

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

C202875

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C202875

WBS 47030.3.1, 5CR.20921.36 IM-0540(23), STATE FUNDED

T.I.P NO. I-5307, I-5310

COUNTY OF DURHAM, WAKE

THIS IS THE ROADWAY & STRUCTURE CONTRACT

ROUTE NUMBER I 540 LENGTH 17.133 MILES

LOCATION I-540 FROM I-40 OVERPASS TO TRIANGLE TOWN BLVD, AND TRIANGLE  
TOWN BLVD FROM I-540 TO NEW ASPHALT PAVEMENT JOINT.

CONTRACTOR FSC II LLC DBA FRED SMITH COMPANY

ADDRESS 6105 CHAPEL HILL RD  
RALEIGH, NC 27607

BIDS OPENED JANUARY 17, 2012

CONTRACT EXECUTION FEB 13 2012

# Vendor 1 of 2: FSC II LLC DBA FRED SMITH COMPANY (5072) Call Order 025 (Proposal: C202875)

## Bid Information

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**County:** DURHAM

**Address:** 6105 Chapel Hill Road  
Raleigh , NC , 27607

**Signature Check:** Thomas\_T\_Johnson\_Jr\_5072

**Time Bid Received:** January 17, 2012 01:14 PM

**Amendment Count:** 0

**Bid Checksum:** F5A77CDC

**Bid Total:** \$8,384,157.45

**Items Total:** \$8,384,157.45 ✓

**Time Total:** \$0.00

### Bidding Errors:

None.

DBE GOAL SET 10.0

DBE GOAL MET 10.0

**Vendor 1 of 2: FSC II LLC DBA FRED SMITH COMPANY (5072)  
Call Order 025 (Proposal: C202875)**

**Bid Bond Information**

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<b>Projects:</b>	<b>Bond Maximum:</b>
<b>Counties:</b>	<b>State of Incorporation:</b>
<b>Bond ID:</b> SNC12507438	<b>Agency Execution Date:</b> 1/4/2012
<b>Paid by Check:</b> No	<b>Surety Name:</b> surety2000
<b>Bond Percent:</b>	<b>Bond Agency Name:</b> Western Surety Company

Vendor 5072's Bid Information for Call 025, Letting L120117, 01/17/12

FSC II LLC, dba, Fred Smith Company (5072)  
Call Order 025 (Proposal ID C202875)

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 267,379.33	✓ arm
2446	WB HAROLD A. PURYEAR TRUCKING CO. 5844 LEASE LANE , RALEIGH, NC 27617		Sub 53,770.00	✓ arm
9210	MB AUSTIN TRUCKING, LLC P.O. BOX 606 , CLAYTON, NC 27528		Sub 517,631.64	✓ arm
			TOTAL: \$838,780.97	✓ arm
			10.00%	

Vendor 5072's Bid Information for Call 025, Letting L120117, 01/17/12

FSC II LLC, dba, Fred Smith Company (5072)  
Call Order 025 (Proposal ID C202875)

Miscellaneous Data Info - Contractor Responses:

NON-COLLUSION AND DEBARMENT CERTIFICATION

Explanation of the prospective bidder that is unable to certify to any of the statements in this certification:

Explanation:  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. No

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of NOT ANSWERED for those projects indicated herein, for which bids will be opened on (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

Bid Bond Data Info - Contractor Responses:

BondID: SNC12507438  
Surety Registry Agency: surety2000  
Verified?: Yes  
Surety Agency: Western Surety Company  
Bond Execution Date: 1/4/2012  
Bond Amount: \$419,207.87 (Five Percent of Bid)

State of NC  
Dept of Transportation

Date: 12-19-11  
Revised:

Contract ID: C202875 Project(s): IM-0540(23)  
Letting Date: 01-17-12 Call Order: 025  
Bidder: 5072 - FSC II LLC, dba, Fred Smith Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
Section 0001 ROADWAY ITEMS						
Alt Group						
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP			203,000.00
0002	0106000000-E BORROW EXCAVATION	4,020.000 CY	11.50000			46,230.00
0003	0264000000-E GENERIC GRADING ITEM SHOULDER GRADING	69.960 SMI	1,025.00000			71,709.00
0004	1121000000-E AGGREGATE BASE COURSE	8,825.000 TON	20.50000			180,912.50
0005	1220000000-E INCIDENTAL STONE BASE	3,303.000 TON	23.70000			78,281.10
0006	1245000000-E SHOULDER RECONSTRUCTION	3.800 SMI	2,920.00000			11,096.00
0007	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (2")	695,818.000 SY	0.35000			243,536.30
0008	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (3")	33,727.000 SY	0.80000			26,981.60
0009	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (4-1/2")	1,467.000 SY	2.40000			3,520.80
0010	1297000000-E MILLING ASPHALT PAVEMENT, ***"DEPTH (6")	714.000 SY	10.00000			7,140.00
0011	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	466.000 TON	58.85000			27,424.10

Dept of Transportation

Revised:

Contract ID: C202875

Project(s): IM-0540(23)

Letting Date: 01-17-12 Call Order: 025

Bidder: 5072 - FSC II LLC, dba, Fred Smith Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0012	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	886.000 TON	32.45000		28,750.70	
0013	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	84,839.000 TON	25.60000		2,171,878.40	
0014	1575000000-E ASPHALT BINDER FOR PLANT MIX	5,081.000 TON	635.00000		3,226,435.00	
0015	1702000000-E SEALING EXISTING PAVEMENT CRACKS & JOINTS	11,771.000 LB	2.94000		34,606.74	
0016	1704000000-E PATCHING EXISTING PAVEMENT	150.000 TON	175.00000		26,250.00	
0017	1891000000-E GENERIC PAVING ITEM FOG SEAL	435,017.000 SY	0.50000		217,508.50	
0018	4399000000-N TEMPORARY TRAFFIC CONTROL	LUMP	LUMP		123,000.00	
0019	4510000000-N LAW ENFORCEMENT	2,000.000 HR	38.00000		76,000.00	
0020	4685000000-E THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	6,336.000 LF	0.55000		3,484.80	
0021	4686000000-E THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	2,212.000 LF	0.62000		1,371.44	
0022	4688000000-E THERMOPLASTIC PAVEMENT MARKING LINES (6", 90 MILS)	321,150.000 LF	0.76000		244,074.00	
0023	4690000000-E THERMOPLASTIC PAVEMENT MARKING LINES (6", 120 MILS)	79,411.000 LF	0.85000		67,499.35	

Dept of Transportation

Revised:

Contract ID: C202875

Project(s): IM-0540(23)

Letting Date: 01-17-12 Call Order: 025

Bidder: 5072 - FSC II LLC, dba, Fred Smith Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0024	4695000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 90 MILS)	285.000 LF	3.00000		855.00	
0025	4697000000-E THERMOPLAST IC PAVEMENT MARKING LINES (8", 120 MILS)	102.000 LF	4.00000		408.00	
0026	4700000000-E THERMOPLAST IC PAVEMENT MARKING LINES (12", 90 MILS)	22,187.000 LF	2.00000		44,374.00	
0027	4710000000-E THERMOPLAST IC PAVEMENT MARKING LINES (24", 120 MILS)	461.000 LF	15.00000		6,915.00	
0028	4725000000-E THERMOPLAST IC PAVEMENT MARKING SYMBOL (90 MILS)	146.000 EA	120.00000		17,520.00	
0029	4795000000-E COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (24") (II)	66.000 LF	15.00000		990.00	
0030	4800000000-N COLD APPLIED PLASTIC PAVEMENT MARKING CHARACTER, TYPE ** (III)	5.000 EA	200.00000		1,000.00	
0031	4805000000-N COLD APPLIED PLASTIC PAVEMENT MARKING SYMBOL, TYPE ** (II)	4.000 EA	200.00000		800.00	
0032	4810000000-E PAINT PAVEMENT MARKING LINES (4")	17,108.000 LF	0.27000		4,619.16	
0033	4820000000-E PAINT PAVEMENT MARKING LINES (8")	102.000 LF	1.75000		178.50	
0034	4825000000-E PAINT PAVEMENT MARKING LINES (12")	841.000 LF	2.00000		1,682.00	



Dept of Transportation

Revised:

Contract ID: C202875

Project(s): IM-0540(23)

Letting Date: 01-17-12 Call Order: 025

Bidder: 5072 - FSC II LLC, dba, Fred Smith Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0035	4835000000-E PAINT PAVEMENT MARKING LINES (24")	120.000 LF	2.50000		300.00	
0036	4845000000-N PAINT PAVEMENT MARKING SYMBOL	26.000 EA	30.00000		780.00	
0037	4847100000-E POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	5,226.000 LF	2.00000		10,452.00	
0038	4847110000-E POLYUREA PAVEMENT MARKING LINES (8", *****) (HIGHLY REFLECTIVE ELEMENTS)	1,567.000 LF	2.55000		3,995.85	
0039	4855000000-E REMOVAL OF PAVEMENT MARKING LINES (6")	5,226.000 LF	0.75000		3,919.50	
0040	4860000000-E REMOVAL OF PAVEMENT MARKING LINES (8")	222.000 LF	1.00000		222.00	
0041	4870000000-E REMOVAL OF PAVEMENT MARKING LINES (24")	66.000 LF	3.00000		198.00	
0042	4875000000-N REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	8.000 EA	50.00000		400.00	
0043	4895000000-N GENERIC PAVEMENT MARKING ITEM REPLACE EXISTING BARRIER DELINEATOR	185.000 EA	10.00000		1,850.00	
0044	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	117.000 EA	10.00000		1,170.00	

Dept of Transportation

Revised:

Contract ID: C202875

Project(s): IM-0540(23)

Letting Date: 01-17-12 Call Order: 025

Bidder: 5072 - FSC II LLC, dba, Fred Smith Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0045	4905000000-N SNOWPLOWABLE PAVEMENT MARKERS	EA 4,994.000	22.00000		109,868.00	
0046	4935000000-N FLEXIBLE DELINEATORS (CRYSTAL)	EA 90.000	35.00000		3,150.00	
0047	4940000000-N FLEXIBLE DELINEATORS (YELLOW)	EA 90.000	35.00000		3,150.00	
0048	5255000000-N PORTABLE LIGHTING	LUMP	LUMP		90,350.00	
0049	6000000000-E TEMPORARY SILT FENCE	LF 3,029.000	1.95000		5,906.55	
0050	6036000000-E MATTING FOR EROSION CONTROL	SY 2,840.000	1.75000		4,970.00	
0051	6071010000-E WATTLE	LF 3,600.000	6.90000		24,840.00	
0052	6071020000-E POLYACRYLAMIDE (PAM)	LB 264.000	9.00000		2,376.00	
0053	6084000000-E SEEDING & MULCHING	ACR 51.170	1,150.00000		58,845.50	
0054	7300000000-E UNPAVED TRENCHING (*****) (1, 1")	LF 150.000	5.00000		750.00	
0055	7444000000-E INDUCTIVE LOOP SAWCUT	LF 2,556.000	4.65000		11,885.40	

Contract ID: C202875

Project(s): IM-0540(23)

Letting Date: 01-17-12 Call Order: 025

Bidder: 5072 - FSC II LLC, dba, Fred Smith Company

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0056	8867000000-E GENERIC STRUCTURE ITEM EXPANSION JOINT EPDM OR NEOPRENE GLAND ELASTOMERIC RE-PLACEMENT	286.000 LF	72.00000		20,592.00	
0057	8867000000-E GENERIC STRUCTURE ITEM FILLED EXPANSION JOINT REPLACEMENT	500.000 LF	21.50000		10,750.00	
0058	8867000000-E GENERIC STRUCTURE ITEM FOAM JOINT SEALS	1,624.000 LF	58.00000		94,192.00	
0059	8867000000-E GENERIC STRUCTURE ITEM MODULAR EXPANSION JOINT ELASTOMERIC SEAL	570.000 LF	53.00000		30,210.00	
0060	8867000000-E GENERIC STRUCTURE ITEM PREFORMED COMPRESSION JOINT SEAL	155.000 LF	49.00000		7,595.00	
0061	8892000000-E GENERIC STRUCTURE ITEM PLACEMENT OF CRACK/DECK SEALER	587,420.400 SF	1.16000		681,407.66	
	Section 0001 Total				8,384,157.45	
	Bid Total				8,384,157.45	

NON-COLLUSION AND DEBARMENT CERTIFICATION

The bidder certifies that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this bid, and that the bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. In addition, submitting this electronic bid constitutes the bidder's certification of Status under penalty of perjury under the laws of the United States and in accordance with the Debarment Certification on file with the Department.

By submitting this bid, the bidder certifies to the best of his knowledge and belief that he and his principals:

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

Where the prospective bidder is unable to certify to any of the statements in this certification, the bidder shall submit an explanation in the blanks provided herein. The explanation will not necessarily result in denial of participation in a contract.

Explanation:  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED  
NOT ANSWERED

If the prequalified bidder's status changes, he shall immediately submit a new fully executed non-collusion affidavit and debarment certification with an explanation of the change to the Contract Office prior to submitting the bid.

Failure to furnish a certification or an explanation will be grounds for rejection of a bid

AWARD LIMITS ON MULTIPLE PROJECTS

By answering YES to this statement, the bidder acknowledges that they are using the award limits on multiple projects. No

A bidder who desires to bid on more than one project on which bids are to be opened on the same date, and who also desires to avoid receiving an award of more projects than he is equipped to handle, may bid on any number of projects but may limit the total amount of work awarded to him on selected projects by completing the AWARD LIMITS ON MULTIPLE PROJECTS.

The Award Limits on Multiple Projects must be filled in on each project bid for which the Bidder desires protection.

It is the desire of the Bidder to be awarded contracts, the value of which will not exceed a total of NOT ANSWERED for those projects indicated herein, for which bids will be opened on (MM/DD/YY)

The Award Limits shall apply to the following projects:

Contract Number	County
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	
NOT ANSWERED	

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

DBE COMMITMENT ITEMS

PROPOSAL: C202875  
 LETTING: L120117 CALL: 025  
 VENDOR: 5072 FSC II LLC, dba, Fred Smith Company

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 LINE ITEM                    ITEM                    UNIT SUBCONTRACTOR    SUBCONTRACTOR    EXTENDED  
 NO.    NO.                    DESC.                    TYPE QUANTITY            UNIT PRICE            AMOUNT  
 -----

DBE SUBCONTRACTOR: 3765 STAY ALERT SAFETY SERVICES INC  
 Will Use Quote: Yes

0005	1220000000-E	INCIDENTAL S TON	3303.000	3.50000	11560.50
		LANE CLOSURES FOR ITEM PAID @ \$1,050/CLOSURE NIGHT SINGLE; \$1,100/CLOSURE			
0006	1245000000-E	SHOULDER REC SMI	3.800	828.00000	3146.40
		LANE CLOSURES FOR ITEM PAID @ \$1,050/CLOSURE NIGHT SINGLE; \$1,100/CLOSURE			
0011	1503000000-E	ASP CONC INT TON	466.000	7.08000	3299.28
		LANE CLOSURES FOR ITEM PAID @ \$1,050/CLOSURE NIGHT SINGLE; \$1,100/CLOSURE			
0012	1519000000-E	ASP CONC SUR TON	886.000	2.48000	2197.28
		LANE CLOSURES FOR ITEM PAID @ \$1,050/CLOSURE NIGHT SINGLE; \$1,100/CLOSURE			
0013	1523000000-E	ASP CONC SUR TON	84839.000	1.09000	92474.51
		LANE CLOSURES FOR ITEM PAID @ \$1,050/CLOSURE NIGHT SINGLE; \$1,100/CLOSURE			
0017	1891000000-E	GENERIC PAVI SY	435017.000	0.08000	34801.36
		LANE CLOSURES FOR ITEM PAID @ \$1,050/CLOSURE NIGHT SINGLE; \$1,100/CLOSURE			
0018	4399000000-N	TEMP TRAFFIC LS	1.000	119900.00000	119900.00
		LANE CLOSURES FOR ITEM PAID @ \$1,050/CLOSURE NIGHT SINGLE; \$1,100/CLOSURE			

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:                    ✓ <sup>am</sup> 267,379.33  
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )                    267,379

DBE SUBCONTRACTOR: 2446 HAROLD A. PURYEAR TRUCKING CO.  
 Will Use Quote: Yes

0014	1575000000-E	ASP FOR PLAN TON	3800.000	14.15000	53770.00
		HAUL OF LIQUID PLANT MIX			

DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:                    ✓ <sup>am</sup> 53,770.00  
 DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )                    53,770.

DBE SUBCONTRACTOR: 9210 AUSTIN TRUCKING, LLC  
 Will Use Quote: Yes

0002	0106000000-E	BORROW EXCAV CY	2814.000	9.05000	25466.70
		HAUL OF MATERIAL TO BE PAID @ \$65.00/HR			
0004	1121000000-E	AGGREGATE BA TON	6175.000	5.30000	32727.50
		HAUL OF MATERIAL TO BE PAID @ \$65.00/HR			
0005	1220000000-E	INCIDENTAL S TON	2310.000	5.20000	12012.00
		HAUL OF MATERIAL TO BE PAID @ \$65.00/HR			
0011	1503000000-E	ASP CONC INT TON	326.000	5.44000	1773.44
		HAUL OF MATERIAL TO BE PAID @ \$65.00/HR			
0012	1519000000-E	ASP CONC SUR TON	620.000	6.16000	3819.20
		HAUL OF MATERIAL TO BE PAID @ \$65.00/HR			
0013	1523000000-E	ASP CONC SUR TON	64880.000	6.81000	441832.80
		HAUL OF MATERIAL TO BE PAID @ \$65.00/HR			

DBE COMMITMENT ITEMS

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:						517,631.64
DBE COMMITMENT TOTAL FOR VENDOR (SubContractor )						517,631
TOTAL DBE COMMITMENT FOR VENDOR:				Entered:	10.00% or	838780.97
				Required:	10.00% or	838415.75
						<GOAL MET>

## Contract Item Sheets For C202875

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	203,000.00	203,000.00
0002	0106000000-E	230	BORROW EXCAVATION	4,020 CY	11.50	46,230.00
0003	0264000000-E	SP	GENERIC GRADING ITEM SHOULDER GRADING	69.96 SMI	1,025.00	71,709.00
0004	1121000000-E	520	AGGREGATE BASE COURSE	8,825 TON	20.50	180,912.50
0005	1220000000-E	545	INCIDENTAL STONE BASE	3,303 TON	23.70	78,281.10
0006	1245000000-E	SP	SHOULDER RECONSTRUCTION	3.8 SMI	2,920.00	11,096.00
0007	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (2")	695,818 SY	0.35	243,536.30
0008	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (3")	33,727 SY	0.80	26,981.60
0009	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (4-1/2")	1,467 SY	2.40	3,520.80
0010	1297000000-E	607	MILLING ASPHALT PAVEMENT, **** DEPTH (6")	714 SY	10.00	7,140.00
0011	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	466 TON	58.85	27,424.10
0012	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	886 TON	32.45	28,750.70
0013	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	84,839 TON	25.60	2,171,878.40
0014	1575000000-E	620	ASPHALT BINDER FOR PLANT MIX	5,081 TON	635.00	3,226,435.00
0015	1702000000-E	657	SEALING EXISTING PAVEMENT CRACKS & JOINTS	11,771 LB	2.94	34,606.74
0016	1704000000-E	SP	PATCHING EXISTING PAVEMENT	150 TON	175.00	26,250.00



## Contract Item Sheets For C202875

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0017	1891000000-E	SP	GENERIC PAVING ITEM FOG SEAL	435,017 SY	0.50	217,508.50
0018	4399000000-N	1105	TEMPORARY TRAFFIC CONTROL	Lump Sum LS	123,000.00	123,000.00
0019	4510000000-N	SP	LAW ENFORCEMENT	2,000 HR	38.00	76,000.00
0020	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	6,336 LF	0.55	3,484.80
0021	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	2,212 LF	0.62	1,371.44
0022	4688000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 90 MILS)	321,150 LF	0.76	244,074.00
0023	4690000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (6", 120 MILS)	79,411 LF	0.85	67,499.35
0024	4695000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 90 MILS)	285 LF	3.00	855.00
0025	4697000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (8", 120 MILS)	102 LF	4.00	408.00
0026	4700000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (12", 90 MILS)	22,187 LF	2.00	44,374.00
0027	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	461 LF	15.00	6,915.00
0028	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	146 EA	120.00	17,520.00
0029	4795000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (24") (II)	66 LF	15.00	990.00
0030	4800000000-N	1205	COLD APPLIED PLASTIC PAVEMENT MARKING CHARACTER, TYPE ** (III)	5 EA	200.00	1,000.00
0031	4805000000-N	1205	COLD APPLIED PLASTIC PAVEMENT MARKING SYMBOL, TYPE ** (II)	4 EA	200.00	800.00
0032	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	17,108 LF	0.27	4,619.16

## Contract Item Sheets For C202875

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0033	4820000000-E	1205	PAINT PAVEMENT MARKING LINES (8")	102 LF	1.75	178.50
0034	4825000000-E	1205	PAINT PAVEMENT MARKING LINES (12")	841 LF	2.00	1,682.00
0035	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	120 LF	2.50	300.00
0036	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	26 EA	30.00	780.00
0037	4847100000-E	1205	POLYUREA PAVEMENT MARKING LINES (6", *****) (HIGHLY REFLECTIVE ELEMENTS)	5,226 LF	2.00	10,452.00
0038	4847110000-E	1205	POLYUREA PAVEMENT MARKING LINES (8", *****) (HIGHLY REFLECTIVE ELEMENTS)	1,567 LF	2.55	3,995.85
0039	4855000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (6")	5,226 LF	0.75	3,919.50
0040	4860000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (8")	222 LF	1.00	222.00
0041	4870000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (24")	66 LF	3.00	198.00
0042	4875000000-N	1205	REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	8 EA	50.00	400.00
0043	4895000000-N	SP	GENERIC PAVEMENT MARKING ITEM REPLACE EXISTING BARRIER DELINEATOR	185 EA	10.00	1,850.00
0044	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	117 EA	10.00	1,170.00
0045	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	4,994 EA	22.00	109,868.00
0046	4935000000-N	1267	FLEXIBLE DELINEATORS (CRYSTAL)	90 EA	35.00	3,150.00
0047	4940000000-N	1267	FLEXIBLE DELINEATORS (YELLOW)	90 EA	35.00	3,150.00
0048	5255000000-N	1413	PORTABLE LIGHTING	Lump Sum LS	90,350.00	90,350.00

## Contract Item Sheets For C202875

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0049	6000000000-E	1605	TEMPORARY SILT FENCE	3,029 LF	1.95	5,906.55
0050	6036000000-E	1631	MATTING FOR EROSION CONTROL	2,840 SY	1.75	4,970.00
0051	6071010000-E	SP	WATTLE	3,600 LF	6.90	24,840.00
0052	6071020000-E	SP	POLYACRYLAMIDE (PAM)	264 LB	9.00	2,376.00
0053	6084000000-E	1660	SEEDING & MULCHING	51.17 ACR	1,150.00	58,845.50
0054	7300000000-E	1715	UNPAVED TRENCHING (*****) (1, 1")	150 LF	5.00	750.00
0055	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	2,556 LF	4.65	11,885.40
0056	8867000000-E	SP	GENERIC STRUCTURE ITEM EXPANSION JOINT EPDM OR NEOPRENE GLAND ELASTOMERIC RE- PLACEMENT	286 LF	72.00	20,592.00
0057	8867000000-E	SP	GENERIC STRUCTURE ITEM FILLED EXPANSION JOINT REPLACEMENT	500 LF	21.50	10,750.00
0058	8867000000-E	SP	GENERIC STRUCTURE ITEM FOAM JOINT SEALS	1,624 LF	58.00	94,192.00
0059	8867000000-E	SP	GENERIC STRUCTURE ITEM MODULAR EXPANSION JOINT ELASTOMERIC SEAL	570 LF	53.00	30,210.00
0060	8867000000-E	SP	GENERIC STRUCTURE ITEM PERFORMED COMPRESSION JOINT SEAL	155 LF	49.00	7,595.00
0061	8892000000-E	SP	GENERIC STRUCTURE ITEM PLACEMENT OF CRACK/DECK SEALER	587,420.4 SF	1.16	681,407.66

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$8,384,157.45

Contract No. C202875  
County Wake/Durham

Rev. 5-19-11

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

**LIMITED LIABILITY COMPANY**

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**

**FSC II, LLC dba Fred Smith Company**

Full Name of Firm

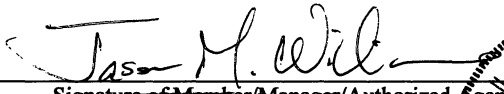
**6105 Chapel Hill Road, Raleigh, NC 27607**

Address as Prequalified

  
Signature of Witness

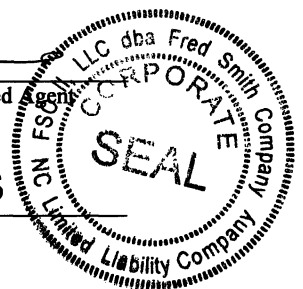
**Adam Kingsley**

Print or type Signer's name

  
Signature of Member/Manager/Authorized Agent  
Select appropriate title

**Jason M. Williams**

Print or type Signer's Name



**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the

3 day of February 2012

  
Signature of Notary Public

**NOTARY SEAL**



of Wake County

State of North Carolina

My Commission Expires: 8/30/2016

**Contract No**      **C202875**

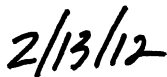
**County (ies):**    **Wake-Durham**

**ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION**



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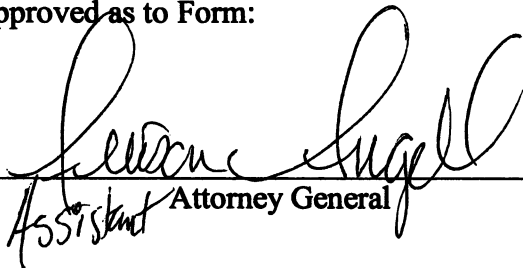
Contract Officer



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Date

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



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Assistant Attorney General

Contract No. C202875  
County Wake, Durham

Rev 5-17-11

**CONTRACT PAYMENT BOND**

Date of Payment Bond Execution February 3, 2012  
Name of Principal Contractor FSC II, LLC dba Fred Smith Company  
Name of Surety: Western Surety Company and Liberty Mutual Insurance Company  
Name of Contracting Body: North Carolina Department of Transportation  
Raleigh, North Carolina  
Amount of Bond: \$8,384,157.45  
Contract ID No.: C202875  
County Name: Wake, Durham

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. C202875  
County Wake, Durham

Rev 5-17-11

**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

Western Surety Company and Liberty Mutual Insurance Company

Print or type Surety Company Name

By Renee Ellis

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



Signature of Attorney-in-Fact

  
Signature of Witness

Billie Jo Sanders

Print or type Signer's name

2601 Bell Road, Montgomery, Alabama 36117

Address of Attorney-in-Fact

Contract No.  
County

**C202875**

Wake, Durham

Rev 5-17-11

**CONTRACT PAYMENT BOND**

**LIMITED LIABILITY COMPANY**

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor

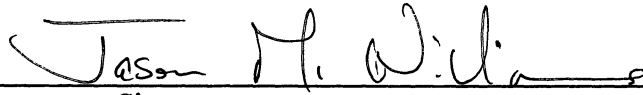
**FSC II, LLC dba Fred Smith Company**

Full name of Firm

**6105 Chapel Hill Road, Raleigh, NC 27607**

Address as prequalified

By:



Signature of ~~Member~~, ~~Manager~~, Authorized Agent  
Select appropriate title

Jason M. Williams

Print or type Signer's name



# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Thomas J. Gentile, Billie Jo Sanders, Renee Ellis, Paul B Scott Jr., David J Durden, Individually**

of Montgomery, AL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 5th day of May, 2011.



WESTERN SURETY COMPANY

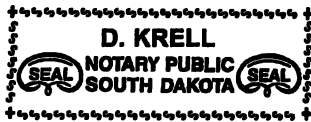
Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 5th day of May, 2011, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 3rd day of February, 2012.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

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

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

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint THOMAS J. GENTILE, RENEE ELLIS, BILLIE JO SANDERS, DAVID J. DURDEN, PAUL B. SCOTT JR., ALL OF THE CITY OF MONTGOMERY, STATE OF ALABAMA.....

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

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

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

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

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

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

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

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 5th day of November, 2010.

LIBERTY MUTUAL INSURANCE COMPANY

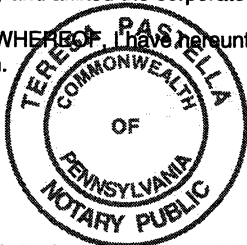
By Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 5th day of November, 2010, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

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



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

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

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

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 3rd day of February, 2012.



By David M. Carey, Assistant Secretary

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

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

Contract No. C202875  
County Wake, Durham

Rev 5-17-11

### CONTRACT PERFORMANCE BOND

Date of Performance Bond Execution: February 3, 2012

Name of Principal Contractor: FSC II, LLC dba Fred Smith Company

Name of Surety: Western Surety Company and Liberty Mutual Insurance Company

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

Amount of Bond: \$8,384,157.45

Contract ID No.: C202875

County Name: Wake, Durham

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

C202875

Wake, Durham

Rev 5-17-11

**CONTRACT PERFORMANCE BOND**

*Affix Seal of Surety Company*

Western Surety Company and Liberty Mutual Insurance Company

Print or type Surety Company Name

By **Renee Ellis**

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



Signature of Attorney-in-Fact



Signature of Witness

**Billie Jo Sanders**

Print or type Signer's name

2601 Bell Road, Montgomery, Alabama 36117

Address of Attorney-in-Fact

Contract No.  
County

C202875

Wata, Durham

Rev 5-17-11

**CONTRACT PERFORMANCE BOND**

**LIMITED LIABILITY COMPANY**

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor

**FSC II, LLC dba Fred Smith Company**

Full name of Firm

**6105 Chapel Hill Road, Raleigh, NC 27607**

Address as prequalified

By:



Signature of ~~Member~~, **Manager**, Authorized Agent

Select appropriate title

Jason M. Williams

Print or type Signer's name

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Thomas J. Gentile, Billie Jo Sanders, Renee Ellis, Paul B Scott Jr., David J Durden, Individually**

of Montgomery, AL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 5th day of May, 2011.



WESTERN SURETY COMPANY

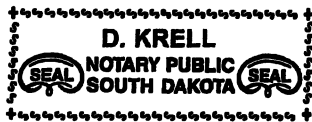
Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 5th day of May, 2011, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 3rd day of February, 2012.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.



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

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

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint THOMAS J. GENTILE, RENEE ELLIS, BILLIE JO SANDERS, DAVID J. DURDEN, PAUL B. SCOTT JR., ALL OF THE CITY OF MONTGOMERY, STATE OF ALABAMA.....

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

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

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

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

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

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

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

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 5th day of November 2010.

LIBERTY MUTUAL INSURANCE COMPANY

By Garnet W. Elliott, Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 5th day of November, 2010, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

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



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

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

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

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 3rd day of February, 2012.



By David M. Carey, Assistant Secretary

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

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