

July 5, 2019

Mr. David Francis, County Administrator Haywood County 215 North Main Street Waynesville, North Carolina 28746

RE: Recommendation of Award Jonathan Creek Soil Reclamation Site Dennis Farm Borrow Area Haywood County, North Carolina

Dear Mr. Francis:

On June 6, 2019, bids were received by Haywood County for the above-referenced project. A total of four (4) bids were submitted and opened with the following results.

	K and T Construction Company, RLLP	NHM Constructors, LLC	Graham County Land Company, LLC	JLS Company, LLC
Total Bid Price	\$494,183.50	\$669,590.00	\$707,175.00	\$962,800.00

The low bidder for this contract is K and T Construction Company, RLLP. A copy of their bid has been attached for your reference, as well as the certified bid tabulation.

Mr. David Francis, County Administrator July 5, 2019 Page 2 of 2

K and T Construction Company, RLLP holds a Limited North Carolina General Contractors License (number 57232). K and T Construction Company, RLLP. has worked on previous McGill projects and has the experience and capability to perform the work required for this project. Therefore, we recommend that you approve the award for this construction contract in the amount of \$494,183.50 to K and T Construction Company, RLLP. Please do not hesitate to call me if you have any questions or need any additional information.

Sincerely, MCGILL ASSOCIATES, P.A

SCOTT BURWELL, PE Project Manager

Attachments: K and T Construction Company, RLLP Bid Certified Bid Tab

cc: Mark Cathey, PE, McGill Associates, PA Ben Cathey, PE, McGill Associates, PA

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BID FORM

Jonathan Creek Soil Reclamation Site & Dennis Farm Borrow Area Project Haywood County

McGill Project No. 18.00162

TABLE OF ARTICLES

Article	<u>Article No.</u>
Bid Recipient	
Bidder's Acknowledgements	2
Bidder's Representations	3
Further Representations	
Basis of Bid	5
Time of Completion	6
Attachments to this Bid	7
Bid Submittal	8

EJCDC C-410 Bid Form	McGill Associates Standard
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ARTICLE 1 – BID RECIPIENT

This Bid is submitted to:

David Francis - Haywood County Historic Court Room at 215 North Main Street Waynesville, North Carolina 28746 Re: Jonathan Creek Soil Reclamation Site & Dennis Farm Borrow Area Project

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for **90** days after the date of the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

- 3.01 In submitting this Bid, Bidder represents that:
 - A. Bidder has examined and carefully studied the Bidding Documents, the other related data identified in the Bidding Documents, and the following Addenda, receipt of which is hereby acknowledged.

Addendum No.	Addendum Date
1	05/31/2019

- B. Bidder has visited the Project Site and has become familiar with and is satisfied as to the general, local and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures, including Underground Facilities, at or contiguous to the Site which have been included as a part of the Contract Documents.

E. Bidder has obtained and carefully studied (or accepts the consequences for not doing so) all additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying

EJCDC C-410 Bid Form 00410 - 2	McGill Associates Standard
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<u>Addendum No.</u>	Addendum Date
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- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures, including Underground Facilities, at or contiguous to the Site which have been included as a part of the Contract Documents.

E. Bidder has obtained and carefully studied (or accepts the consequences for not doing so) all additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying

	EJCDC C-410 Bid Form		
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the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by Bidder, and safety precautions and programs incident thereto.

- F. Bidder does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports and drawings identified in the Bidding Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Bidding Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder or, if no written response was made by Engineer, that Bidder has resolved the issue to its satisfaction prior to the submittal of its Bid.
- J. The Bidding Documents are sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.
- K. Bidder will submit written evidence of its authority to do business in the state where the Project is located not later than the date of its execution of the Agreement.
- L. Bidder has not relied upon any information provided by the Engineer except information which is part of the Bidding Documents and is in writing and in the form of a formal addendum.
- M. The submission of a Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of the Bid Documents and the Instructions to Bidders, and that without exception the Bid is premised upon performing and furnishing the Work required by the Bidding Documents and applying any specific means, methods, techniques, sequences, and procedures of construction that may be shown or indicated or expressly required by the Bidding Documents.

ARTICLE 4 – FURTHER REPRESENTATIONS

- 4.01 Bidder further represents that:
 - A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation;
 - B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
 - C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
 - D. Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.

ARTICLE 5 – BASIS OF BID

5.01 5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

UNIT PRICE BID - See Attached Bid Schedule

EJCDC C-410 Bid Form

00410 - 4

McGill Associates Standard

Unit Prices have been computed in accordance with Paragraph 11.03.B of the Modified General Conditions.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Bid items will be based on actual quantities, determined as provided in the Contract Documents.



BID SCHEDULE

ITEM #	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL AMOUNT
Section	1 - Earthwork				
1	Mobilization/General Requirements	ีเร	1		13,521.00
2	Earthwork	CY	33500	7.67	257,000.00
· 3	Additional 15,000 CY Earthwork	CY	15000	6.00	90,000.00
4	Erosion Control Cash Allowance	LS	1	\$10,000.00	\$10,000.00
Section	2 - Dennis Farm Site				
5	Clearing and Grubbing	LS	1	2,000.00	2,000.00
6	Erosion Control Measures	LS	1	3.000.00	3.000.00
6a	Rock Excavation	CY	200	100.00	20,000.00
7	SC250 Slope Matting	SY	5650	2.00	11,300.00
8	Seeding	LS	1	3,000.00	3,000.00
Section	3 - Jonathan Creek Site				
9	Clearing and Grubbing	LS	1	2,000.00	2,000.00
10	Demolition	LS	1	2.000.00	2,000.00
11	Erosion Control Measures	LS	1	2,000.00	2,000,00
12	Undercut Excavation, Remain Onsite	· CY	1500	6.00,	9,000.00
13	Select Backfill	CY	750	18.00	13.500.00.
14	Washed Stone for Base Stabilization	TON	1215	34.50	41,917.50
15	Geogrid for Base Stabilization	SY	2250	4.00	9,000.00
16	Seeding	LS	1	5,000.00	5,000.00
		-	T	OTAL BID PRICE	474,238.50

ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete within <u>90</u> calendar days after the date when the Contract Times commence to run as provided in the Modified General Conditions, and will be completed and ready for final payment in accordance with the Modified General Conditions within <u>110</u> calendar days after the date when the Contract Times commence to run.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the Contract Times.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are attached to and made a condition of this Bid:
 - A. Required Bid security in the form of <u>a certified check, money order, or Bid Bond</u>.
 - B. Completed Bid Schedule
 - C. E-Verify Affidavit
 - D. Iran Divestment Certification

EJCDC C-410 Bid Form	McGill Associates Standard
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ARTICLE 8 – BID SUBMITTAL

8.01 This Bid submitted by:

If Bidder is:

<u>An Individual</u>

			<u> </u>
By: (Ind	ividual's signature)	(SEAL)	
	usiness as:		
A Partnership			
Partners	hip Name: K and T C	onstruction Company RLLP	(SEAL)
		and oz.	
Name (t	yped or printed):Tamr	my J Goodson	
A Corporation			
Corpora	tion Name:		(SEAL)
State of Type (G	Incorporation: eneral Business, Professi	onal, Service, Limited Liability):	
By:			
(Sig	nature attach evidence	of authority to sign)	
Name (t	yped or printed):		
Title:			(CORPORATE SEAL)
Attest	·		
Date of A	Authorization to do busin	ess in <u>North Carolina</u> is/	

A Joint Venture

Name of Joint Venture:	
First Joint Venturer Name:(S	EAL)
By:	ign)
Name (typed or printed):	
Title:	
Second Joint Venturer Name:(SEAL))
By:	a sion)
Name (typed or printed):	
Title:	
(Each joint venturer must sign. The manner of signing for each individual corporation that is a party to the joint venture should be in the manner indicate	l, partnership, and d above.)
Bidder's Business Address	
Phone No Fax No	-
SUBMITTED on, 2015.	
State Contractor License No.	

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Iran Divestment Act Certification Form

Bid/RFP/RFQ Number: 6343120

Contract Number: 18.00162

Name of Vendor, Bidder or Contractor: <u>K and T Construction Company RLLP</u>

IRAN DIVESTMENT ACT CERTIFICATION REQUIRED BY N.C.G.S. 143C-6A-5(a)

As of the date listed below, the vendor, bidder or contractor listed above hereby certifies that he/she/it is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 143C-6A-4.

Additionally, the vendor, bidder or contractor acknowledges and certifies that subcontractors utilized for this contract or purchase shall not be on the aforementioned Final Divestment List pursuant to N.C. G.S 143C-6A-5(b).

The undersigned hereby certifies that he or she is authorized by the vendor or bidder listed above to make the foregoing statements.

Goodson 1 amm

Signature

Tammy J Goodson

Printed Name

Title

General Partner

June 05.2019

Date

Notes to persons signing this form:

N.C.G.S. 143C-6A-5(a) requires this certification for bids or contracts with the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina. The certification is required at the following times:

- When a bid is submitted
- When a contract is entered into (if the certification was not already made when the vendor made its bid)
- When a contract is renewed or assigned.

N.C.G.S. 143C-6A-5(b) requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List.

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

HAYWOOD COUNTY E-VERIFY AFFIDAVIT

STATE OF North Carolina

I, Tammy J Goodson (the individual attesting below), being duly authorized by and on behalf of

K and T Construction Company RLLP (the entity doing business with Haywood County hereinafter "Employer")

after first being duly sworn hereby swears or affirms as follows:

Employer understands that <u>E-Verify</u> is the federal E-Verify program operated by the United States
Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify

the work authorization of newly hired employees pursuant to federal law in accordance with NCGS §64-25(5).

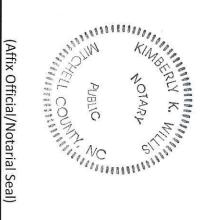
2. Employer understands that <u>Employer as defined herein, must use E-Verify</u>. Each Employer, after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS§64-26(a).

3. <u>Employer</u> is a person, business entity, or other organization that transacts business in North Carolina and that employs 25 or more employees in this State. (mark Yes or No)

- a. YES 📈 , or
- b. NO _____

4. Employer's subcontractors comply with E-Verify, and if Employer is contracted with the Haywood County, Employer will ensure compliance with E-Verify by any subcontractors subsequently hired by Employer. This <u>5th</u> day of June , 2019 .

Signature of Affiant Title: Unival Partour State of County of Signed and sworn to (or affirmed) before me, this the \supset day o 20 Notary Public Print Name: My Commission Expires:



919.469.2473

TRISURE

4325 Lake Boone Trail, Suite 200 Raleigh, NC 27607

F 919.467.4987

BID BOND

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER (Name and Address):				
K and T Construction Company RLLP				
1065 Upper Pig Pen Road Green Mountain				
SURETY (Name, and Address of Principal Place of Busi	iness):			
SureTec Insurance Company				
2100 CityWest Boulevard Suite 1300				
Houston TX 77042				
OWNER (<i>Name and Address</i>): David Francis				
Haywood County				
215 North Main Street				
Waynesville, North Carolina 28746				
	2			
BID				
Bid Due Date: June 6, 2019	a 2 Dennis Franz Dranau Anar Dusis-t			
Description: Jonathan Creek Soil Reclamation Sit	e & Dennis Farm Borrow Area Project			
BOND				
Bond Number:N/A	x · 5			
Date: 6/6/19				
Penal sum Five (5%) Percent of Amount Bid	\$ **5%**			
(Words) Suraty and Bidder, intending to be legally bound here	(Figures) by, subject to the terms set forth below, do each cause			
this Bid Bond to be duly executed by an authorized of	2 be a citralector men person personal content on avera encode prove proversion and a			
BIDDER	SURETY			
K and T Construction Company RLLP (Seal)	SureTec Insurance Company (Seal)			
Bidder's Name and Corporate Seal	Surety's Name and Corporate Seal			
2 march a	. IL Maria			
By: Jang francisa	By: flide 1 llafer.			
Signature	Signature (Attach Power of Attorney)			
Tammy S. Goodson	Heidi M O'Connor			
Print Name	Print Name			
	Attorney in Fact			
Title /	Title			
Attest: Kmllrly K Wills	Attest: Didned Hopm			
Signature	Signature			
Title	Title			
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Prepared by the Engineers Joint C	L of 3			

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Melanie Airington, John L. Cramer, Heidi M. O'Connor, Dan Sanderson,

Lisa R. Scotto, Kurt Sokolowski, Diane A. Hobbs, Lori F. Hamlet

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for, providing the bond penalty does not exceed

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the CEO, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

By:

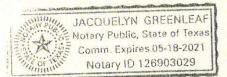
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In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its CEO, and its corporate seal to be hereto affixed this 2nd day of August , A.D. 2018.

State of Texas County of Harris

SS

On this 2nd day of August , A.D. 2018 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is CEO of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



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John Knox Jr., CEO

Jacquelyn Greenleaf, Notary Public My commission expires May 18, 2021

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this

A.D day of Beaty

Any instrument issued in excess of the penalty stated above is totally void and without any validity. For verification of the authority of this power you may call (713) 812-0800 any business day between 8:30 am and 5:00 pm CST.

CERTIFIED BID TABULATION JONATHAN CREEK SOIL RECLAMATIONSITE DENNIS FARM BORROW AREA HAYWOOD COUNTY

		K and T Construction Company, RLLP			NHM Contructors, LLC			Graham County Land Company, LLC				JLS Company, LLC							
		1065 Upper Pig Pen Road			PO Box 6385			750 Tallulah Road				PO Box 1265							
		Green Mountain, NC 28740		Asheville, NC 28816			Robbinsville, NC 28771			Skyland, NC 28776									
ITEM	ITEM DESCRIPTION UNIT QUANTITY		UNIT PRICE TOTAL		UNIT PRICE TOTAL		UNIT PRICE TOTAL			UNIT PRICE			TOTAL						
Section 1 - Earthwork																			
1	Mobilization / General Requirements	LS	1	\$	13,521.00	\$	13,521.00	\$	20,000.00	\$	20,000.00	\$	49,000.00	\$	49,000.00	\$	40,000.00	\$	40,000.00
2	Earthwork	CY	33500	\$	7.67	\$	256,945.00*	\$	7.30	\$	244,550.00	\$	7.50	\$	251,250.00	\$	14.00	\$	469,000.00
3	Additional 15,000 CY Earthwork	CY	15000	\$	6.00	\$	90,000.00	\$	7.50	\$	112,500.00	\$	7.50	\$	112,500.00	\$	14.00	\$	210,000.00
4	Erosion Control Cash Allowance	LS	1	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00
	Section 2 - Dennis Farm Site																		
5	Clearing and Grubbing	LS	1	\$	2,000.00	\$	2,000.00	\$	16,176.00	\$	16,176.00	\$	3,500.00	\$	3,500.00	\$	10,000.00	\$	10,000.00
6	Erosion Control Measures	LS	1	\$	3,000.00	\$	3,000.00	\$	22,210.00	\$	22,210.00	\$	30,000.00	\$	30,000.00	\$	15,000.00	\$	15,000.00
6a	Rock Excavation	CY	200	\$	100.00	\$	20,000.00	\$	50.00	\$	10,000.00	\$	85.00	\$	17,000.00	\$	200.00	\$	40,000.00
7	SC250 Slope Matting	SY	5650	\$	2.00	\$	11,300.00	•	2.60	\$	14,690.00	\$	6.50	\$	36,725.00	\$	3.00	\$	16,950.00
8	Seeding	LS	1	\$	3,000.00	\$	3,000.00	\$	7,878.00	\$	7,878.00	\$	10,000.00	\$	10,000.00	\$	16,000.00	\$	16,000.00
Section 3 - Jonathan Creek Site																			
9	Clearing and Grubbing	LS	1	\$	2,000.00	\$			64,970.00	\$	64,970.00	\$	3,000.00	\$			10,000.00	\$	10,000.00
10	Demolition	LS	1	\$	2,000.00	\$,		5,940.00	\$	5,940.00	\$	4,000.00	\$	4,000.00				2,500.00
11	Erosion Control Measures	LS	1	\$	2,000.00	\$,	\$,	\$	40,000.00	\$			15,000.00	\$	15,000.00
12	Undercut Excavation, Remain Onsite	CY	1500	\$	6.00	\$	9,000.00				9,000.00		5.00	\$	7,500.00	_	20.00		30,000.00
13	Select Backfill	CY	750	\$	18.00	\$	13,500.00		10.00	\$	7,500.00	\$	7.50	\$	5,625.00	_	20.00	\$	15,000.00
14	Washed Stone for Base Stabilization	TON	1215	\$	34.50	\$	41,917.50			\$,	\$	55.00	\$	66,825.00	_	40.00		48,600.00
15	Geogrid for Base Stabilization	SY	2250	\$	4.00	\$,	\$		\$,	\$	9.00	\$	20,250.00	_	5.00		11,250.00
16	Seeding	LS	1	\$	5,000.00	\$	5,000.00	\$	35,451.00	\$	35,451.00	\$	40,000.00	\$	40,000.00	\$	3,500.00	\$	3,500.00*
				*															
Total Bid Price				\$	494,183.50*			\$	669,590.00			\$	707,175.00*			\$	962,800.00*		



This is to certify that the bids tabulated herein were publicly opened and read aloud at Haywood County until 2:00pm local time Thursday, June 6, 2019 in the Haywood County Courtroom of the Historic Courthouse, 215 North Main Street, Waynesville, North Carolina, 28746 and that said bids were accompanied by acceptable certified checks or bidder's bonds in the amount of 5% of the bid.

* indicated correction made for mathmatical error

