

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

C202623

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202623

WBS 33530.3.1 BRZ-1526(2)

T.I.P NO. B-4183

COUNTY OF MADISON

THIS IS THE ROADWAY & CULVERT CONTRACT

ROUTE NUMBER SR 1526 LENGTH 0.127 KILOMETERS

LOCATION BRIDGES OVER MIDDLE FORK CREEK AND CROOKED CREEK AND  
APPROACHES ON SR-1526.

CONTRACTOR MILLER ENGINEERING COMPANY, INC

ADDRESS P.O. BOX 1048

MARION, NC 287521048

BIDS OPENED DECEMBER 20, 2011

CONTRACT EXECUTION JAN 23 2012

# Vendor 4 of 5: MILLER ENGINEERING COMPANY, INC (3755) Call Order 043 (Proposal: C202623)

## Bid Information

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**County:** MADISON

**Address:** PO Box 1048  
Marion , NC , 28752

**Signature Check:** Clifford\_H\_Miller\_3755

**Time Bid Received:** December 20, 2011 12:05 PM

**Amendment Count:** 0

**Bid Checksum:** 1FE4F3B8

**Bid Total:** \$632,459.18

**Items Total:** \$632,459.18

**Time Total:** \$0.00



**Bidding Errors:**

None.

# Vendor 4 of 5: MILLER ENGINEERING COMPANY, INC (3755) Call Order 043 (Proposal: C202623)

## Bid Bond Information

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**Projects:**  
**Counties:**  
**Bond ID:** SNC11256154  
**Paid by Check:** No  
**Bond Percent:**

**Bond Maximum:**  
**State of Incorporation:**  
**Agency Execution Date:** 12-20-11  
**Surety Name:** surety2000  
**Bond Agency Name:** Fidelity And Deposit  
Company of Maryland

Vendor 3755's Bid Information for Call 043, Letting L111220, 12/20/11

Miller Engineering Company Inc (3755)  
Call Order 043 (Proposal ID C202623)

DBE GOAL SET 9.0

DBE GOAL MET 9.0

Vendor 3755's Bid Information for Call 043, Letting L111220, 12/20/11

Miller Engineering Company Inc (3755)  
Call Order 043 (Proposal ID C202623)

LIST OF DBE PARTICIPANTS

VENDOR NUMBER	DBE NAME ADDRESS	WORK CODE TYPE OF WORK	CERT TYPE AMOUNT	
3765	WB STAY ALERT SAFETY SERVICES INC POST OFFICE BOX 467 , KERNERSVILLE, NC 27285		Sub 7,325.81	✓ arm
2759	WB SUPERIOR SEEDING, INC. POST OFFICE BOX 12642 , GASTONIA, NC 280520010		Sub 41,654.75	✓ arm
4898	WB BULLINGTON CONSTRUCTION INC 417 FOXGLOVE LANE , INDIAN TRAIL, NC 28079		Sub 17,957.63	✓ arm
			TOTAL: \$66,938.19	
			10.58%	

Vendor 3755's Bid Information for Call 043, Letting L111220, 12/20/11

Miller Engineering Company Inc (3755)  
Call Order 043 (Proposal ID C202623)

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	

Bid Bond Data Info - Contractor Responses:

BondID: SNC11256154  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Fidelity And Deposit Company of Maryland  
Bond Execution Date: 12-20-11  
Bond Amount: \$31,622.96 (Five Percent of Bid)

Contract ID: C202623 Project(s): BRZ-1526(2)  
Letting Date: 12-20-11 Call Order: 043  
Bidder: 3755 - Miller Engineering Company Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars   Cts	Bid Amount Dollars   Ct
Section 0001 ROADWAY ITEMS				
Alt Group				
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP	28,000.00
0002	0000400000-N CONSTRUCTIO N SURVEYING	LUMP	LUMP	7,000.00
0003	0038000000-M SHALLOW UNDERCUT	M3 38.000	15.00000	570.00
0004	0043000000-N GRADING	LUMP	LUMP	62,000.00
0005	0050000000-M SUPPLEMENTA RY CLEARING & GRUB-BING	HA 0.400	1.00000	0.40
0006	0057000000-M UNDERCUT EXCAVATION	M3 100.000	15.00000	1,500.00
0007	0080000000-M CLASS IV SUBGRADE STABILIZA- TION	MTN 91.000	35.00000	3,185.00
0008	0134000000-M DRAINAGE DITCH EXCAVATION	M3 680.000	15.00000	10,200.00
0009	0195000000-M SELECT GRANULAR MATERIAL	M3 84.000	40.00000	3,360.00
0010	0196000000-M FABRIC FOR SOIL STABILIZATION	M2 134.000	5.00000	670.00

Dept of Transportation

Revised:

Contract ID: C202623

Project(s): BRZ-1526(2)

Letting Date: 12-20-11 Call Order: 043

Bidder: 3755 - Miller Engineering Company Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	0255000000-M GENERIC GRADING ITEM EXCAVATING AND STOCKPILING CONTAMINATED SOIL	10.000 MTN	100.00000		1,000.00	
0012	0318000000-M FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	20.000 MTN	35.00000		700.00	
0013	0320000000-M FOUNDATION CONDITIONING FABRIC	40.000 M2	5.00000		200.00	
0014	0342000000-M ****MM SIDE DRAIN PIPE (750MM)	12.000 M	160.00000		1,920.00	
0015	0343000000-M 375MM SIDE DRAIN PIPE	8.400 M	125.00000		1,050.00	
0016	0594000000-M 600MM CS PIPE CULVERTS, 1.63MMTHICK	13.200 M	120.00000		1,584.00	
0017	0995000000-M PIPE REMOVAL	26.200 M	35.00000		917.00	
0018	1121000000-M AGGREGATE BASE COURSE	550.000 MTN	27.00000		14,850.00	
0019	1220000000-M INCIDENTAL STONE BASE	50.000 MTN	27.00000		1,350.00	
0020	1489000000-M ASPHALT CONC BASE COURSE, TYPE B25.0B	210.000 MTN	117.50000		24,675.00	
0021	1525000000-M ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	150.000 MTN	127.50000		19,125.00	

Contract ID: C202623

Project(s): BRZ-1526(2)

Letting Date: 12-20-11 Call Order: 043

Bidder: 3755 - Miller Engineering Company Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0022	1575000000-M ASPHALT BINDER FOR PLANT MIX	20.000 MTN	750.00000		15,000.00	
0023	1693000000-M ASPHALT PLANT MIX, PAVEMENT REPAIR	25.000 MTN	200.00000		5,000.00	
0024	2000000000-N RIGHT OF WAY MARKERS	7.000 EA	200.00000		1,400.00	
0025	2022000000-M SUBDRAIN EXCAVATION	100.000 M3	15.00000		1,500.00	
0026	2033000000-M SUBDRAIN FINE AGGREGATE	41.400 M3	45.00000		1,863.00	
0027	2044000000-M 150MM PERFORATED SUBDRAIN PIPE	100.000 M	30.00000		3,000.00	
0028	2070000000-N SUBDRAIN PIPE OUTLETS	1.000 EA	145.00000		145.00	
0029	2077000000-M 150MM OUTLET PIPE (SUBDRAINS)	2.000 M	30.00000		60.00	
0030	3030000000-M STEEL BM GUARDRAIL	144.780 M	65.36000		9,462.82	
0031	3045000000-M STEEL BM GUARDRAIL, SHOP CURVED	80.010 M	55.76000		4,461.36	
0032	3150000000-N ADDITIONAL GUARDRAIL POSTS	5.000 EA	13.00000		65.00	
0033	3195000000-N GUARDRAIL ANCHOR UNITS, TYPE AT-1	3.000 EA	600.00000		1,800.00	

Contract ID: C202623

Project(s): BRZ-1526(2)

Letting Date: 12-20-11 Call Order: 043

Bidder: 3755 - Miller Engineering Company Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0034	3270000000-N GUARDRAIL ANCHOR UNITS, TYPE 350	1.000 EA	1,950.00000		1,950.00	
0035	3345000000-M REMOVE & RESET EXISTING GUARD-RAIL	3.810 M	32.80000		124.97	
0036	3360000000-M REMOVE EXISTING GUARDRAIL	28.500 M	3.28000		93.48	
0037	3628000000-M RIP RAP, CLASS I	100.000 MTN	35.00000		3,500.00	
0038	3649000000-M RIP RAP, CLASS B	10.000 MTN	35.00000		350.00	
0039	3656000000-M FILTER FABRIC FOR DRAINAGE	1,300.000 M2	4.00000		5,200.00	
0040	4072000000-M SUPPORTS, 4.5-KG STEEL U-CHANNEL	9.000 M	35.00000		315.00	
0041	4102000000-N SIGN ERECTION, TYPE E	2.000 EA	100.00000		200.00	
0042	4155000000-N DISPOSAL OF SIGN SYSTEM, U-CHANNEL	2.000 EA	10.00000		20.00	
0043	4158000000-N DISPOSAL OF SIGN SYSTEM, WOOD	10.000 EA	10.00000		100.00	
0044	4400000000-M WORK ZONE SIGNS (STATIONARY)	42.000 M2	80.00000		3,360.00	
0045	4405000000-M WORK ZONE SIGNS (PORTABLE)	9.000 M2	100.00000		900.00	

Dept of Transportation

Revised:

Contract ID: C202623

Project(s): BRZ-1526(2)

Letting Date: 12-20-11 Call Order: 043

Bidder: 3755 - Miller Engineering Company Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0046	4410000000-M WORK ZONE SIGNS (BARRICADE MOUNTED)	7.000 M2	100.00000		700.00	
0047	4430000000-N DRUMS	15.000 EA	55.00000		825.00	
0048	4435000000-N CONES	15.000 EA	25.00000		375.00	
0049	4445000000-M BARRICADES (TYPE III)	25.000 M	100.00000		2,500.00	
0050	4450000000-N FLAGGER	160.000 HR	30.00000		4,800.00	
0051	4810000000-M PAINT PAVEMENT MARKING LINES (100MM)	1,026.000 M	1.95000		2,000.70	
0052	6000000000-M TEMPORARY SILT FENCE	600.000 M	8.25000		4,950.00	
0053	6006000000-M STONE FOR EROSION CONTROL, CLASS A	320.000 MTN	35.00000		11,200.00	
0054	6009000000-M STONE FOR EROSION CONTROL, CLASS B	175.000 MTN	35.00000		6,125.00	
0055	6012000000-M SEDIMENT CONTROL STONE	350.000 MTN	35.00000		12,250.00	
0056	6015000000-M TEMPORARY MULCHING	1.500 HA	2,224.00000		3,336.00	
0057	6018000000-M SEED FOR TEMPORARY SEEDING	50.000 KG	11.00000		550.00	

Contract ID: C202623

Project(s): BRZ-1526(2)

Letting Date: 12-20-11 Call Order: 043

Bidder: 3755 - Miller Engineering Company Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0058	6021000000-M FERTILIZER FOR TEMPORARY SEED-ING	1.250 MTN	2,000.00000		2,500.00	
0059	6024000000-M TEMPORARY SLOPE DRAINS	65.000 M	30.00000		1,950.00	
0060	6027000000-N INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4.000 EA	150.00000		600.00	
0061	6029000000-M SAFETY FENCE	250.000 M	6.00000		1,500.00	
0062	6030000000-M SILT EXCAVATION	330.000 M3	13.00000		4,290.00	
0063	6036000000-M MATTING FOR EROSION CONTROL	3,000.000 M2	2.10000		6,300.00	
0064	6037000000-M COIR FIBER MAT	685.000 M2	9.50000		6,507.50	
0065	6038000000-M PERMANENT SOIL REINFORCEMENT MAT	250.000 M2	9.50000		2,375.00	
0066	6042000000-M 6.4MM HARDWARE CLOTH	150.000 M	13.00000		1,950.00	
0067	6070000000-N SPECIAL STILLING BASINS	10.000 EA	850.00000		8,500.00	
0068	6071010000-M WATTLE	85.000 M	40.00000		3,400.00	
0069	6071020000-M POLYACRYLAMIDE (PAM)	45.000 KG	22.00000		990.00	

Dept of Transportation

Revised:

Contract ID: C202623

Project(s): BRZ-1526(2)

Letting Date: 12-20-11 Call Order: 043

Bidder: 3755 - Miller Engineering Company Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0070	6071030000-M COIR FIBER BAFFLE	45.000 M	20.00000		900.00	
0071	6071050000-E **" SKIMMER (38MM)	2.000 EA	900.00000		1,800.00	
0072	6084000000-M SEEDING & MULCHING	1.000 HA	4,930.00000		4,930.00	
0073	6087000000-M MOWING	1.000 HA	495.00000		495.00	
0074	6090000000-M SEED FOR REPAIR SEEDING	25.000 KG	20.00000		500.00	
0075	6093000000-M FERTILIZER FOR REPAIR SEEDING	0.250 MTN	4,000.00000		1,000.00	
0076	6096000000-M SEED FOR SUPPLEMENTAL SEEDING	25.000 KG	13.00000		325.00	
0077	6108000000-M FERTILIZER TOPDRESSING	1.250 MTN	1,500.00000		1,875.00	
0078	6111000000-M IMPERVIOUS DIKE	90.000 M	125.00000		11,250.00	
0079	6114500000-N SPECIALIZED HAND MOWING	10.000 MHR	65.00000		650.00	
0080	6117000000-N RESPONSE FOR EROSION CONTROL	25.000 EA	300.00000		7,500.00	
0081	6141000000-M GENERIC EROSION CONTROL ITEM LIVE STAKING	325.000 M2	8.65000		2,811.25	

Contract ID: C202623

Project(s): BRZ-1526(2)

Letting Date: 12-20-11 Call Order: 043

Bidder: 3755 - Miller Engineering Company Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 Total					368,237.48	
Section 0002 CULVERT ITEMS						
Alt Group						
0082	8049000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (10+52.500-L-)	LUMP		LUMP	15,000.00	
0083	8049000000-N REMOVAL OF EXISTING STRUCTURE AT STATION ***** (11+16.500-L-)	LUMP		LUMP	15,000.00	
0084	8126000000-N CULVERT EXCAVATION, STA ***** (10+52.500-L-)	LUMP		LUMP	10,000.00	
0085	8126000000-N CULVERT EXCAVATION, STA ***** (11+16.500-L-)	LUMP		LUMP	18,000.00	
0086	8133000000-M FOUNDATION CONDITIONING MATERIAL, BOX CULVERT	MTN	174.000	48.00000	8,352.00	
0087	8196000000-M CLASS A CONCRETE (CULVERT)	M3	230.300	660.00000	151,998.00	
0088	8245000000-M REINFORCING STEEL (CULVERT)	KG	24,143.000	1.90000	45,871.70	
Section 0002 Total					264,221.70	
Bid Total					632,459.18	

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.

DBE COMMITMENT ITEMS

PAGE: 11

PROPOSAL: C202623  
 LETTING: L111220 CALL: 043  
 VENDOR: 3755 Miller Engineering Company Inc

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE SUBCONTRACTOR: 3755 STAY ALERT SAFETY SERVICES INC						
Will Use Quote: Yes						
0040	4072000000-M	SUPPORT, 4.5 M		9.000	31.50000	283.50
0041	4102000000-N	SIGN ERECTIO EA		2.000	65.00000	130.00
0042	4155000000-N	DISPOSE SIGN EA		2.000	5.00000	10.00
0043	4158000000-N	DISPOSE SIGN EA		10.000	5.00000	50.00
0044	4400000000-M	WORK ZONE SI M2		42.000	75.48000	3170.16
0045	4405000000-M	WORK ZONE SI M2		9.000	91.10000	819.90
0046	4410000000-M	WORK ZONE SI M2		7.000	83.00000	581.00
0049	4445000000-M	BARRICADES ( M		25.000	91.25000	2281.25

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:  am 7,325.81  
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 7,325.8

DBE SUBCONTRACTOR: 2759 SUPERIOR SEEDING, INC.  
 Will Use Quote: Yes

0056	6015000000-M	TEMPORARY MU HA		1.500	2224.00000	3336.00
0057	6018000000-M	SEED FOR TEM KG		50.000	11.00000	550.00
0058	6021000000-M	FERT FOR TEM MTN		1.250	2000.00000	2500.00
0063	6036000000-M	MATTING FOR M2		3000.000	2.10000	6300.00
0064	6037000000-M	COIR FIBER M M2		685.000	9.50000	6507.50
0065	6038000000-M	PERM SOIL RE M2		250.000	9.50000	2375.00
0072	6084000000-M	SEEDING AND HA		1.000	4930.00000	4930.00
0073	6087000000-M	MOWING HA		1.000	495.00000	495.00
0074	6090000000-M	SEED FOR REP KG		25.000	20.00000	500.00
0075	6093000000-M	FERT FOR REP MTN		0.250	4000.00000	1000.00
0076	6096000000-M	SEED FOR SUP KG		25.000	13.00000	325.00
0077	6108000000-M	FERTILIZER T MTN		1.250	1500.00000	1875.00
0079	6114500000-N	SPECIALIZED MHR		10.000	65.00000	650.00
0080	6117000000-N	RESPONSE FOR EA		25.000	300.00000	7500.00
0081	6141000000-M	GENERIC EROS M2		325.000	8.65000	2811.25

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:  am 41,654.75  
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor ) 41,654.

DBE SUBCONTRACTOR: 4898 BULLINGTON CONSTRUCTION INC  
 Will Use Quote: Yes

0030	3030000000-M	STL BM GUARD M		144.780	65.36000	9462.82
0031	3045000000-M	SBGR SHOP CU M		80.010	55.76000	4461.36
0032	3150000000-N	ADDIT GUARDR EA		5.000	13.00000	65.00
0033	3195000000-N	GR ANCHOR TY EA		3.000	600.00000	1800.00
0034	3270000000-N	GR ANCHOR TY EA		1.000	1950.00000	1950.00
0035	3345000000-M	REMOVE & RES M		3.810	32.80000	124.97
0036	3360000000-M	REMOVE EXIST M		28.500	3.28000	93.48



## Contract Item Sheets For C202623

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	28,000.00	28,000.00
0002	0000400000-N	801	CONSTRUCTION SURVEYING	Lump Sum LS	7,000.00	7,000.00
0003	0038000000-M	SP	SHALLOW UNDERCUT	38 M3	15.00	570.00
0004	0043000000-N	226	GRADING	Lump Sum LS	62,000.00	62,000.00
0005	0050000000-M	226	SUPPLEMENTARY CLEARING & GRUB-BING	0.4 HA	1.00	0.40
0006	0057000000-M	226	UNDERCUT EXCAVATION	100 M3	15.00	1,500.00
0007	0080000000-M	SP	CLASS IV SUBGRADE STABILIZATION	91 MTN	35.00	3,185.00
0008	0134000000-M	240	DRAINAGE DITCH EXCAVATION	680 M3	15.00	10,200.00
0009	0195000000-M	SP	SELECT GRANULAR MATERIAL	84 M3	40.00	3,360.00
0010	0196000000-M	270	FABRIC FOR SOIL STABILIZATION	134 M2	5.00	670.00
0011	0255000000-M	SP	GENERIC GRADING ITEM EXCAVATING AND STOCKPILING CONTAMINATED SOIL	10 MTN	100.00	1,000.00
0012	0318000000-M	SP	FOUNDATION CONDITIONING MATERIAL, MINOR STRS	20 MTN	35.00	700.00
0013	0320000000-M	SP	FOUNDATION CONDITIONING FABRIC	40 M2	5.00	200.00
0014	0342000000-M	SP	****MM SIDE DRAIN PIPE (750MM)	12 M	160.00	1,920.00
0015	0343000000-M	SP	375MM SIDE DRAIN PIPE	8.4 M	125.00	1,050.00
0016	0594000000-M	SP	600MM CS PIPE CULVERTS, 1.63MM THICK	13.2 M	120.00	1,584.00
0017	0995000000-M	340	PIPE REMOVAL	26.2 M	35.00	917.00
0018	1121000000-M	520	AGGREGATE BASE COURSE	550 MTN	27.00	14,850.00
0019	1220000000-M	545	INCIDENTAL STONE BASE	50 MTN	27.00	1,350.00

## Contract Item Sheets For C202623

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0020	1489000000-M	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	210 MTN	117.50	24,675.00
0021	1525000000-M	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	150 MTN	127.50	19,125.00
0022	1575000000-M	SP	ASPHALT BINDER FOR PLANT MIX	20 MTN	750.00	15,000.00
0023	1693000000-M	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	25 MTN	200.00	5,000.00
0024	2000000000-N	806	RIGHT OF WAY MARKERS	7 EA	200.00	1,400.00
0025	2022000000-M	SP	SUBDRAIN EXCAVATION	100 M3	15.00	1,500.00
0026	2033000000-M	SP	SUBDRAIN FINE AGGREGATE	41.4 M3	45.00	1,863.00
0027	2044000000-M	SP	150MM PERFORATED SUBDRAIN PIPE	100 M	30.00	3,000.00
0028	2070000000-N	SP	SUBDRAIN PIPE OUTLETS	1 EA	145.00	145.00
0029	2077000000-M	SP	150MM OUTLET PIPE (SUBDRAINS)	2 M	30.00	60.00
0030	3030000000-M	862	STEEL BM GUARDRAIL	144.78 M	65.36	9,462.82
0031	3045000000-M	862	STEEL BM GUARDRAIL, SHOP CURVED	80.01 M	55.76	4,461.36
0032	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA	13.00	65.00
0033	3195000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE AT-1	3 EA	600.00	1,800.00
0034	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	1 EA	1,950.00	1,950.00
0035	3345000000-M	864	REMOVE & RESET EXISTING GUARDRAIL	3.81 M	32.80	124.97
0036	3360000000-M	863	REMOVE EXISTING GUARDRAIL	28.5 M	3.28	93.48
0037	3628000000-M	876	RIP RAP, CLASS I	100 MTN	35.00	3,500.00
0038	3649000000-M	876	RIP RAP, CLASS B	10 MTN	35.00	350.00

## Contract Item Sheets For C202623

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0039	3656000000-M	876	FILTER FABRIC FOR DRAINAGE	1,300 M2	4.00	5,200.00
0040	4072000000-M	903	SUPPORTS, 4.5-KG STEEL U-CHANN EL	9 M	35.00	315.00
0041	4102000000-N	904	SIGN ERECTION, TYPE E	2 EA	100.00	200.00
0042	4155000000-N	907	DISPOSAL OF SIGN SYSTEM, U- CHANNEL	2 EA	10.00	20.00
0043	4158000000-N	907	DISPOSAL OF SIGN SYSTEM, WOOD	10 EA	10.00	100.00
0044	4400000000-M	1110	WORK ZONE SIGNS (STATIONARY)	42 M2	80.00	3,360.00
0045	4405000000-M	1110	WORK ZONE SIGNS (PORTABLE)	9 M2	100.00	900.00
0046	4410000000-M	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	7 M2	100.00	700.00
0047	4430000000-N	1130	DRUMS	15 EA	55.00	825.00
0048	4435000000-N	1135	CONES	15 EA	25.00	375.00
0049	4445000000-M	1145	BARRICADES (TYPE III)	25 M	100.00	2,500.00
0050	4450000000-N	1150	FLAGGER	160 HR	30.00	4,800.00
0051	4810000000-M	1205	PAINT PAVEMENT MARKING LINES (100MM)	1,026 M	1.95	2,000.70
0052	6000000000-M	1605	TEMPORARY SILT FENCE	600 M	8.25	4,950.00
0053	6006000000-M	1610	STONE FOR EROSION CONTROL, CLASS A	320 MTN	35.00	11,200.00
0054	6009000000-M	1610	STONE FOR EROSION CONTROL, CLASS B	175 MTN	35.00	6,125.00
0055	6012000000-M	1610	SEDIMENT CONTROL STONE	350 MTN	35.00	12,250.00
0056	6015000000-M	1615	TEMPORARY MULCHING	1.5 HA	2,224.00	3,336.00
0057	6018000000-M	1620	SEED FOR TEMPORARY SEEDING	50 KG	11.00	550.00

## Contract Item Sheets For C202623

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0058	6021000000-M	1620	FERTILIZER FOR TEMPORARY SEED- ING	1.25 MTN	2,000.00	2,500.00
0059	6024000000-M	1622	TEMPORARY SLOPE DRAINS	65 M	30.00	1,950.00
0060	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	4 EA	150.00	600.00
0061	6029000000-M	SP	SAFETY FENCE	250 M	6.00	1,500.00
0062	6030000000-M	1630	SILT EXCAVATION	330 M3	13.00	4,290.00
0063	6036000000-M	1631	MATTING FOR EROSION CONTROL	3,000 M2	2.10	6,300.00
0064	6037000000-M	SP	COIR FIBER MAT	685 M2	9.50	6,507.50
0065	6038000000-M	SP	PERMANENT SOIL REINFORCEMENT MAT	250 M2	9.50	2,375.00
0066	6042000000-M	1632	6.4MM HARDWARE CLOTH	150 M	13.00	1,950.00
0067	6070000000-N	SP	SPECIAL STILLING BASINS	10 EA	850.00	8,500.00
0068	6071010000-M	SP	WATTLE	85 M	40.00	3,400.00
0069	6071020000-M	SP	POLYACRYLAMIDE (PAM)	45 KG	22.00	990.00
0070	6071030000-M	SP	COIR FIBER BAFFLE	45 M	20.00	900.00
0071	6071050000-E	SP	*** SKIMMER (38MM)	2 EA	900.00	1,800.00
0072	6084000000-M	1660	SEEDING & MULCHING	1 HA	4,930.00	4,930.00
0073	6087000000-M	1660	MOWING	1 HA	495.00	495.00
0074	6090000000-M	1661	SEED FOR REPAIR SEEDING	25 KG	20.00	500.00
0075	6093000000-M	1661	FERTILIZER FOR REPAIR SEEDING	0.25 MTN	4,000.00	1,000.00
0076	6096000000-M	1662	SEED FOR SUPPLEMENTAL SEEDING	25 KG	13.00	325.00
0077	6108000000-M	1665	FERTILIZER TOPDRESSING	1.25 MTN	1,500.00	1,875.00

## Contract Item Sheets For C202623

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0078	6111000000-M	SP	IMPERVIOUS DIKE	90 M	125.00	11,250.00
0079	6114500000-N	SP	SPECIALIZED HAND MOWING	10 MHR	65.00	650.00
0080	6117000000-N	SP	RESPONSE FOR EROSION CONTROL	25 EA	300.00	7,500.00
0081	6141000000-M	SP	GENERIC EROSION CONTROL ITEM LIVE STAKING	325 M2	8.65	2,811.25

## Contract Item Sheets For C202623

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0082	8049000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (10+52.500-L-)	Lump Sum LS	15,000.00	15,000.00
0083	8049000000-N	SP	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (11+16.500-L-)	Lump Sum LS	15,000.00	15,000.00
0084	8126000000-N	414	CULVERT EXCAVATION, STA ***** (10+52.500-L-)	Lump Sum LS	10,000.00	10,000.00
0085	8126000000-N	414	CULVERT EXCAVATION, STA ***** (11+16.500-L-)	Lump Sum LS	18,000.00	18,000.00
0086	8133000000-M	414	FOUNDATION CONDITIONING MATER- IAL, BOX CULVERT	174 MTN	48.00	8,352.00
0087	8196000000-M	420	CLASS A CONCRETE (CULVERT)	230.3 M3	660.00	151,998.00
0088	8245000000-M	425	REINFORCING STEEL (CULVERT)	24,143 KG	1.90	45,871.70

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$632,459.18

1431/Jan06/Q36988.25/D349093110000/E88



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

**CORPORATION**

The Contractor being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this Contract, that the Contractor has not been convicted of violating *N.C.G.S. § 133-24* within the last three years, and that the Contractor intends to do the work with its own bonafide employees or subcontractors and did not bid for the benefit of another contractor.

By submitting this Execution of Contract, Non-Collusion Affidavit and Debarment Certification, the Contractor is certifying his status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

*N.C.G.S. § 133-32* and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

**SIGNATURE OF CONTRACTOR**

MILLER ENGINEERING COMPANY INC

Full name of Corporation

PO BOX 1048 MARION NC28752

Address as Prequalified

Attest Perchieleen E. Miller By Clifford H. Miller  
Secretary/Assistant Secretary President/Vice President/Assistant Vice President  
Select appropriate title Select appropriate title

PERCHIELEEN E. MILLER

Print or type Signer's name

CLIFFORD H. MILLER

Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the

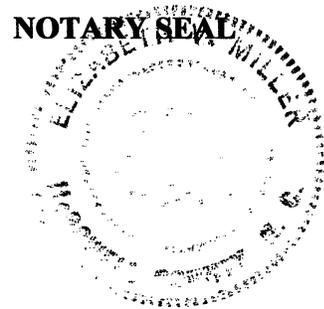
12 day of JAN 20 12

[Signature]  
Signature of Notary Public

of McDowell County

State of NC

My Commission Expires: 8/21/2015



**DEBARMENT CERTIFICATION**

## Conditions for certification:

1. The prequalified bidder shall provide immediate written notice to the Department if at any time the bidder learns that his certification was erroneous when he submitted his debarment certification or explanation filed with the Department, or has become erroneous because of changed circumstances.
2. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this provision, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. A copy of the Federal Rules requiring this certification and detailing the definitions and coverages may be obtained from the Contract Officer of the Department.
3. The prequalified bidder agrees by submitting this form, that he will not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in NCDOT contracts, unless authorized by the Department.
4. For Federal Aid projects, the prequalified bidder further agrees that by submitting this form he will include the Federal-Aid Provision titled *Required Contract Provisions Federal-Aid Construction Contract (Form FHWA PR 1273)* provided by the Department, without subsequent modification, in all lower tier covered transactions.
5. The prequalified bidder may rely upon a certification of a participant in a lower tier covered transaction that he is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless he knows that the certification is erroneous. The bidder may decide the method and frequency by which he will determine the eligibility of his subcontractors.
6. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this provision. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
7. Except as authorized in paragraph 6 herein, the Department may terminate any contract if the bidder knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available by the Federal Government.

### DEBARMENT CERTIFICATION

The prequalified bidder certifies to the best of his knowledge and belief, that he and his principals:

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

If the prequalified bidder cannot certify that he is not debarred, he shall provide an explanation with this submittal. An explanation will not necessarily result in denial of participation in a contract.

Failure to submit a non-collusion affidavit and debarment certification will result in the prequalified bidder's bid being considered non-responsive.

Check here if an explanation is attached to this certification.

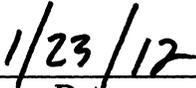
**Contract No**     **C202623**

**County (ies):**   **Madison**

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION

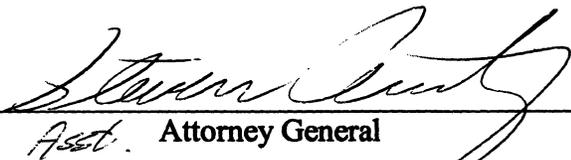


\_\_\_\_\_  
Contract Officer



\_\_\_\_\_  
Date

Execution of Contract and Bonds  
Approved as to Form:

  
\_\_\_\_\_  
Asst. Attorney General

Contract No. C202623  
County Madison

**CONTRACT PAYMENT BOND**

Date of Payment Bond Execution January 9, 2012  
Name of Principal Contractor Miller Engineering Company, 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: (\$632,459.18 ) Six Hundred Thirty Two Thousand Four Hundred Fifty Nine Dollars and 18/100  
Contract ID No.: C202623  
County Name: Madison

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. C202623  
County Madison

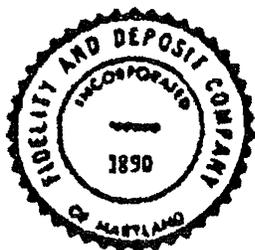
Rev 5-17-11

### CONTRACT PAYMENT BOND

*Affix Seal of Surety Company*

Fidelity and Deposit Company of Maryland  
Print or type Surety Company Name

By Tammy M. Laub  
Print, stamp or type name of Attorney-in-Fact



Tammy M. Laub  
Signature of Attorney-in-Fact

Ronda W. Bush  
Signature of Witness

Ronda W. Bush  
Print or type Signer's name

Knauff Insurance Agency, Inc.,  
1001 Morehead Square Drive, Suite 400

Charlotte, NC 28203  
Address of Attorney-in-Fact

Contract No. C202623  
County Madison

Rev 5-17-11

**CONTRACT PAYMENT BOND**

**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Miller Engineering Company, Inc.  
Full name of Corporation

3523 Sugar Hill Road, Marion, NC 28752  
Address as prequalified

By Clifford H. Miller  
Signature of ~~President~~ Vice President, Assistant Vice President  
Select appropriate title

Clifford H. Miller  
Print or type Signer's name

*Affix Corporate Seal*

Attest Elizabeth V. Miller  
Signature of ~~Secretary~~ Assistant Secretary  
Select appropriate title

Elizabeth V. Miller  
Print or type Signer's name

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **Geoffrey Delisio, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Tammy M. Laub, 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 Companies, 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 ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 22nd day of September, A.D. 2011.

ATTEST:

ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND



By: Gerald F. Haley  
Assistant Secretary – Gerald F. Haley

By: Geoffrey Delisio  
Vice President – Geoffrey Delisio

State of Maryland  
County of Baltimore

On this 22nd day of September, A.D. 2011, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Assistant Secretary, Vice President of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposed and saith, that they are the said officers of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn  
Constance A. Dunn - Notary Public  
My Commission Expires: July 14, 2015

**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and 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 Article V, Section 8, of the By-Laws of the Companies is still in force.

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 ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

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 COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and 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 seals of the said Companies,

This 9th day of January, 2012.



A handwritten signature in cursive script that reads "Frank E. Martin, Jr." The signature is written in black ink on a white background.

Frank E. Martin, Jr.

*Vice President*

Contract No. C202623  
County Madison

**CONTRACT PERFORMANCE BOND**

Date of Performance Bond Execution: January 9, 2012  
Name of Principal Contractor: Miller Engineering Company, 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: ( \$632,459.18 ) Six Hundred Thirty Two Thousand Four  
Hundred Fifty Nine Dollars and 18/100  
Contract ID No.: C202623  
County Name: Madison

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. C202623  
County Madison

Rev 5-17-11

**CONTRACT PERFORMANCE BOND**  
**CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Miller Engineering Company, Inc.  
Full name of Corporation

3523 Sugar Hill Road, Marion, NC 28752  
Address as prequalified

By Clifford H. Miller  
Signature of President, Vice President, Assistant Vice President  
*Select appropriate title*

Clifford H. Miller  
Print or type Signer's name

*Affix Corporate Seal*

Attest Elizabeth V. Miller  
Signature of Secretary, Assistant Secretary  
*Select appropriate title*

Elizabeth V. Miller  
Print or type Signer's name

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **Geoffrey Delisio, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Tammy M. Laub, 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 Companies, 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 ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 22nd day of September, A.D. 2011.

ATTEST:

ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND



By: Gerald F. Haley  
Assistant Secretary – Gerald F. Haley

By: Geoffrey Delisio  
Vice President – Geoffrey Delisio

State of Maryland  
County of Baltimore

On this 22nd day of September, A.D. 2011, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Assistant Secretary, Vice President of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposed and saith, that they are the said officers of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn  
Constance A. Dunn - Notary Public  
My Commission Expires: July 14, 2015

**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and 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 Article V, Section 8, of the By-Laws of the Companies is still in force.

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 ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

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 COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and 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 seals of the said Companies,

This 9th day of January, 2012.



*Frank E. Martin, Jr.*

Frank E. Martin, Jr.

Vice President