

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

C202649

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202649

WBS 33167.3.1 BRZ-3439(1)

T.I.P NO. B-3619

COUNTY OF BUNCOMBE  
THIS IS THE ROADWAY & STRUCTURE CONTRACT  
ROUTE NUMBER SR 3439 LENGTH 0.100 MILES  
LOCATION BRIDGE OVER BILL MOORE CREEK ON SR-3439.

CONTRACTOR MOUNTAIN CREEK CONTRACTORS INC  
ADDRESS 578 EAST BAY ST STE C  
CHARLESTON, SC 29403

BIDS OPENED SEPTEMBER 20, 2011  
CONTRACT EXECUTION OCT 10 2011

**Mountain Creek Contractors, Inc. (1983).**

**Vendor 1 of 5 Vendors for Call Order 010 (Proposal ID C202649).**

County: BUNCOMBE  
Address: PO Box D  
Catawba, NC 28609

Phone Number: 828-241-2047

Signature Check: This bid has been properly signed by Donovan\_R.\_Phillips\_1983.

Time Bid Received: Tue Sep 20 11:31:23 2011

Bid Checksum: 25E7879E

Amendment Count: 0

Bidding Errors: This bid contains errors.

Bid Total: \$877,027.49 ✓ DBE GOAL SET 7.0

Bond ID: SNC11727659 DBE GOAL MET 7.2

Bond was Verified: Yes.

Bond Required Percent: 5.00%

Minimum Check Amount: \$43,851.37

Bid Security Maximum: \$

Bond Agency Name:

Agency Execution Date: 9/12/2011 4:05:52 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 DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT		
2759	<b>WB</b> SUPERIOR SEEDING, INC. POST OFFICE BOX 12642 , GASTONIA, NC 280520010		Sub 32,270.00	✓	arm
3376	<b>WB</b> REYNOLDS FENCE & GUARDRAIL INC 9320 MACHADO DRIVE , INDIAN TRAIL, NC 28079		Sub 11,275.00	✓	arm
5266	<b>WB</b> NORTH STATE ENVIRONMENTAL, INC 2889 LOWERY ST SUITE B , WINSTON-SALEM, NC 27101		Sub 13,451.60	✓	arm
3805	<b>MB</b> SOUTH EAST GROUP, PA 651 W. WILSON AVENUE , MOORESVILLE, NC 28115		Sub 6,475.00	✓	arm
			TOTAL: \$63,471.60	✓	arm
			7.24%		

Miscellaneous Data Info - Contractor Responses:

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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	

Bid Bond Data Info - Contractor Responses:

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BondID: SNC11727659  
 Surety Registry Agency: surety2000  
 Verified?: Yes  
 Surety Agency: Liberty Mutual Insurance Company  
 Bond Execution Date: 9/12/2011 4:05:52 PM

NCDOT/berc

Vendor 1983's Load Output for Call 010, Letting L110920, 2011-09-20

Bond Amount: \$43,851.37 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 08-19-11  
Revised:

Contract ID: C202649 Project(s): BRZ-3439(1)  
Letting Date: 09-20-11 Call Order: 010  
Bidder: 1983 - Mountain Creek Contractors, 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 MOBILIZATION	LUMP	LUMP			44,000.00
0002	0000400000-N CONSTRUCTION SURVEYING	LUMP	LUMP			8,000.00
0003	0038000000-E SHALLOW UNDERCUT	CY 35.000	13.00000			455.00
0004	0043000000-N GRADING	LUMP	LUMP			170,000.00
0005	0050000000-E SUPPLEMENTARY CLEARING & GRUB-BING	ACR 1.000	200.00000			200.00
0006	0057000000-E UNDERCUT EXCAVATION	CY 10.000	19.60000			196.00
0007	0080000000-E CLASS IV SUBGRADE STABILIZATION	TON 60.000	27.89000			1,673.40
0008	0195000000-E SELECT GRANULAR MATERIAL	CY 50.000	47.00000			2,350.00
0009	0196000000-E FABRIC FOR SOIL STABILIZATION	SY 100.000	3.99000			399.00
0010	0199000000-E TEMPORARY SHORING	SF 430.000	78.00000			33,540.00
0011	0318000000-E FOUNDATION CONDITIONING MATERIAL, MINOR STRS	TON 5.000	37.89000			189.45

State of NC  
Dept of Transportation

Date: 08-19-11  
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Contract ID: C202649 Project(s): BRZ-3439(1)  
Letting Date: 09-20-11 Call Order: 010  
Bidder: 1983 - Mountain Creek Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	0320000000-E FOUNDATION CONDITIONING FABRIC	15.000 SY	3.93000		58.95	
0013	0448300000-E 18" RC PIPE CULVERTS, CLASS IV	40.000 LF	64.17000		2,566.80	
0014	1121000000-E AGGREGATE BASE COURSE	50.000 TON	37.00000		1,850.00	
0015	1220000000-E INCIDENTAL STONE BASE	25.000 TON	34.14000		853.50	
0016	1489000000-E ASPHALT CONC BASE COURSE, TYPE B25.0B	270.000 TON	100.00000		27,000.00	
0017	1525000000-E ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	130.000 TON	106.00000		13,780.00	
0018	1575000000-E ASPHALT BINDER FOR PLANT MIX	21.000 TON	670.00000		14,070.00	
0019	1693000000-E ASPHALT PLANT MIX, PAVEMENT REPAIR	25.000 TON	149.00000		3,725.00	
0020	2000000000-N RIGHT OF WAY MARKERS	21.000 EA	187.00000		3,927.00	
0021	2022000000-E SUBDRAIN EXCAVATION	22.400 CY	17.16000		384.38	
0022	2033000000-E SUBDRAIN FINE AGGREGATE	16.800 CY	46.42000		779.86	
0023	2044000000-E 6" PERFORATED SUBDRAIN PIPE	100.000 LF	6.23000		623.00	

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Bidder: 1983 - Mountain Creek Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	2070000000-N SUBDRAIN PIPE OUTLETS	EA 1.000	239.82000		239.82	
0025	2077000000-E 6" OUTLET PIPE (SUBDRAINS)	LF 6.000	23.72000		142.32	
0026	3030000000-E STEEL BM GUARDRAIL	LF 300.000	15.75000		4,725.00	
0027	3045000000-E STEEL BM GUARDRAIL, SHOP CURVED	LF 25.000	18.00000		450.00	
0028	3150000000-N ADDITIONAL GUARDRAIL POSTS	EA 5.000	15.00000		75.00	
0029	3195000000-N GUARDRAIL ANCHOR UNITS, TYPE AT-1	EA 1.000	475.00000		475.00	
0030	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	EA 3.000	1,850.00000		5,550.00	
0031	3577000000-N GENERIC FENCING ITEM REMOVE & RESET METAL POLES W/ CABLE	LUMP	LUMP		2,600.00	
0032	3577000000-N GENERIC FENCING ITEM REMOVE & RESET STEEL GATE	LUMP	LUMP		850.00	
0033	3656000000-E FILTER FABRIC FOR DRAINAGE	SY 850.000	2.23000		1,895.50	
0034	4400000000-E WORK ZONE SIGNS (STATIONARY)	SF 278.000	6.50000		1,807.00	

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Bidder: 1983 - Mountain Creek Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0035	4405000000-E WORK ZONE SIGNS (PORTABLE)	SF 213.000	8.65000		1,842.45	
0036	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	SF 30.000	6.75000		202.50	
0037	4430000000-N DRUMS	EA 50.000	60.00000		3,000.00	
0038	4435000000-N CONES	EA 50.000	20.00000		1,000.00	
0039	4445000000-E BARRICADES (TYPE III)	LF 72.000	18.50000		1,332.00	
0040	4455000000-N FLAGGER	MD 480.000	200.00000		96,000.00	
0041	4465000000-N TEMPORARY CRASH CUSHIONS	EA 2.000	5,000.00000		10,000.00	
0042	4470000000-N RESET TEMPORARY CRASH CUSHIONS	EA 1.000	2,000.00000		2,000.00	
0043	4485000000-E PORTABLE CONCRETE BARRIER	LF 450.000	22.25000		10,012.50	
0044	4500000000-E RESET PORTABLE CONCRETE BARRIER	LF 100.000	25.00000		2,500.00	
0045	4609000000-N GENERIC TRAFFIC CONTROL ITEM TEMPORARY TRAFFIC SIGNAL SYSTEM	DAY 240.000	100.00000		24,000.00	

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Bidder: 1983 - Mountain Creek Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0046	4650000000-N TEMPORARY RAISED PAVEMENT MARKERS	EA 50.000	7.50000		375.00	
0047	4770000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (IV)	LF 200.000	2.75000		550.00	
0048	4795000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (24") (IV)	LF 30.000	15.75000		472.50	
0049	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 8,218.000	0.22000		1,807.96	
0050	4850000000-E REMOVAL OF PAVEMENT MARKING LINES (4")	LF 1,000.000	0.75000		750.00	
0051	6000000000-E TEMPORARY SILT FENCE	LF 750.000	2.42000		1,815.00	
0052	6006000000-E STONE FOR EROSION CONTROL, CLASS A	TON 480.000	38.00000		18,240.00	
0053	6009000000-E STONE FOR EROSION CONTROL, CLASS B	TON 420.000	38.00000		15,960.00	
0054	6012000000-E SEDIMENT CONTROL STONE	TON 400.000	32.00000		12,800.00	
0055	6015000000-E TEMPORARY MULCHING	ACR 2.500	1,200.00000		3,000.00	
0056	6018000000-E SEED FOR TEMPORARY SEEDING	LB 100.000	6.00000		600.00	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0057	6021000000-E FERTILIZER FOR TEMPORARY SEED-ING	0.250 TON	2,000.00000		500.00	
0058	6024000000-E TEMPORARY SLOPE DRAINS	200.000 LF	11.75000		2,350.00	
0059	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4.000 EA	175.00000		700.00	
0060	6029000000-E SAFETY FENCE	1,800.000 LF	1.50000		2,700.00	
0061	6030000000-E SILT EXCAVATION	300.000 CY	6.90000		2,070.00	
0062	6036000000-E MATTING FOR EROSION CONTROL	7,000.000 SY	1.75000		12,250.00	
0063	6037000000-E COIR FIBER MAT	250.000 SY	8.00000		2,000.00	
0064	6038000000-E PERMANENT SOIL REINFORCEMENT MAT	130.000 SY	9.00000		1,170.00	
0065	6042000000-E 1/4" HARDWARE CLOTH	650.000 LF	4.74000		3,081.00	
0066	6070000000-N SPECIAL STILLING BASINS	5.000 EA	500.00000		2,500.00	
0067	6071010000-E WATTLE	25.000 LF	5.18000		129.50	
0068	6071020000-E POLYACRYLAMIDE (PAM)	130.000 LB	16.12000		2,095.60	

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Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0069	6071030000-E COIR FIBER BAFFLE	130.000 LF	4.85000		630.50	
0070	6084000000-E SEEDING & MULCHING	2.500 ACR	1,800.00000		4,500.00	
0071	6087000000-E MOWING	2.500 ACR	200.00000		500.00	
0072	6090000000-E SEED FOR REPAIR SEEDING	50.000 LB	10.00000		500.00	
0073	6093000000-E FERTILIZER FOR REPAIR SEEDING	0.250 TON	3,000.00000		750.00	
0074	6096000000-E SEED FOR SUPPLEMENTAL SEEDING	50.000 LB	6.00000		300.00	
0075	6108000000-E FERTILIZER TOPDRESSING	1.500 TON	1,700.00000		2,550.00	
0076	6111000000-E IMPERVIOUS DIKE	380.000 LF	50.00000		19,000.00	
0077	6114500000-N SPECIALIZED HAND MOWING	10.000 MHR	65.00000		650.00	
0078	6117000000-N RESPONSE FOR EROSION CONTROL	25.000 EA	250.00000		6,250.00	
0079	6123000000-E REFORESTATION	0.250 ACR	2,000.00000		500.00	
Section 0001 Total						625,367.49

Contract ID: C202649 Project(s): BRZ-3439(1)  
 Letting Date: 09-20-11 Call Order: 010  
 Bidder: 1983 - Mountain Creek Contractors, Inc.

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0002 CULVERT ITEMS						
Alt Group						
0080	8021000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (11+86.23-L-)	LUMP		LUMP		15,000.00
0081	8196000000-E CLASS A CONCRETE (CULVERT)	CY	59.300	600.00000		35,580.00
0082	8590000000-E RIP RAP, CLASS ** (I)	TON	24.000	45.00000		1,080.00
0083	8804000000-N GENERIC CULVERT ITEM PRECAST REINF CONC 3-SIDED CULVERT @ STA.11+86.23-L-	LUMP		LUMP		200,000.00
Section 0002 Total						251,660.00
Bid Total						877,027.49 ✓

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	

It is agreed that if I am (we are) the low Bidder(s) on indicated projects, the total value of which is more than the above stipulated award limits, the Board of Transportation will award me (us) projects from among those indicated that have a total value not to exceed the award limit and will result in the lowest total bids to the Department of Transportation.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
DBE COMMITMENT ITEMS

DATE:08-19-11  
PAGE: 11

PROPOSAL: C202649  
LETTING: L110920 CALL: 010  
VENDOR: 1983 Mountain Creek Contractors, Inc.

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 2759 SUPERIOR SEEDING, INC.						
Will Use Quote: Yes						
0055	6015000000-E	TEMPORARY MU	ACR	2.500	1200.00000	3000.00
0057	6021000000-E	FERT FOR TEM	TON	0.250	2000.00000	500.00
0062	6036000000-E	MATTING FOR	SY	7000.000	1.75000	12250.00
0063	6037000000-E	COIR FIBER M	SY	250.000	8.00000	2000.00
0064	6038000000-E	PERM SOIL RE	SY	130.000	9.00000	1170.00
0070	6084000000-E	SEEDING AND	ACR	2.500	1800.00000	4500.00
0071	6087000000-E	MOWING	ACR	2.500	200.00000	500.00
0072	6090000000-E	SEED FOR REP	LB	50.000	10.00000	500.00
0073	6093000000-E	FERT FOR REP	TON	0.250	3000.00000	750.00
0075	6108000000-E	FERTILIZER T	TON	1.500	1700.00000	2550.00
0074	6096000000-E	SEED FOR SUP	LB	50.000	6.00000	300.00
0078	6117000000-N	RESPONSE FOR	EA	10.000	250.00000	2500.00
0079	6123000000-E	REFORESTATIO	ACR	0.250	2000.00000	500.00
0077	6114500000-N	SPECIALIZED	MHR	10.000	65.00000	650.00
0056	6018000000-E	SEED FOR TEM	LB	100.000	6.00000	600.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 32,270.00 ✓ arm  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 32,270.

DBE SUBCONTRACTOR: 3376 REYNOLDS FENCE & GUARDRAIL INC  
Will Use Quote: Yes

0027	3045000000-E	SBGR SHOP CU	LF	25.000	18.00000	450.00
0026	3030000000-E	STL BM GUARD	LF	300.000	15.75000	4725.00
0030	3270000000-N	GR ANCHOR TY	EA	3.000	1850.00000	5550.00
0029	3195000000-N	GR ANCHOR TY	EA	1.000	475.00000	475.00
0028	3150000000-N	ADDIT GUARDR	EA	5.000	15.00000	75.00

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR: 11,275.00 ✓ arm  
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 11,275.

DBE SUBCONTRACTOR: 5266 NORTH STATE ENVIRONMENTAL, INC  
Will Use Quote: Yes

0069	6071030000-E	COIR FIBER B	LF	130.000	4.85000	630.50
0068	6071020000-E	POLYACRYLAMI	LB	130.000	16.12000	2095.60
0067	6071010000-E	WATTLE	LF	25.000	5.18000	129.50
0065	6042000000-E	1/4" HARDWAR	LF	650.000	4.74000	3081.00
0078	6117000000-N	RESPONSE FOR	EA	15.000	200.00000	3000.00
0051	6000000000-E	TEMPORARY SI	LF	750.000	2.42000	1815.00
0060	6029000000-E	SAFETY FENCE	LF	1800.000	1.50000	2700.00

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
 DBE COMMITMENT ITEMS

DATE:08-19-11  
 PAGE: 12

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT	
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						13,451.60	✓ arm
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						13,451.	
DBE SUBCONTRACTOR: 3805 SOUTH EAST GROUP, PA Will Use Quote: Yes							
0002	0000400000-N	CONSTRUCTION LS		1.000	6475.00000	6475.00	✓ arm
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						6,475.00	
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						6,475.0	
TOTAL DBE COMMITMENT FOR VENDOR:				Entered:	7.24% or	63471.60	✓ arm
				Required:	7.00% or	61391.92	
					<GOAL MET>		

Contract Item Sheets For C202649

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	44,000.00	44,000.00
0002	0000400000-N	801	CONSTRUCTION SURVEYING	Lump Sum LS	8,000.00	8,000.00
0003	0038000000-E	SP	SHALLOW UNDERCUT	35 CY	13.00	455.00
0004	0043000000-N	226	GRADING	Lump Sum LS	170,000.00	170,000.00
0005	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR	200.00	200.00
0006	0057000000-E	226	UNDERCUT EXCAVATION	10 CY	19.60	196.00
0007	0080000000-E	SP	CLASS IV SUBGRADE STABILIZA- TION	60 TON	27.89	1,673.40
0008	0195000000-E	SP	SELECT GRANULAR MATERIAL	50 CY	47.00	2,350.00
0009	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	100 SY	3.99	399.00
0010	0199000000-E	SP	TEMPORARY SHORING	430 SF	78.00	33,540.00
0011	0318000000-E	SP	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	5 TON	37.89	189.45
0012	0320000000-E	SP	FOUNDATION CONDITIONING FABRIC	15 SY	3.93	58.95
0013	0448300000-E	SP	18" RC PIPE CULVERTS, CLASS IV	40 LF	64.17	2,566.80
0014	1121000000-E	520	AGGREGATE BASE COURSE	50 TON	37.00	1,850.00
0015	1220000000-E	545	INCIDENTAL STONE BASE	25 TON	34.14	853.50
0016	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	270 TON	100.00	27,000.00
0017	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	130 TON	106.00	13,780.00
0018	1575000000-E	SP	ASPHALT BINDER FOR PLANT MIX	21 TON	670.00	14,070.00
0019	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	25 TON	149.00	3,725.00

Contract Item Sheets For C202649

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0020	2000000000-N	806	RIGHT OF WAY MARKERS	21 EA	187.00	3,927.00
0021	2022000000-E	SP	SUBDRAIN EXCAVATION	22.4 CY	17.16	384.38
0022	2033000000-E	SP	SUBDRAIN FINE AGGREGATE	16.8 CY	46.42	779.86
0023	2044000000-E	SP	6" PERFORATED SUBDRAIN PIPE	100 LF	6.23	623.00
0024	2070000000-N	SP	SUBDRAIN PIPE OUTLETS	1 EA	239.82	239.82
0025	2077000000-E	SP	6" OUTLET PIPE (SUBDRAINS)	6 LF	23.72	142.32
0026	3030000000-E	862	STEEL BM GUARDRAIL	300 LF	15.75	4,725.00
0027	3045000000-E	862	STEEL BM GUARDRAIL, SHOP CURVED	25 LF	18.00	450.00
0028	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	15.00	75.00
0029	3195000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE AT-1	1 EA	475.00	475.00
0030	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	3 EA	1,850.00	5,550.00
0031	3577000000-N	SP	GENERIC FENCING ITEM REMOVE & RESET METAL POLES W/ CABLE	Lump Sum LS	2,600.00	2,600.00
0032	3577000000-N	SP	GENERIC FENCING ITEM REMOVE & RESET STEEL GATE	Lump Sum LS	850.00	850.00
0033	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	850 SY	2.23	1,895.50
0034	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	278 SF	6.50	1,807.00
0035	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	213 SF	8.65	1,842.45
0036	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	30 SF	6.75	202.50
0037	4430000000-N	1130	DRUMS	50 EA	60.00	3,000.00
0038	4435000000-N	1135	CONES	50 EA	20.00	1,000.00

Contract Item Sheets For C202649

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0039	4445000000-E	1145	BARRICADES (TYPE III)	72 LF	18.50	1,332.00
0040	4455000000-N	1150	FLAGGER	480 MD	200.00	96,000.00
0041	4465000000-N	1160	TEMPORARY CRASH CUSHIONS	2 EA	5,000.00	10,000.00
0042	4470000000-N	1160	RESET TEMPORARY CRASH CUSHIONS	1 EA	2,000.00	2,000.00
0043	4485000000-E	1170	PORTABLE CONCRETE BARRIER	450 LF	22.25	10,012.50
0044	4500000000-E	1170	RESET PORTABLE CONCRETE BARRIER	100 LF	25.00	2,500.00
0045	4609000000-N	SP	GENERIC TRAFFIC CONTROL ITEM TEMPORARY TRAFFIC SIGNAL SYSTEM	240 DAY	100.00	24,000.00
0046	4650000000-N	1251	TEMPORARY RAISED PAVEMENT MARKERS	50 EA	7.50	375.00
0047	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (IV)	200 LF	2.75	550.00
0048	4795000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (24") (IV)	30 LF	15.75	472.50
0049	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	8,218 LF	0.22	1,807.96
0050	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	1,000 LF	0.75	750.00
0051	6000000000-E	1605	TEMPORARY SILT FENCE	750 LF	2.42	1,815.00
0052	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	480 TON	38.00	18,240.00
0053	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	420 TON	38.00	15,960.00
0054	6012000000-E	1610	SEDIMENT CONTROL STONE	400 TON	32.00	12,800.00
0055	6015000000-E	1615	TEMPORARY MULCHING	2.5 ACR	1,200.00	3,000.00

## Contract Item Sheets For C202649

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0056	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	100 LB	6.00	600.00
0057	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	0.25 TON	2,000.00	500.00
0058	6024000000-E	1622	TEMPORARY SLOPE DRAINS	200 LF	11.75	2,350.00
0059	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4 EA	175.00	700.00
0060	6029000000-E	SP	SAFETY FENCE	1,800 LF	1.50	2,700.00
0061	6030000000-E	1630	SILT EXCAVATION	300 CY	6.90	2,070.00
0062	6036000000-E	1631	MATTING FOR EROSION CONTROL	7,000 SY	1.75	12,250.00
0063	6037000000-E	SP	COIR FIBER MAT	250 SY	8.00	2,000.00
0064	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	130 SY	9.00	1,170.00
0065	6042000000-E	1632	1/4" HARDWARE CLOTH	650 LF	4.74	3,081.00
0066	6070000000-N	SP	SPECIAL STILLING BASINS	5 EA	500.00	2,500.00
0067	6071010000-E	SP	WATTLE	25 LF	5.18	129.50
0068	6071020000-E	SP	POLYACRYLAMIDE (PAM)	130 LB	16.12	2,095.60
0069	6071030000-E	SP	COIR FIBER BAFFLE	130 LF	4.85	630.50
0070	6084000000-E	1660	SEEDING & MULCHING	2.5 ACR	1,800.00	4,500.00
0071	6087000000-E	1660	MOWING	2.5 ACR	200.00	500.00
0072	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB	10.00	500.00
0073	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON	3,000.00	750.00
0074	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50 LB	6.00	300.00
0075	6108000000-E	1665	FERTILIZER TOPDRESSING	1.5 TON	1,700.00	2,550.00

Contract Item Sheets For C202649

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0076	6111000000-E	SP	IMPERVIOUS DIKE	380 LF	50.00	19,000.00
0077	6114500000-N	SP	SPECIALIZED HAND MOWING	10 MHR	65.00	650.00
0078	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	25 EA	250.00	6,250.00
0079	6123000000-E	1670	REFORESTATION	0.25 ACR	2,000.00	500.00

Contract Item Sheets For C202649

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0080	8021000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (11 +86.23-L-)	Lump Sum LS	15,000.00	15,000.00
0081	8196000000-E	420	CLASS A CONCRETE (CULVERT)	59.3 CY	600.00	35,580.00
0082	8590000000-E	876	RIP RAP, CLASS ** (I)	24 TON	45.00	1,080.00
0083	8804000000-N	SP	GENERIC CULVERT ITEM PRECAST REINF CONC 3-SIDED CULVERT @ STA.11 +86.23-L-	Lump Sum LS	200,000.00	200,000.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$877,027.49



Contract Number C202649  
County BUNCOMBE

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**

MOUNTAIN CREEK CONTRACTORS, INC.  
Full name of Corporation

578 EAST BAY ST STE C CHARLESTON, SC 29403  
Address as Prequalified

Attest   
~~Secretary/Assistant Secretary~~  
Select appropriate title

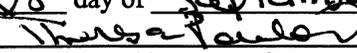
By  (9/29/11)  
~~President/Vice President/Assistant Vice President~~  
Select appropriate title

RUSSELL L. ROCKETT  
Print or type Signer's name

GREG T. COOK  
Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the  
28 day of September 2011.  


Signature of Notary Public  
of Charleston County  
State of SC

My Commission Expires: ~~\_\_\_\_\_~~ **MY COMMISSION EXPIRES**  
**MARCH 24th 2013**

**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**     **C202649**

**County (ies):**   **Buncombe**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**

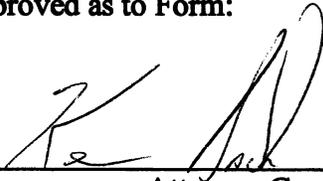


\_\_\_\_\_  
**Contract Officer**



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

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



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

Bond No. 018-025-412

Contract No. C202649  
County Buncombe

Rev 5-17-11

**CONTRACT PAYMENT BOND**

Date of Payment Bond Execution September 28, 2011  
Name of Principal Contractor Mountain Creek Contractors, Inc.  
Name of Surety: Liberty Mutual Insurance Company  
Name of Contracting Body: North Carolina Department of Transportation  
Raleigh, North Carolina  
Amount of Bond: (\$877,027.49 ) Eight Hundred Seventy Seven  
Thousand Twenty Seven Dollars and 49/100  
Contract ID No.: C202649  
County Name: Buncombe

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.  
County

**C202649**

BUNCOMBE

Rev 5-17-11

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

**MOUNTAIN CREEK CONTRACTORS, INC.**

Full name of Corporation

**578 EAST BAY ST., SUITE B, CHARLESTON, SC 29403**

Address as prequalified

By



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

**GREG T. COOK**

Print or type Signer's name

*Affix Corporate Seal*

Attest



Signature of ~~Secretary, Assistant Secretary~~  
Select appropriate title

**RUSSELL ROCKETT**

Print or type Signer's name

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. 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 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

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, Donna K. Ashley its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any location within the United States, the following surety bond:

Principal Name: Mountain Creek Contractors, Inc.

Obligee Name: North Carolina Department of Transportation

LMS Surety Bond Number: 018-025-412

Bond Amount: See Bond Form

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 28<sup>th</sup> day of MARCH, 2009.



LIBERTY MUTUAL INSURANCE COMPANY

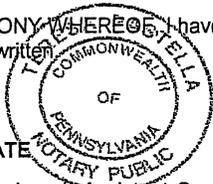
*Garnet W. Elliott*

By \_\_\_\_\_  
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 28<sup>th</sup> day of MARCH, 2009, 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.



Notarial Seal  
Teresa Pastella, Notary Public  
Plymouth Twp., Montgomery County  
My Commission Expires March 28, 2013

By Teresa Pastella  
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 28<sup>th</sup> day of September, 2011.



By David M. Carey  
David M. Carey, Assistant Secretary

Contract No. C202649  
County Buncombe

**CONTRACT PERFORMANCE BOND**

Date of Performance Bond Execution: September 28, 2011  
Name of Principal Contractor: Mountain Creek Contractors, Inc.  
Name of Surety: Liberty Mutual Insurance Company  
Name of Contracting Body: North Carolina Department of Transportation  
Raleigh, North Carolina  
Amount of Bond: (\$877,027.49 ) Eight Hundred Seventy Seven  
Thousand Twenty Seven Dollars and 49/100  
Contract ID No.: C202649  
County Name: Buncombe

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

C202649

BUNCOMBE

Rev 5-17-11

**CONTRACT PERFORMANCE BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

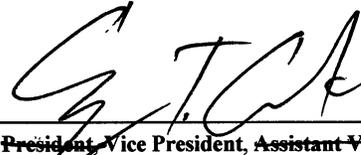
**MOUNTAIN CREEK CONTRACTORS, INC.**

Full name of Corporation

**578 EAST BAY ST., SUITE B, CHARLESTON, SC 29403**

Address as prequalified

By



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

**GREG T. COOK**

Print or type Signer's name

*Affix Corporate Seal*

Attest



Signature of ~~Secretary, Assistant Secretary~~  
*Select appropriate title*

**RUSSELL ROCKETT**

Print or type Signer's name

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. 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 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

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, Donna K. Ashley its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any location within the United States, the following surety bond:

Principal Name: Mountain Creek Contractors, Inc.
Obligee Name: North Carolina Department of Transportation
LMS Surety Bond Number: 018-025-412 Bond Amount: See Bond Form

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.

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 28th day of MARCH, 2009.



LIBERTY MUTUAL INSURANCE COMPANY

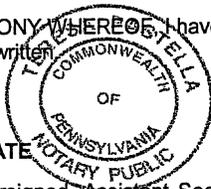
Garnet W. Elliott

By Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 28th day of MARCH, 2009, 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.



Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013

By Teresa Pastella
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 28th day of September, 2011.



By David M. Carey
David M. Carey, Assistant Secretary