324

COUNTY OF ROCKINGHAM
THIS IS THE SAFETY IMPROVEMENTS CONTRACT
ROUTE NUMBER US 220 LENGTH 18.274 MILES
LOCATION US-220 FROM NC-68 TO THE VIRGINIA STATE LINE.

CONTRACTOR NICKELSTON INDUSTRIES, INC.
ADDRESS P.O. BOX 133
LAWSONVILLE, NC 270220133

BIDS OPENED JULY 19, 2011
CONTRACT EXECUTION AUG 16 2011

Nickelston Industries Inc (12802).

Vendor 2 of 8 Vendors for Call Order 004 (Proposal ID C202655).

County: ROCKINGHAM
Address: PO Box 133
1040 Fence Road
Lawsonville, NC 27022

Phone Number: 336-871-3435

Signature Check: This bid has been properly signed by Sheree_H._Nickelston_12802.

Time Bid Received: Mon Jul 18 12:18:25 2011

Bid Checksum: 993EBBB1

Amendment Count: 0

Bidding Errors: No bidding errors.

DBE GOAL SET 0.0

Bid Total: \$2,470,000.00 ✓

DBE GOAL MET 0.0

Bond ID: SNC11523588

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$123,500.00

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 7/18/2011 11:52:03 AM

Surety Name: Erie Insurance Company

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: SNC11523588
Surety Registry Agency: surety2000
Verified?: Yes
Surety Agency: Erie Insurance Company
Bond Execution Date: 7/18/2011 11:52:03 AM
Bond Amount: \$123,500.00 (Five Percent of Bid)

Contract Item Sheets For C202655

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	2,760.00	2,760.00
0002	3030000000-E	862	STEEL BM GUARDRAIL	186,000 LF	12.50	2,325,000.00
0003	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	10 EA	30.00	300.00
0004	3210000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE CAT-1	66 EA	465.00	30,690.00
0005	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	66 EA	1,525.00	100,650.00
0006	3345000000-E	864	REMOVE & RESET EXISTING GUARD- RAIL	750 LF	4.00	3,000.00
0007	3360000000-E	863	REMOVE EXISTING GUARDRAIL	1,500 LF	1.00	1,500.00
0008	4589000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TRAFFIC CONTROL	Lump Sum LS	6,000.00	6,000.00
0009	6084000000-E	1660	SEEDING & MULCHING	0.5 ACR	200.00	100.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,470,000.00

1002/Jul28/Q188394.5/D3003810000/E9

Contract Number C202655
County Rockingham

Rev 4-19-11

**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

Nickelston Industries Inc.
Full name of Corporation

P.O. Box 133 Lawsonville, NC 27022
Address as Prequalified

Attest David A. Harris By Sherree H. Nickelston
~~Secretary/Assistant Secretary~~ ~~President/Vice President/Assistant Vice President~~
Select appropriate title Select appropriate title

David A. Harris
Print or type Signer's name

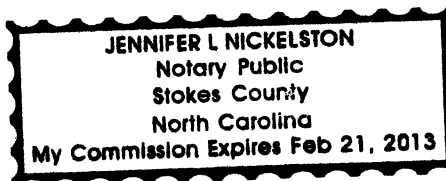
Sherree H. Nickelston
Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the
2nd day of August 2011.
Jennifer L. Nickelston
Signature of Notary Public
of Stokes County
State of North Carolina
My Commission Expires: 2-21-13

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 C202655

County (ies): Rockingham

**ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION**

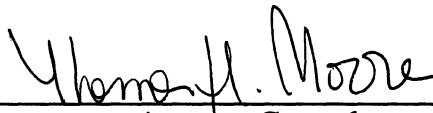


Contract Officer

8/16/11

Date

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



Attorney General

Contract No. C202655
County Rockingham

Rev 5-17-11

Bond # Q91 7670220

CONTRACT PAYMENT BOND

Date of Payment Bond Execution August 1, 2011

Name of Principal Contractor Nickelston Industries, Inc.

Name of Surety: Erie Insurance Company

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

Amount of Bond: \$2,470,000.00

Contract ID No.: C202655

County Name: Rockingham

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. C202655
County Rockingham

Rev 5-17-11

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Erie Insurance Company
Print or type Surety Company Name

By Brian Foster
Print, stamp or type name of Attorney-in-Fact

Brian Foster
Signature of Attorney-in-Fact

Regina Adkins
Signature of Witness

Regina Adkins
Print or type Signer's name

142 Deer Run Road
Danville, VA 24540
Address of Attorney-in-Fact

Contract No. C202655
County Rockingham

Rev S-17-11

**CONTRACT PAYMENT BOND
CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Nickelston Industries, Inc.

Full name of Corporation

PO Box 133 Lawsonville, NC 27022-0133

Address as prequalified

By *Shercc H. Nickelston*
Signature of President, Vice President, Assistant Vice President
Select appropriate title

Shercc H. Nickelston
Print or type Signer's name



Attest *David A. Harris*
Signature of Secretary, Assistant Secretary
Select appropriate title

David A. Harris
Print or type Signer's name



PRINCIPAL : NICKELSTON INDUSTRIES INC
PROJECT: NCDOT
Erie Insurance®

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That ERIE INSURANCE COMPANY, a corporation duly organized under the laws of the Commonwealth of Pennsylvania, does hereby make, constitute and appoint
BRIAN FOSTER

individually, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed: any and all bonds and undertakings of suretyship, IN THE AMOUNT NOT TO EXCEED TWO MILLION FOUR HUNDRED SEVENTY THOUSAND DOLLARS AND NO/100 (\$2,470,000.00)*****

And to bind ERIE INSURANCE COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by the appropriate officer of ERIE INSURANCE COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

The Power of Attorney is granted under and by authority of the following Resolution adopted by the Board of Directors of ERIE INSURANCE COMPANY on the 11th day of March, 2008, and said Resolution has not been amended or repealed:

“RESOLVED, that the President, or any Senior Vice President or Vice President shall have power and authority to: (a) Appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and, (b) Remove any such Attorney-in-Fact at any time and revoke the power and authority given to him; and

RESOLVED, that Attorney(s)-in-Fact shall have power and authority, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.”

This Limited Power of Attorney is signed and sealed by facsimiles under and by virtue of the following Resolution adopted by the Board of Directors of ERIE INSURANCE COMPANY on the 18th day of September, 2008, at which a quorum was present and said Resolution has not been amended or repealed:

“RESOLVED, that the signature of Terrence W. Cavanaugh, as President and Chief Executive Officer of the Company, and the Seal of the Company may be affixed by the following facsimiles on any Limited Power of Attorney for the execution of bonds, undertakings, recognizances, contracts and other writings in the nature thereof, and the signature of James J. Tanous, as Secretary of the Company, the Seal of the Company, the signature of Sheila M. Hirsch, as Notary Public, and her Notarial Seal, may also be affixed by the following facsimiles to any certificate or acknowledgment of any such Limited Power of Attorney, and only under such circumstances shall said facsimiles be valid and binding on the Company.”

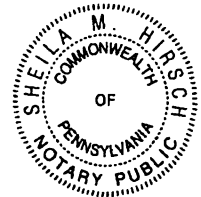
IN WITNESS WHEREOF, ERIE INSURANCE COMPANY has caused these presents to be signed by its President and Chief Executive Officer, and its corporate seal to be hereto affixed this 3rd day of February, 2011.



Terrence W. Cavanaugh
Terrence W. Cavanaugh
President and Chief Executive Officer

STATE OF PENNSYLVANIA } ss.
COUNTY OF ERIE

On this 3rd day of February, 2011, before me personally came Terrence W. Cavanaugh, to me known, who being by me duly sworn, did depose and say: that he is President and Chief Executive Officer of ERIE INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the Seal of said corporation; that the Seal affixed to the said instrument is such corporate Seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



Sheila M. Hirsch
My commission expires June 27, 2012
Notary Public

CERTIFICATE

I, James J. Tanous, Secretary of ERIE INSURANCE COMPANY, do hereby certify that the original LIMITED POWER OF ATTORNEY, of which the foregoing is a full, true and correct copy, is still in full force and effect as of the date below.

In witness whereof, I have herunto subscribed my name and affixed corporate Seal of the Company by facsimiles pursuant to the action of the Board of Directors of the Company,



James J. Tanous
James J. Tanous, Secretary

this 1ST day of AUGUST 2011.

Contract No. C202655
County Rockingham

Rev 5-17-11

Bond # Q91 7670220

CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: August 1, 2011

Name of Principal Contractor: Nickelston Industries, Inc.

Name of Surety: Erie Insurance Company

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

Amount of Bond: \$2,470,000.00

Contract ID No.: C202655

County Name: Rockingham

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. C202655
County Rockingham

Rev 5-17-11

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

Erie Insurance Company

Print or type Surety Company Name

By Brian Foster
Print, stamp or type name of Attorney-in-Fact

Brian Foster
Signature of Attorney-in-Fact

Regina Adkins
Signature of Witness

Regina Adkins
Print or type Signer's name

142 Deer Run Road
Danville, VA 24540
Address of Attorney-in-Fact

Contract No. C202655
County Rockingham

Rev 5-17-11

**CONTRACT PERFORMANCE BOND
CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Nickelston Industries, Inc.

Full name of Corporation

PO Box 133 Lawsonville, NC 27022-0133

Address as prequalified

By *Sherree H. Nickelston*
Signature of President, Vice President, Assistant Vice President
Select appropriate title



Sherree H. Nickelston
Print or type Signer's name

Attest *David A. Harris*
Signature of Secretary, Assistant Secretary
Select appropriate title

David A. Harris
Print or type Signer's name



PRINCIPAL : NICKELSTON INDUSTRIES INC
PROJECT: NCDOT
Erie Insurance®

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That ERIE INSURANCE COMPANY, a corporation duly organized under the laws of the Commonwealth of Pennsylvania, does hereby make, constitute and appoint
BRIAN FOSTER

individually, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed: any and all bonds and undertakings of suretyship, IN THE AMOUNT NOT TO EXCEED TWO MILLION FOUR HUNDRED SEVENTY THOUSAND DOLLARS AND NO/100 (\$2,470,000.00)*****

And to bind ERIE INSURANCE COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by the appropriate officer of ERIE INSURANCE COMPANY and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

The Power of Attorney is granted under and by authority of the following Resolution adopted by the Board of Directors of ERIE INSURANCE COMPANY on the 11th day of March, 2008, and said Resolution has not been amended or repealed:

“RESOLVED, that the President, or any Senior Vice President or Vice President shall have power and authority to: (a) Appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and, (b) Remove any such Attorney-in-Fact at any time and revoke the power and authority given to him; and

RESOLVED, that Attorney(s)-in-Fact shall have power and authority, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.”

This Limited Power of Attorney is signed and sealed by facsimiles under and by virtue of the following Resolution adopted by the Board of Directors of ERIE INSURANCE COMPANY on the 18th day of September, 2008, at which a quorum was present and said Resolution has not been amended or repealed:

“RESOLVED, that the signature of Terrence W. Cavanaugh, as President and Chief Executive Officer of the Company, and the Seal of the Company may be affixed by the following facsimiles on any Limited Power of Attorney for the execution of bonds, undertakings, recognizances, contracts and other writings in the nature thereof, and the signature of James J. Tanous, as Secretary of the Company, the Seal of the Company, the signature of Sheila M. Hirsch, as Notary Public, and her Notarial Seal, may also be affixed by the following facsimiles to any certificate or acknowledgment of any such Limited Power of Attorney, and only under such circumstances shall said facsimiles be valid and binding on the Company.”

IN WITNESS WHEREOF, ERIE INSURANCE COMPANY has caused these presents to be signed by its President and Chief Executive Officer, and its corporate seal to be hereto affixed this 3rd day of February, 2011.



Terrence W. Cavanaugh
Terrence W. Cavanaugh
President and Chief Executive Officer

STATE OF PENNSYLVANIA } ss.
COUNTY OF ERIE

On this 3rd day of February, 2011, before me personally came Terrence W. Cavanaugh, to me known, who being by me duly sworn, did depose and say: that he is President and Chief Executive Officer of ERIE INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the Seal of said corporation; that the Seal affixed to the said instrument is such corporate Seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



Sheila M. Hirsch
My commission expires June 27, 2012
Notary Public

CERTIFICATE

I, James J. Tanous, Secretary of ERIE INSURANCE COMPANY, do hereby certify that the original LIMITED POWER OF ATTORNEY, of which the foregoing is a full, true and correct copy, is still in full force and effect as of the date below.

In witness whereof, I have herunto subscribed my name and affixed corporate Seal of the Company by facsimiles pursuant to the action of the Board of Directors of the Company,



James J. Tanous
James J. Tanous, Secretary

this 1ST day of AUGUST 2011.