

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

C203106

CONTRACT AND  
CONTRACT BONDS

FOR CONTRACT NO. C203106

WBS 17BP.5.H.1 STATE FUNDED

COUNTY OF WAKE  
THIS IS THE STRUCTURE CONTRACT  
ROUTE NUMBER US 64 LENGTH 0.000 MILES  
LOCATION BRIDGE #7 ON BUFFALO RD, #169 & 170 ON US-64 BUS, #200 ON  
FAIRVIEW RD, AND #213 ON WADE AVE.

CONTRACTOR AMERICAN CONTRACTING & SERVICES INC  
ADDRESS 6200 EAST HIGHWAY 62, BUILDING 2501, SUI  
TE 20  
JEFFERSONVILLE, IN 47130

BIDS OPENED JUNE 19, 2012  
CONTRACT EXECUTION JUL 18 2012

**Vendor 4 of 6: AMERICAN CONTRACTING & SERVICES INC  
(7877)  
Call Order 017 (Proposal: C203106)**

**Bid Information**

---

**County:** WAKE  
**Address:** 6200 East Highway 62 Bldg. 2501 Suite 200  
Jeffersonville , IN , 47130  
**Signature Check:** Roy\_Zimmerman\_7877  
**Time Bid Received:** June 19, 2012 01:48 PM  
**Amendment Count:** 0

**Bid Checksum:** 1929EC0B  
**Bid Total:** \$2,131,852.73 ✓  
**Items Total:** \$2,131,852.73  
**Time Total:** \$0.00

**Bidding Errors:**  
None.

MBE GOAL SET	0.0
MBE GOAL MET	0.0
WBE GOAL SET	0.0
WBE GOAL MET	0.0

**Vendor 4 of 6: AMERICAN CONTRACTING & SERVICES INC  
(7877)  
Call Order 017 (Proposal: C203106)**

**Bid Bond Information**

---

<b>Projects:</b>	<b>Bond Maximum:</b>
<b>Counties:</b>	<b>State of Incorporation:</b>
<b>Bond ID:</b> PA25-QB5Y-T5UL-7MUE	<b>Agency Execution Date:</b> 6/19/2012
<b>Paid by Check:</b> No	<b>Surety Name:</b> SurePathNetwork
<b>Bond Percent:</b> 5%	<b>Bond Agency Name:</b> Fidelity and Deposit Company of Maryland

Vendor 7877's Bid Information for Call 017, Letting L120619, 06/19/12

American Contracting & Services, Inc (7877)  
Call Order 017 (Proposal ID C203106)

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: PA25-QB5Y-T5UL-7MUE  
Surety Registry Agency: SurePathNetwork  
Verified?: Yes  
Surety Agency: Fidelity and Deposit Company of Maryland  
Bond Execution Date: 6/19/2012  
Bond Amount: \$106,592.64 (Five Percent of Bid)

Contract ID: C203106 Project(s): STATE FUNDED  
 Letting Date: 06-19-12 Call Order: 017  
 Bidder: 7877 - American Contracting & Services, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price Dollars   Cts	Bid Amount Dollars   Cts
Section 0001 ROADWAY ITEMS				
Alt Group				
0001	0000100000-N MOBILIZATIO N	LUMP	LUMP	106,592.63
0002	1330000000-E INCIDENTAL MILLING	1,992.000 SY	8.50000	16,932.00
0003	1503000000-E ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	222.000 TON	100.00000	22,200.00
0004	1519000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5B	37.000 TON	150.00000	5,550.00
0005	1523000000-E ASPHALT CONC SURFACE COURSE, TYPE S9.5C	132.000 TON	120.00000	15,840.00
0006	1575000000-E ASPHALT BINDER FOR PLANT MIX	25.000 TON	650.00000	16,250.00
0007	3422000000-N GENERIC GUARDRAIL ITEM REMOVAL & REPLACEMENT OF STEELGUARDRAIL	LUMP	LUMP	43,500.00
0008	4400000000-E WORK ZONE SIGNS (STATIONARY)	136.000 SF	5.00000	680.00
0009	4405000000-E WORK ZONE SIGNS (PORTABLE)	96.000 SF	8.00000	768.00
0010	4410000000-E WORK ZONE SIGNS (BARRICADE MOUNTED)	45.000 SF	6.00000	270.00

Dept of Transportation

Revised:

Contract ID: C203106

Project(s): STATE FUNDED

Letting Date: 06-19-12 Call Order: 017

Bidder: 7877 - American Contracting & Services, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0011	4415000000-N FLASHING ARROW BOARD	EA 1.000	1,500.00000		1,500.00	
0012	4420000000-N PORTABLE CHANGEABLE MESSAGE SIGN	EA 2.000	3,000.00000		6,000.00	
0013	4430000000-N DRUMS	EA 50.000	25.00000		1,250.00	
0014	4435000000-N CONES	EA 30.000	18.00000		540.00	
0015	4445000000-E BARRICADES (TYPE III)	LF 40.000	20.00000		800.00	
0016	4455000000-N FLAGGER	DAY 60.000	300.00000		18,000.00	
0017	4480000000-N TMA	EA 1.000	6,600.00000		6,600.00	
0018	4510000000-N LAW ENFORCEMENT	HR 640.000	38.00000		24,320.00	
0019	4516000000-N SKINNY DRUM	EA 50.000	30.00000		1,500.00	
0020	4810000000-E PAINT PAVEMENT MARKING LINES (4")	LF 17,584.000	0.40000		7,033.60	
0021	4900000000-N PERMANENT RAISED PAVEMENT MARKERS	EA 33.000	20.00000		660.00	
0022	6000000000-E TEMPORARY SILT FENCE	LF 215.000	5.00000		1,075.00	

Dept of Transportation

Revised:

Contract ID: C203106

Project(s): STATE FUNDED

Letting Date: 06-19-12 Call Order: 017

Bidder: 7877 - American Contracting & Services, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0023	6012000000-E SEDIMENT CONTROL STONE	5.000 TON	300.00000		1,500.00	
0024	6030000000-E SILT EXCAVATION	6.000 CY	150.00000		900.00	
0025	6042000000-E 1/4" HARDWARE CLOTH	70.000 LF	15.00000		1,050.00	
0026	8161000000-E GROOVING BRIDGE FLOORS	31,535.000 SF	0.90000		28,381.50	
0027	8296000000-N POLLUTION CONTROL	LUMP	LUMP		25,000.00	
0028	8660000000-E CONCRETE REPAIRS	63.000 CF	280.00000		17,640.00	
0029	8664000000-E SHOTCRETE REPAIRS	1,100.000 CF	280.00000		308,000.00	
0030	8678000000-E EPOXY RESIN INJECTION	38.000 LF	75.00000		2,850.00	
0031	8692000000-N FOAM JOINT SEALS	LUMP	LUMP		200,000.00	
0032	8860000000-N GENERIC STRUCTURE ITEM CLEANING & REPAINTING OF BRIDGE #200	LUMP	LUMP		118,000.00	
0033	8860000000-N GENERIC STRUCTURE ITEM TEMPORARY SUPPORTS	LUMP	LUMP		70,000.00	

Dept of Transportation

Revised:

Contract ID: C203106

Project(s): STATE FUNDED

Letting Date: 06-19-12 Call Order: 017

Bidder: 7877 - American Contracting & Services, Inc

Line No.	Item Description	Approx. Quantity and Units	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Ct
0034	8881000000-E GENERIC STRUCTURE ITEM LATEX MODIFIED CONCRETE OVER-LAY - VERY EARLY STRENGTH	285.000	1,240.00000		353,400.00	
0035	8881000000-E GENERIC STRUCTURE ITEM LATEX MODIFIED CONCRETE OVER-LAY	47.000	925.00000		43,475.00	
0036	8893000000-E GENERIC STRUCTURE ITEM HYDRO-DEMOLITION OF BRIDGE DECK	4,023.000	65.00000		261,495.00	
0037	8893000000-E GENERIC STRUCTURE ITEM PLACING & FINISHING LATEX MOD CONC OVERLAY	623.000	70.00000		43,610.00	
0038	8893000000-E GENERIC STRUCTURE ITEM PLACING & FINISHING LATEX MOD CONC OVERLAY - VERY EARLY STRENGTH	3,400.000	70.00000		238,000.00	
0039	8893000000-E GENERIC STRUCTURE ITEM SCARIFYING BRIDGE DECK	4,023.000	30.00000		120,690.00	
	Section 0001 Total				2,131,852.73	
	Bid Total				2,131,852.73	

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.

## Contract Item Sheets For C203106

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum LS	106,592.63	106,592.63
0002	1330000000-E	607	INCIDENTAL MILLING	1,992 SY	8.50	16,932.00
0003	1503000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0C	222 TON	100.00	22,200.00
0004	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	37 TON	150.00	5,550.00
0005	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	132 TON	120.00	15,840.00
0006	1575000000-E	620	ASPHALT BINDER FOR PLANT MIX	25 TON	650.00	16,250.00
0007	3422000000-N	SP	GENERIC GUARDRAIL ITEM REMOVAL & REPLACEMENT OF STEEL GUARDRAIL	Lump Sum LS	43,500.00	43,500.00
0008	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	136 SF	5.00	680.00
0009	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	96 SF	8.00	768.00
0010	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	45 SF	6.00	270.00
0011	4415000000-N	1115	FLASHING ARROW BOARD	1 EA	1,500.00	1,500.00
0012	4420000000-N	1120	PORTABLE CHANGEABLE MESSAGE SIGN	2 EA	3,000.00	6,000.00
0013	4430000000-N	1130	DRUMS	50 EA	25.00	1,250.00
0014	4435000000-N	1135	CONES	30 EA	18.00	540.00
0015	4445000000-E	1145	BARRICADES (TYPE III)	40 LF	20.00	800.00
0016	4455000000-N	1150	FLAGGER	60 DAY	300.00	18,000.00
0017	4480000000-N	1165	TMA	1 EA	6,600.00	6,600.00
0018	4510000000-N	SP	LAW ENFORCEMENT	640 HR	38.00	24,320.00
0019	4516000000-N	1180	SKINNY DRUM	50 EA	30.00	1,500.00

## Contract Item Sheets For C203106

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0020	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	17,584 LF	0.40	7,033.60
0021	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	33 EA	20.00	660.00
0022	6000000000-E	1605	TEMPORARY SILT FENCE	215 LF	5.00	1,075.00
0023	6012000000-E	1610	SEDIMENT CONTROL STONE	5 TON	300.00	1,500.00
0024	6030000000-E	1630	SILT EXCAVATION	6 CY	150.00	900.00
0025	6042000000-E	1632	1/4" HARDWARE CLOTH	70 LF	15.00	1,050.00
0026	8161000000-E	420	GROOVING BRIDGE FLOORS	31,535 SF	0.90	28,381.50
0027	8296000000-N	442	POLLUTION CONTROL	Lump Sum LS	25,000.00	25,000.00
0028	8660000000-E	SP	CONCRETE REPAIRS	63 CF	280.00	17,640.00
0029	8664000000-E	SP	SHOTCRETE REPAIRS	1,100 CF	280.00	308,000.00
0030	8678000000-E	SP	EPOXY RESIN INJECTION	38 LF	75.00	2,850.00
0031	8692000000-N	SP	FOAM JOINT SEALS	Lump Sum LS	200,000.00	200,000.00
0032	8860000000-N	SP	GENERIC STRUCTURE ITEM CLEANING & REPAINTING OF BRIDGE #200	Lump Sum LS	118,000.00	118,000.00
0033	8860000000-N	SP	GENERIC STRUCTURE ITEM TEMPORARY SUPPORTS	Lump Sum LS	70,000.00	70,000.00
0034	8881000000-E	SP	GENERIC STRUCTURE ITEM LATEX MODIFIED CONCRETE OVER- LAY - VERY EARLY STRENGTH	285 CY	1,240.00	353,400.00
0035	8881000000-E	SP	GENERIC STRUCTURE ITEM LATEX MODIFIED CONCRETE OVER- LAY	47 CY	925.00	43,475.00
0036	8893000000-E	SP	GENERIC STRUCTURE ITEM HYDRO-DEMOLITION OF BRIDGE DECK	4,023 SY	65.00	261,495.00

## Contract Item Sheets For C203106

Line #	ItemNumber	Sec #	Description	Quantity Unit	Unit Bid Price	Amount Bid
0037	8893000000-E	SP	GENERIC STRUCTURE ITEM PLACING & FINISHING LATEX MOD CONC OVERLAY	623 SY	70.00	43,610.00
0038	8893000000-E	SP	GENERIC STRUCTURE ITEM PLACING & FINISHING LATEX MOD CONC OVERLAY - VERY EARLY STRENGTH	3,400 SY	70.00	238,000.00
0039	8893000000-E	SP	GENERIC STRUCTURE ITEM SCARIFYING BRIDGE DECK	4,023 SY	30.00	120,690.00

TOTAL AMOUNT OF BID FOR ENTIRE PROJECT

\$2,131,852.73

1020/Jul03/Q66615/D220192100000/E39



Contract No. C203106

Rev. 5-19-11

County Wake

**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**

American Contracting & Services, Inc.

Full name of Corporation

6200 East Highway 62, Building 2501, Suite 200, Jeffersonville, IN 47130

Address as Prequalified

Attest

Chad Perkins  
~~Secretary~~/Assistant Secretary  
Select appropriate title

By

Roy A. Zimmerman  
President/~~Vice President/Assistant Vice President~~  
Select appropriate title

Chad Perkins

Print or type Signer's name

Roy A. Zimmerman

Print or type Signer's name

**CORPORATE SEAL**

**AFFIDAVIT MUST BE NOTARIZED**

Subscribed and sworn to before me this the

10<sup>th</sup> day of July 2012

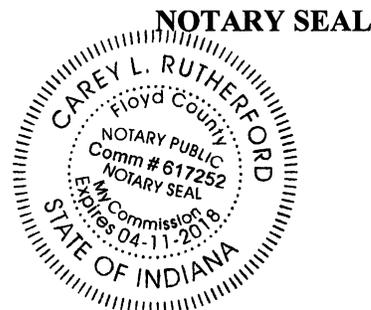
Carey L. Rutherford  
Signature of Notary Public

Carey L. Rutherford

of Clark County

State of Indiana

My Commission Expires: 4/11/2018



**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.**     C203106

**County (ies):**   Wake

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION

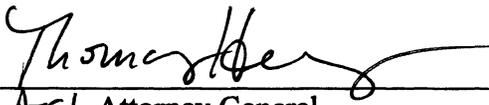


\_\_\_\_\_  
Contract Officer



\_\_\_\_\_  
Date

Execution of Contract and Bonds  
Approved as to Form:

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

Contract No. C203106  
County Wake

Rev. 5-13-08

Bond No. 7630726

## CONTRACT PAYMENT BOND

Date of Payment Bond Execution: July 10, 2012

Name of Principal Contractor: American Contracting & Services, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: Two Million One Hundred Thirty One Thousand  
Eight Hundred Fifty Two Dollars and 73/100 (\$2,131,852.73)

Contract ID No.: C203106

County Name(s): Wake

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. C203106

Rev 02-13-04

County Wake

**CONTRACT PAYMENT BOND**

*Affix Seal of Surety Company*

Fidelity and Deposit Company of Maryland

Print or type Surety Company Name



By Timothy J. Taylor

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

A handwritten signature in black ink, appearing to be "TJ Taylor", written over a horizontal line.

Signature of Attorney-in-Fact

A handwritten signature in black ink, appearing to be "R Sherfick", written over a horizontal line.

Signature of witness

Robert Sherfick

Print or type witness' name

9247 N. Meridian Street, Suite 300

Indianapolis, IN 46260

Address of Attorney-in-Fact

Contract No. C203106

Rev 02-13-04

County Wake

**CONTRACT PAYMENT BOND**

**CORPORATION**

**SIGNATURE OF CONTRACTOR (Principal)**

American Contracting & Services, Inc.  
Print or type full name of Corporation

2501 Place, 6200 E. Hwy 62, 200, Jeffersonville, IN 47130  
Address as prequalified

By *Roy A. Zimmerman*  
Signature of President, ~~Vice President, Assistant Vice President~~  
*Delete inappropriate title*

Roy A. Zimmerman  
Print or type signer's name

Attest *Chad Perkins*  
Signature of ~~Secretary, Assistant Secretary~~  
*Delete inappropriate title*

Chad Perkins  
Print or type signer's name

*Affix Corporate Seal*

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 Timothy J. Taylor, 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 has hereunto subscribed his/her 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 17th day of May, A.D. 2012.

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

Geoffrey Delisio  
Vice President  
Geoffrey Delisio

State of Maryland  
County of Baltimore

On this 17th day of May, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Geoffrey Delisio, Vice President and Gerald F. Haley, Assistant Secretary 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, deposeth and saith, that he/she is the said officer 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 signature as such officer 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 10th day of July, 2012.



A handwritten signature in cursive script, reading "Thomas O. McClellan".

Thomas O. McClellan, Vice President

Contract No. C203106  
County Wake

Rev. 5-13-08

Bond No. 7630726

### CONTRACT PERFORMANCE BOND

Date of Contract Bond Execution July 10, 2012

Name of Principal Contractor: American Contracting & Services, Inc.

Name of Surety: Fidelity and Deposit Company of Maryland

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

Amount of Bond: Two Million One Hundred Thirty One Thousand  
Eight Hundred Fifty Two Dollars and 73/100 (\$2,131,852.73 )

Contract ID No.: C203106

County Name(s): Wake

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 Number C203106  
County Wake

Rev 02-13-04

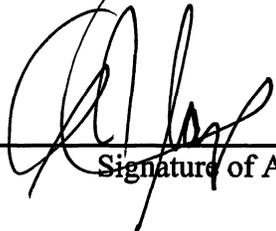
## CONTRACT PERFORMANCE BOND

*Affix Seal of Surety Company*



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

By Timothy J. Taylor  
Attorney-in-Fact  
Print, stamp, or type name of Attorney-in Fact

  
Signature of Attorney-in-Fact

  
Signature of witness

Robert Sherfick  
Print or type witness' name

9247 N. Meridian Street, Suite 300  
Indianapolis, IN 46260  
Address of Attorney-in-Fact

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

SIGNATURE OF CONTRACTOR (Principal)

American Contracting & Services, Inc.  
Print full name of Corporation

2501 Place, 6200 E. Hwy 62, 200, Jeffersonville, IN 47130  
Address as prequalified

By Roy A. Zimmerman  
~~Signature of President, Vice President, Assistant Vice President~~  
*Delete inappropriate title*

Roy A. Zimmerman  
Print or type signer's name

Attest Chad Perkins  
Signature of ~~Secretary~~, Assistant Secretary  
*Delete inappropriate title*

Chad Perkins  
Print or type signer's name

*Affix Corporate Seal*

**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 Timothy J. Taylor 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 has hereunto subscribed his/her 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 17th day of May, A.D. 2012.

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

Geoffrey Delisio  
*Vice President*  
Geoffrey Delisio

State of Maryland  
County of Baltimore

On this 17th day of May, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Geoffrey Delisio, Vice President and Gerald F. Haley, Assistant Secretary** 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, deposeth and saith, that he/she is the said officer 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 signature as such officer 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 10th day of July, 2012.



*Thomas O. McClellan*

Thomas O. McClellan, Vice President