



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

# Request for Quotation

RFQ NUMBER  
**DEP13007**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**CHUCK BOWMAN**  
**304-558-2157**

PURCHASER

\*709052008      304 765 5288  
**MCCOURT & SON CONSTRUCTION INC**  
**2790 CENTRALIA ROAD**  
  
**SUTTON WV 26601**

SHIP TO

**ENVIRONMENTAL PROTECTION**  
**DEPT. OF**  
**OFFICE OF SPECIAL RECLAMATION**  
**601 57TH STREET SE**  
**CHARLESTON, WV**  
**25304      304-926-0499**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
09/27/2007				

BID OPENING DATE: **11/14/2007**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$693,825.00
<p><b>RECLAMATION: RESTORATION OF LAND</b></p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S OFFICE OF SPECIAL RECLAMATION, IS SOLICITING BIDS TO AWARD A CONTRACT TO PERFORM WATER RECLAMATION ON THE MINING OPERATION OF COAL X INC., NOW UNDER REVOKED PERMIT NUMBER(S) UO-396, PER THE FOLLOWING DRAWINGS, SPECIFICATIONS, SCOPE OF WORK, BID REQUIREMENTS, TERMS &amp; CONDITIONS, AND THE BID SCHEDULE AS ATTACHED.</p> <p>THE RECLAMATION SHALL BE PERFORMED UNDER THE GUIDANCE AND GENERAL SUPERVISION OF THE AGENT ASSIGNED TO THE PROJECT FOR THE STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION.</p> <p>A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON 10/17/07 @ 10:00 AM. FAILURE TO ATTEND THE PREBID CONFERENCE WILL RESULT IN BID DISQUALIFICATION.</p> <p>DIRECTIONS TO THE PRE-BID: WHILE TRAVELING SOUTH ON 119, TAKE THE LOGAN EXIT. TRAVEL 2.3 MILES AND TURN LEFT ONTO ROUTE 73. TRAVEL 1.0 MILE AND TURN RIGHT ONTO ROUTE 10. TRAVEL 14 MILES AND TURN RIGHT ONTO ROUTE 80 SOUTH. TRAVEL 1.0 MILE AND TURN LEFT (CONT. ON RT. 80) TRAVEL 3.1 MILES AND TURN RIGHT AT BRUNO ONTO BRIDGE. AT END OF BRIDGE TURN RIGHT AND TRAVEL 1.6 MILES TO MINE SITE.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>Samuel M. Bowser</i>	TELEPHONE 304-765-5288	DATE 11/28/2007	
TITLE President	FEIN 55-062-4840	ADDRESS CHANGES TO BE NOTED ABOVE	

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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<p>THE CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, EQUIPMENT AND OTHER NECESSARY SERVICES SO AS TO ACCOMPLISH THE ITEMS AS SPECIFIED IN THIS CONTRACT. PROJECT IS LOCATED NEAR BRUNO, LOGAN COUNTY AND CONSISTS OF APPROXIMATELY 8.0 ACRES.</p> <p>ALL WORK MUST BE COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PURCHASE ORDER ISSUED BY THE DEPARTMENT OF ADMINISTRATION, PURCHASING DIVISION.</p> <p>EXHIBIT 5</p> <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 365 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE THE BID AND CONTRACT HEREIN.</p> <p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR LOGAN COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET,SEQ.</p> <p>ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED.</p>						

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<p><b>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</b></p> <p><b>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</b></p> <p><b>(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.</b></p> <p><b>( ) BUILDERS RISK INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT.</b></p> <p><b>(XX) BONDS: FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF THE BID PAYABLE TO THE STATE OF WEST VIRGINIA, SHALL BE SUBMITTED WITH EACH BID AS A BID BOND. THE SUCCESSFUL BIDDER SHALL ALSO FURNISH A PERFORMANCE BOND AND LABOR/MATERIAL BOND FOR 100% OF THE AMOUNT OF THE CONTRACT. BONDS MAY BE PROVIDED IN THE FORM OF A CERTIFIED CHECK IRREVOCABLE LETTER OF CREDIT, OR BOND FURNISHED BY A SOLVENT SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF WEST VIRGINIA. A LETTER OF CREDIT SUBMITTED IN LIEU OF A PERFORMANCE AND LABOR &amp; MATERIAL BOND WILL ONLY BE ALLOWED FOR PROJECTS UNDER \$100,000. PERSONAL OR BUSINESS CHECKS ARE NOT ACCEPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR/MATERIAL BOND.</b></p> <p><b>( ) MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR.</b></p>						

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
	REV. 11/00			CONTRACTORS LICENSE		
<p>WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR CAPITOL COMPLEX, BUILDING 3, ROOM 319, CHARLESTON, WV 25305. TELEPHONE: (304) 558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.</p> <p>BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME - ....McCourt.&amp;.Son.Construction, Inc.</p> <p>CONTRACTORS LICENSE NO. - .....WV001913.....</p> <p>THE SUCCESSFUL BIDDER WILL REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.</p> <p>APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULE AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR</p>						

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<p>ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>EXHIBIT 7</p> <p>DOMESTIC ALUMINUM, GLASS &amp; STEEL IN PUBLIC WORKS PROJECTS</p> <p>IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND, IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF STEEL ARE REQUIRED, THE STATE WILL ACCEPT ONLY ALUMINUM GLASS, OR STEEL PRODUCTS PRODUCED IN THE UNITED STATES. IN ADDITION, ITEMS OF MACHINERY OR EQUIPMENT PURCHASED FOR USE AT THE SITE OF PUBLIC WORKS SHALL BE MADE OF DOMESTIC ALUMINUM, GLASS OR STEEL, UNLESS THE COST OF THE PRODUCT IS LESS THAN \$50,000 OR LESS THAN 10,000 POUNDS OF STEEL ARE USED IN PUBLIC WORKS PROJECTS.</p> <p>FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND TO BE UNREASONABLE. SUCH COST IS UNREASONABLE IF IT IS %20 OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE PRODUCTS. IF THE DOMESTIC ALUMINUM, GLASS OR STEEL PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES</p>						

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**6**

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				<p>DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED ONLY IF DOMESTIC PRODUCTS ARE 30% OR MORE HIGHER IN PRICE THAN THE FOREIGN MADE PRODUCTS.</p> <p>IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID FOR DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS. ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE &amp; ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA</p> <p>THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:</p> <p>(1) THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM AND A LIST OF ALL PARTIES THAT HAVE PROCURED DRAWINGS AND SPECIFICATIONS FOR THE PROJECT. THE ADDENDUM AND LIST SHALL BE FORWARDED TO THE BUYER IN THE STATE PURCHASING DIVISION. THE ARCHITECT/ENGINEER SHALL ALSO SEND A COPY OF THE ADDENDUM TO THE STATE AGENCY FOR WHICH THE CONTRACT IS ISSUED.</p> <p>(2) THE BUYER SHALL SEND THE ADDENDUM TO ALL INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID</p>		

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<p>OPENING DATE. ANY ADDENDUM SHOULD BE RECEIVED BY THE BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID OPENING DATE.</p> <p>(3) ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY ALL BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION AND THE STATE AUDITOR'S OFFICE. THE SAME RULES AND REGULATIONS THAT APPLY TO THE ORIGINAL BIDDING DOCUMENT SHALL ALSO APPLY TO AN ADDENDUM DOCUMENT. THE ONLY EXCEPTION MAY BE FOR AN ADDENDUM THAT IS ISSUED FOR THE SOLE PURPOSE OF CHANGING A BID OPENING TIME AND/OR DATE.</p> <p>REV. 11/96</p> <p>EXHIBIT 10</p> <p style="text-align: right;">REQUISITION NO.: DEP13007 .....</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO M PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p> <p>NO. 1    X .....</p> <p>NO. 2    X .....</p> <p>NO. 3    .....</p> <p>NO. 4    .....</p>						

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	<b>30.5 .....</b>					
<p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: center;"><i>[Signature]</i> SIGNATURE</p> <p style="text-align: center;">McCourt &amp; Son Construction, Inc. ..... COMPANY</p> <p style="text-align: center;">11/28/2007 ..... DATE</p> <p>REV. 11/96</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p>						

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				***** ADDENDUM NO. 1 *****		
				ADDENDUM ISSUED FOR THE RECLAMATION OF THE COAL X, INC. PROJECT TO DELAY THE BID DATE PENDING THE RECEIPT OF THE PRE-BID INFORMATION FROM DEP.		
				ADDENDUM NO. 2 WILL BE ISSUED SHORTLY.		
				BID DATE AND OPENING TIME ARE DELAYED FROM 11/14/07 TO 11/28/07 AT 1:30 PM.		
				***** NO OTHER CHANGES *****		
0001	1	JB		962-73		
				RECLAMATION: RESTORATION OF LAND		

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SIGNATURE <i>Tommy McRae</i>	TELEPHONE 304-765-5288	DATE 11/28/2007
TITLE President	FAX 55-062-4840	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>*****<b>ADDENDUM NO. 2</b>*****</p> <p>ADDENDUM ISSUED TO THE COAL X, INC. RECLAMATION PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS AND THE Q/A RESULTING FROM THE 10/17/07 PRE-BID MEETING.</p> <p>PLEASE SEE THE ATTACHED FOUR(4) PAGES.</p> <p>BID DATE AND OPENING TIME REMAIN 11/28/07 AT 1:30 PM.</p> <p>*****<b>NO OTHER CHANGES</b>*****</p>						
RECLAMATION: RESTORATION OF LAND						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *[Signature]*      TELEPHONE **304-765-5288**      DATE **11/28/2007**

TITLE **President**      FEIN **55-062-4840**      ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO REQ. INSERT NAME AND ADDRESS IN SPACE ABOVE LABELLED 'VENDOR'

McCourt & Son Construction, Inc.  
2790 Centralia Road  
Sutton, WV 26601

BUYER CB-23	PAGE 1012	REQ. OR PO NO. DEP 13007
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/OFFICE OF SPECIAL RECLAMATION		

WV-36a STATE OF WEST VIRGINIA  
REV. 1/29/02 PURCHASING CONTINUATION SHEET  
VENDOR:

### SCOPE OF WORK

The successful bidder shall provide appropriate equipment, materials, labor and any technical services needed for the successful reclamation of Coal-X Inc., Permit UO-396, and any disturbance associated with such operation. The General Performance Standards (GPS) shall apply to all items in Scope of Work.

Work necessary on this site will include the following items, but is not limited to these:

1. Upon mobilization to the site, which will be directed in a written Notice to Proceed, the access roads shall be developed in accordance with bid item # 3.0. If, fuel and lubricants are to be stored on site, bid item # 2.0 shall be in place before fuel is delivered. Project sign shall be constructed and erected in accordance with attached specifications. The sign shall be maintained during the construction activities and through the life of the warranty period. Sign cost is No Bid Item and included with mobilization cost. No work shall be authorized or allowed at site until sign is constructed and erected on site and approved by DEP.
2. Storm water management in the form as described in bid item # 7.0, 14.0, 23.0 shall be installed.
3. Concurrent and continuous reclamation shall be maintained throughout the life of the project. Backfill is required for all areas. Regrading and topsoiling is required for all areas. Revegetation and soil improvements is required for all areas. Reclamation is to be according to the attached specifications, plans, and clarifying discussions at the Pre-Bid Conference.
4. Construction stakeout as necessary to carry out work. (Bid Item # 4.0) Contractor shall balance out cut/fill to minimize excess spoil material.
5. Check for and locate all utilities within the work area to provide and maintain a safe working area in addition to preventing damage to the utility
6. NOTE: All HDPE pipe flange type connections shall have the red rubber gaskets installed (i.e. cleanouts, knife valves)

### SITE ONE

7. Construct approximately **ONE HUNDRED TWENTY-FIVE (125') LINEAR FEET OF GROUTED TRAPEZOIDAL CHANNEL NUMBER ONE (#1)** including **DRIVE-THROUGH NUMBER ONE (#1)** where channel one intersects existing bench/access road. NOTE: Grouted Trapezoidal Channel Number One (#1) shall be keyed into the existing stream channel at both ends. The cost of rock and grout used is inclusive to the cost of TRAPEZOIDAL CHANNEL NUMBER ONE (#1) (see attached plans and/or specifications).
8. Construct approximately **SEVENTY-FIVE (75') LINEAR FEET OF V-DITCH NUMBER ONE (#1)** redirecting flow towards TRAPEZOIDAL CHANNEL ONE (#1) flowing through MINE ACCESS ROAD, and discharging into TRAPEZOIDAL CHANNEL ONE (#1) above DRIVE THROUGH ONE (#1). The cost of rock will be inclusive to the cost of v-ditch #1 (see attached specifications and/or plans).
9. Construct and install **DROP INLET BOX NUMBER ONE (#1)** to collect water from mine seal discharge. **DROP INLET BOX NUMBER ONE (#1)** will be fitted with a metal locking lid. Drop inlet box number one (#1) will be fitted with wingwalls and shall include three inch (3") sandstone installed between seal and drop inlet box number one (#1) and shall collect and convey all water that may seep form around installed wet seal. Cost of all pipe, sandstone, and metal lid will be inclusive to the cost of drop inlet box number one (#1)(see attached specifications and/or plans).
10. Install approximately **FORTY-ONE HUNDRED (4100') LINEAR FEET OF MINE DISCHARGE CONVEYANCE 6" HDPE DR17 PIPE** to convey water from drop inlet box #1 to raw water pond at SITE TWO (2). Pipe shall maintain a uniform grade throughout its length with no swags or low spots in the line. The cost of pipe, with all cleanouts, is inclusive to the cost of installation (see attached specifications and/or plans).

McCourt & Son Construction, Inc.  
2790 Centralia Road  
Sutton, WV 26601

BUYER CB-23	PAGE 013	REQ. OR PO NO. DEP 13007
SPENDING UNIT		
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/OFFICE OF SPECIAL RECLAMATION		

WV-36a STATE OF WEST VIRGINIA  
REV. 1/29/02 PURCHASING CONTINUATION SHEET  
VENDOR:

11. Reconstruct approximately **SIX HUNDRED (600') LINEAR FEET MINE BENCH/TRAIL** above mine seals at a 1-3% grade to drain toward the Northwest (NW) end of bench area and exit over to existing channel. Restore berm on mine bench to prevent water from flowing over backstack. The cost of rock will be inclusive to the cost of Mine Bench/Trail reconstruction (see attached specifications and/or plans).
12. Reconstruct approximately **ONE THOUSAND (1000') LINEAR FEET OF EXISTING MINE ACCESS ROAD**. Road will be graded no less than two (2%) percent towards existing hillside and have a restored/constructed berm. The road base will be covered with a **WOVEN FILTER FABRIC** prior to rock placement. The cost of rock and filter fabric will be inclusive to the cost of Mine Access Road. Construct storm water ditch on inner side of road along entire length which shall drain into Channels 1 and 2 (see attached specifications and/or plans).
13. **INSTALL** approximately **FIVE HUNDRED (500) LINEAR FEET OF HAYBALE DIKE** as shown on plan view map and as directed by WVDEP site personnel.
14. Remove all junk and debris from site and dispose of properly. **\*Documentation of proper disposal must be provided, with invoice.**
15. **REGRADE AND REVEGATE APPROXIMATELY 5.0 ACRES** using standard seed and fertilizer mixture with agricultural lime applied at a rate of three (3) tons per acre (see attached specifications and/or plans).
16. Existing access roads will be graded and maintained through the life of the contract. All existing roads will be left in usable condition.

### SITE TWO

17. Construct the **WATER TREATMENT FACILITY**. This will consist of an **AQUA-FIX SYSTEM MSS-SM-OA-5**, and include the construction and installation of the **TIP BUCKET, CONCRETE FOUNDATION, WATER INTAKE LINE, ONE (1) TWO INCH (2") HDPE DR17 DRIVE LINE, RAW WATER STAND PIPE, DRIVE LINE STAND PIPE, SLUDGE REMOVAL LINE, 6" STAINLESS STEEL KNIFE VALVES WITH VALVE BOXES, 2" STAINLESS KNIFE VALVE WITH VALVE BOX, FIVE (5) TON SILO, STEEL ENCLOSURE, and a CRANE** for lifting the unit and silo. All fill areas on site 2 shall be placed in twelve inch (12") maximum lifts and compacted to 95% standard proctor (see attached specifications and/or plans). The cost of the tip bucket, concrete foundation, water intake line, drive line, silo, steel enclosure and crane will be inclusive to the cost of the Water Treatment Facility.
18. Construct approximately **TWO HUNDRED (200') LINEAR FEET OF TRAPEZOIDAL CHANNEL NUMBER TWO (#2)** to convey water from **CONCRETE HEADWALL NUMBER EIGHT (#8)** to existing Sandlick Creek (see attached specifications and/or plans). The cost of the rock will be inclusive to the cost of Trapezoidal Channel Two (#2).
19. Construct approximately **TWO HUNDRED (200') LINEAR FEET OF V-DITCH NUMBER TWO (#2)** to convey water from **WATER TREATMENT FACILITY** to **CONCRETE HEADWALL NUMBER ONE (#1)**. Construct and install **CONCRETE HEADWALL NUMBER ONE (#1)** to collect water from **V-DITCH NUMBER TWO (#2)**. **CONCRETE HEADWALL NUMBER ONE (#1)** shall have two (2) six inch (6") HDPE DR17 pipes, which will each be fitted with **ONE (1) STAINLESS STEEL KNIFE VALVE** on the discharge side of headwall set individually in separate valve boxes. One 6" HDPE DR17 pipe shall be approximately fifty feet (50') and convey water to **CONCRETE HEADWALL NUMBER TWO (#2)**, which is located in pond number one (#1) and the other 6" HDPE DR17 pipe shall be approximately one hundred twenty-five (125') feet and convey water to **CONCRETE HEADWALL NUMBER FOUR (#4)**, which is located in pond number two (#2) (see attached specifications and/or plans). The cost of rock, headwall with trash rack, all pipe, stainless steel knife valves, and valve boxes will be inclusive to the cost of v-ditch number two (#2).
20. Construct **RAW WATER POND** according to attached specifications and/or plans. Pond must be lined to prevent water from leaching out. **TWO ANCHOR PADS** will be built, one for stand pipes for driveline & raw waterline and the other for the sludge removal line. Install **CONCRETE HEADWALL NUMBER ELEVEN (#11) WITH SPLASHPAD**

McCourt & Son Construction, Inc.  
2790 Centralia Road  
Sutton, WV 26601

WV-36a STATE OF WEST VIRGINIA  
REV. 1/29/02 PURCHASING CONTINUATION SHEET  
VENDOR:

BUYER CB-23	PAGE 014	REQ. OR PO NO. DEP 13007
SPENDING UNIT		
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/OFFICE OF SPECIAL RECLAMATION		

on upstream embankment of raw water pond where 6" HDPE DR17 mine discharge conveyance pipe discharges into pond. (see attached specifications and/or plans) The cost of the ANCHOR PADS, CONCRETE HEADWALL #11 and LINER will be inclusive to the cost of the pond

21. Construct **EXCAVATED POND NUMBER ONE (#1)** to receive water from **CONCRETE HEADWALL NUMBER ONE (#1)**. Pond must be lined to prevent water from leaching out. Construct **CONCRETE HEADWALL NUMBER TWO (#2) WITH SPLASH PAD** where pipe from concrete headwall number one (#1) enters pond. On the opposite end of Pond Number One (#1), construct **CONCRETE HEADWALL NUMBER THREE (#3)**, which will have two (2) six inch (6") HDPE DR17 pipes each fitted with **ONE (1) STAINLESS STEEL KNIFE VALVE** on the discharge side of headwall set individually in separate valve boxes. One 6" HDPE DR17 PIPE will be approximately Twenty-Five (25') Linear Feet and enter **POND NUMBER TWO (#2)** through **CONCRETE HEADWALL NUMBER FIVE (#5)**. The other 6" HDPE DR17 PIPE will be approximately One Hundred Twenty- Five (125') Linear Feet and bypass Pond Number Two (#2) entering **POND NUMBER THREE (#3)** through **CONCRETE HEADWALL NUMBER SIX (#6)**. Under general supervision of WVDEP Personnel, **TWO BAFFLE CURTAINS** will be installed (see attached specifications and/or plans). The cost of **CONCRETE HEADWALL NUMBER TWO (#2) WITH SPLASH PAD, LINER, CONCRETE HEADWALL NUMBER THREE WITH 6" HDPE DR17 PIPES, STAINLESS STEEL VALVES, VALVE BOXES, AND BAFFLES** will be inclusive to the cost of Pond Number One (#1).
22. Construct **EXCAVATED POND NUMBER TWO (#2)** according to attached specifications. Pond must be lined to prevent water from leaching out. Install a **CONCRETE HEADWALL NUMBER FIVE (#5) WITH SPLASHPAD** with Six (6") Inch HDPE DR17 Pipe to accept water from Pond Number One (#1) via concrete headwall number three (#3). Install **CONCRETE HEADWALL NUMBER FOUR (#4) WITH SPLASH PAD** with six inch (6") HDPE DR17 pipe to accept water from concrete headwall number one (#1). A **GROUTED RIP-RAP SPILLWAY** will be constructed from Pond Number Two (#2) to Pond Number Three (#3). Under general supervision of WVDEP Personnel, **TWO BAFFLE CURTAINS** will be installed (see attached specifications and/or plans). The cost of **CONCRETE HEADWALL NUMBER FOUR (#4) with SPLASH PAD, LINER, CONCRETE HEADWALL NUMBER FIVE (#5) with SPLASHPAD, SPILLWAY, AND BAFFLES** will be inclusive to the cost of pond number two (#2).
23. Construct **EXCAVATED POND NUMBER THREE (#3)** according to attached specifications. Pond must be lined to prevent water from leaching out. Install a **CONCRETE HEADWALL NUMBER SIX (#6) WITH SPLASHPAD** where water from Pond Number One (#1) enters pond adjacent to Grouted Rip-Rap spillway entrance from Pond Number Two (#2). A **GROUTED RIP-RAP SPILLWAY** will be constructed from Pond Number Three (#3) to Pond Number Four (#4). Under general supervision of WVDEP Personnel, **TWO BAFFLE CURTAINS** will be installed (see attached specifications and/or plans). The costs of **CONCRETE HEADWALL NUMBER SIX (#6) WITH SPLASH PAD, LINER, SPILLWAY, AND BAFFLES** will be inclusive to the cost of pond number three (#3).
24. Construct **EXCAVATED POND NUMBER FOUR (#4)** according to attached specifications. Pond must be lined to prevent water from leaching out. A **GROUTED RIP-RAP SPILLWAY** will be constructed from Pond Number Four (#4) to **CONCRETE HEADWALL NUMBER SEVEN (#7)**. Under general supervisions of WVDEP personnel, **TWO BAFFLE CURTAINS** will be installed (see attached specifications and/or plan). The cost of **SPILLWAY, LINER, AND BAFFLES** will be inclusive to the cost of pond number four (#4).
25. Install the **6" HDPE DR17 SLUDGE PUMPING SYSTEM LINES** from Ponds Numbers One (#1) and Two (#2) to Sludge Drying Cells Number One (#1) via **CONCRETE HEADWALL NUMBER NONE (#9)**. **PUMP LINES** will have **CLEANOUTS EVERY ONE HUNDRED FEET (100')**. All lines must be buried a minimum of **TWENTY INCHES (20") DEEP AND BEDDED IN SAND** as per attached specifications. The rest of the void will be filled with dirt. The ends of each pump line at pond (#1) and pond (#2) respectively shall be equipped with a flanged end with a **STAINLESS STEEL FLANGE RING WITH HDPE DR17 END CAPS AND STAINLESS STEEL BOLTS** which will be incidental to the cost of the pump lines (see attached specifications and/or plans). The cost of **STAINLESS STEEL FLANGE RINGS, END CAPS, AND STAINLESS STEEL BOLTS, CONCRETE ACCESS PADS** and all **6" HDPE DR17 PIPES AND CLEANOUTS** will be inclusive to the cost of sludge pumping system lines.

McCourt & Son Construction, Inc.  
2790 Centralia Road  
Sutton, WV 26601

BUYER - CB-23	DACR 015	REQ. OR PO NO. DEP 13007
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/OFFICE OF SPECIAL RECLAMATION		

WV-36a STATE OF WEST VIRGINIA  
REV. 1/29/02 PURCHASING CONTINUATION SHEET  
VENDOR:

26. Construct **SLUDGE DRYING CELL NUMBER ONE (#1)** to receive sludge pumped from **TREATMENT PONDS NUMBERS ONE (#1) AND TWO (#2)**. Construct **CONCRETE HEADWALL NUMBER NINE (#9) WITH SPLASH PAD** approximately **TWENTY FEET (20')** in length, where pipes from treatment ponds one (1) and two (2) discharge into Cell Number One (#1). An **UNDERDRAIN SYSTEM**, constructed of **PERFORATED 6" HDPE DR17 PIPE** will be installed to convey water from Cell Number One (#1) to **SOLID SIX INCH (6") HDPE DR17 DRAIN LINE**. Install **SOLID SIX INCH (6") HDPE DR17 DRAIN LINE** to collect water from perforated six inch (6") under drain line in drying cell number one (#1) and convey it to V-Ditch Number two (#2). Install a **SIX INCH (6") STAINLESS STEEL KNIFE VALVE AND VALVE BOX** on **SOLID SIX INCH (6") HDPE DR17 DRAIN LINE**. A **GROUTED RIP-RAP SPILLWAY** will be constructed to convey water from Cell Number One (#1) to Cell Number Two (#2) (see attached specifications and/or plans). The cost for the **CONCRETE HEADWALL NUMBER NINE (#9) WITH SPLASH PAD, SPILLWAY, and UNDERDRAIN SYSTEM INCLUDING SOLID SIX INCH (6") DRAIN LINE, STAINLESS STEEL KNIFE VALVE AND VALVE BOX** will be inclusive to the cost for drying cell number one (#1). **\*\*Prior to payment of sludge drying cell number one (#1), cell shall be filled completely with water to test for leaks.**
27. Construct **SLUDGE DRYING CELL NUMBER TWO (#2)** in line with Sludge Drying Cell Number One (#1). An **UNDERDRAIN SYSTEM** constructed of **PERFORATED 6" HDPE DR17 PIPE**, with a **SOLID SIX INCH (6") CONVEYANCE PIPE** to convey water via a **SIX INCH (6") STAINLESS STEEL KNIFE VALVE** which will then connect to the **SOLID SIX INCH (6") DRAIN LINE**. Construct **CONCRETE HEADWALL NUMBER TEN (#10)** and install **TWELVE INCH (12") HDPE DR17 OVERFLOW PIPE** that will convey water from Drying Cell Number Two (#2) to V-Ditch Number two (#2). The Cost of the **12" HDPE DR17 overflow pipe, Perforated 6" HDPE DR17 Under drain Pipes, Six Inch Stainless Steel Knife Valve, and Concrete Headwall number ten (#10)** will be inclusive to the cost of Sludge Drying Cell Number (#2) (see attached specifications and/or plans). **\*\*Prior to payment of sludge drying cell number two (#2), cell shall be filled completely with water to test for leaks.**
28. Construct approximately **ONE THOUSAND LINEAR FEET (1,000')** of **AQUA-FIX ACCESS ROAD** from the existing bonded road through the gate at pond number four (#4) to the aqua-fix unit. A truck turn-around, in addition to the road width, shall be provided near aqua-fix unit. Road will have guard rail installed along outer edge of entire length of road. The entire base will be covered with a **WOVEN FILTER FABRIC** prior to rock placement. Install approximately **TWENTY (20') FEET OF TWELVE (12") INCH HDPE DR 17 PIPE WITH CONCRETE HEADWALL NUMBER SEVEN (#7) WITH WINGWALLS AND CONCRETE HEADWALL NUMBER EIGHT (#8)** in Pond Number Four (#4) spillway area of access road. The cost of pipe, concrete headwall seven (#7) with wingwall, guard rail, and concrete headwall number eight (#8) is inclusive to the cost of Aqua-Fix Access Road (see attached specifications and/or plans).
29. **INSTALL** approximately **FIVE HUNDRED (500) LINEAR FEET OF HAYBALE DIKE** as shown on plan view map and as directed by WVDEP site personnel
30. Remove all junk and debris from site and dispose of properly. **\*Documentation of proper disposal must be provided, with invoice.**
31. **REGRADE AND REVEGATE APPROXIMATELY 2 ACRES** using standard seed and fertilizer mixture with agricultural lime applied at a rate of three (3) tons per acre (see attached specifications and/or plans).
32. Install approximately **NINETEEN HUNDRED (1900') LINEAR FEET OF FORTY-EIGHT INCH (48") WIRE MESH FENCING, WITH TWO STRANDS OF BARBED WIRE ON TOP**, around Site Two. **TWO (2) GATES** will be installed at areas designated on Site 2 Treatment Plan View attachment. The two gates, fence wire, and posts will be inclusive the cost of the fence (see attached specifications and/or plans).
33. Construction Stakeout will be required for all ponds, raw water pond, sludge drying cells and the water treatment facility. Stakeout shall consist of the physical placement of stakes all four (4) corners of each pond, water treatment facility, and sludge drying cell prior to beginning of construction. As constructed profiles of all ponds, water treatment facility, and sludge drying cells will be required upon completion of construction each individual structure. This will be done to

McCourt & Son Construction, Inc.  
2790 Centralia Road  
Sutton, WV 26601

BUYER CB-23	PAGE 016	REQ. OR PO NO. DEP 13007
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/OFFICE OF SPECIAL RECLAMATION		

WV-36a STATE OF WEST VIRGINIA  
REV. 1/29/02 PURCHASING CONTINUATION SHEET  
VENDOR:

insure proper elevations of all listed structures for water flow (cost of construction stakeout will be inclusive to Bid Item (#4).

34. Existing access roads will be graded and maintained through the life of the contract. All existing roads will be left in usable condition.

### SITE THREE

35. Construct a **WETLAND** to passively treat seep(s) located at overburden storage area. The lower end of the overburden storage area must be excavated/graded and reworked such that six to ten (6"-10") inches of water is impounded below the discharge elevation of spillway. Hay bale dikes are to be staked from the inner berm of existing access road to opposing hillside where they will be keyed in such that flows are forced to circulate through entire surface area. Hay bales should be staked in double rows (2 hay bales back to back) approximately twenty (20') feet apart with opposite ends open to hillside to allow flows to pass. Cattails are to be planted between hay bale dike rows on four (4') foot centers (See attached site plan(s) A; B; C; and attached typicals/specifications). Construct approximately **ONE HUNDRED (100') LINEAR FEET OF LIMESTONE RIP-RAP WETLAND SPILLWAY**. Cost of haybales, haybale placement, aquatic vegetation, i.e. cattails, stone and spillway construction will be inclusive to the cost of the wetland (see attached specifications and/or plans).
36. **INSTALL** approximately **ONE HUNDRED (100) LINEAR FEET OF HAYBALE DIKE** as shown on plan view map and as directed by WVDEP site personnel.
37. Remove all junk and debris from site and dispose of properly. **\*Documentation of proper disposal must be provided, with invoice.**
38. **REGRADE AND REVEGATE APPROXIMATELY 1 ACRE** using standard seed and fertilizer mixture with agricultural lime applied at a rate of three (3) tons per acre (see attached specifications and/or plans).
39. Existing access roads will be graded and maintained through the life of the contract. All existing roads will be left in usable condition.

I David Martin, the undersigned, hereby certify <sup>1</sup> that this Reclamation Plan is correct and shows to the best of my knowledge and belief all the information required by the surface mining laws of the State of West Virginia. The source of information was the approved mining and reclamation plan contained in the forfeited surface mine permit, existing site conditions and information contained in the WV DEP, Inspection and Enforcement files.

  
Registered Professional Engineer WV No. 7202

Date: August 17, 2007

<sup>1</sup> The term "**certify**" as used herein is defined as follows: The engineer's certification of conditions is a declaration of professional judgment. It does not constitute a warranty or guarantee, either expressed or implied.



McCourt & Son Construction, Inc.  
 2790 Centralia Road  
 Sutton, WV 26601

BUYER CB-23	PAGE 017	REQ. OR PO NO. DEP 13007
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/ OFFICE OF SPECIAL RECLAMATION		

WV-36 STATE OF WEST VIRGINIA  
 REV. 1/29/02 PURCHASING CONTINUATION SHEET  
 VENDOR:

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
<b>BID SCHEDULE</b>				
PERMIT NAME: <u>COAL-X INC.</u>				
PERMIT NUMBER(S): <u>UO-396</u>				
<b><u>WATER QUALITY ABATEMENT</u></b>				
1.0	LUMP SUM	<u>MOBILIZATION/DEMOBILIZATION</u> (5% Total Bid Maximum for this permit)	LUMP SUM	\$ <u>28,000.<sup>00</sup></u>
2.0	LUMP SUM	<u>SPILL CONTAINMENT AREA (S.C.A.)</u> (\$1,000.00 Maximum Bid for this permit)	LUMP SUM	\$ <u>1,000.<sup>00</sup></u>
3.0	LUMP SUM	<u>HAULROAD/ACCESS ROAD</u> (5% Total Bid Maximum for this permit)	LUMP SUM	\$ <u>1,000.<sup>00</sup></u>
4.0	LUMP SUM	<u>CONSTRUCTION STAKEOUT</u> (Limited to 5% Total Bid For This Permit)	LUMP SUM	\$ <u>1,000.<sup>00</sup></u>
5.0	LUMP SUM	<u>REGRADE AND TOPSOILING</u>	LUMP SUM	\$ <u>20,500.<sup>00</sup></u>
<b><u>SITE NUMBER ONE (#1)</u></b>				
6.0		<u>REVEGETATION</u>		
6.1	LUMP SUM	<u>AGRICULTURAL LIME</u>	LUMP SUM	\$ <u>1,500.<sup>00</sup></u>
6.2	LUMP SUM	<u>FERTILIZER</u>	LUMP SUM	\$ <u>2500.<sup>00</sup></u>
6.3	LUMP SUM	<u>MULCH</u>	LUMP SUM	\$ <u>2,500.<sup>00</sup></u>
6.4	LUMP SUM	<u>VEGETATIVE SPECIES</u>	LUMP SUM	\$ <u>2,800.<sup>00</sup></u>
7.0	500 LF	<u>HAYBALE DIKE</u> (max bid \$5.00 per LF)	<u>3.<sup>00</sup></u> per LF	\$ <u>1,500.<sup>00</sup></u>
8.0		<u>RECONSTRUCTED PERMANENT ACCESS ROADS</u>		
8.1	LUMP SUM	<u>MINE BENCH/TRAIL</u>	LUMP SUM	\$ <u>5,900.<sup>00</sup></u>
8.2	LUMP SUM	<u>MINE ACCESS ROAD</u>	LUMP SUM	\$ <u>14,325.<sup>00</sup></u>
9.0	LUMP SUM	<u>MINE DISCHARGE CONVEYANCE PIPE</u>	LUMP SUM	\$ <u>60,000.<sup>00</sup></u>

McCourt & Son Construction, Inc.  
 2790 Centralia Road  
 Sutton, WV 26601

BUYER CB-23	PAGE 018	REQ. OR PO NO. DEP 13007
SPENDING UNIT		
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/ OFFICE OF SPECIAL RECLAMATION		

WV-36 STATE OF WEST VIRGINIA  
 REV. 1/29/02 PURCHASING CONTINUATION SHEET  
 VENDOR:

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
10.0	LUMP SUM	<u>STRUCTURE AND/OR DEBRIS REMOVAL</u>	LUMP SUM	\$ 100. <sup>00</sup>
11.0		<u>OPEN LIMESTONE CHANNEL</u>		
11.1	LUMP SUM	<u>V-DITCH #1</u>	LUMP SUM	\$ 6800. <sup>00</sup>
11.2	LUMP SUM	<u>GROUTED TRAPEZOIDAL CHANNEL #1</u>	LUMP SUM	\$ 28,200. <sup>00</sup>
12.0		<u>CONSTRUCT DROP INLET BOX</u>		
12.1	LUMP SUM	<u>DROP INLET BOX #1</u>	LUMP SUM	\$ 7850. <sup>00</sup>
<b><u>SITE NUMBER TWO (#2)</u></b>				
13.0		<u>REVEGETATION</u>		
13.1	LUMP SUM	<u>AGRICULTURAL LIME</u>	LUMP SUM	\$ 800. <sup>00</sup>
13.2	LUMP SUM	<u>FERTILIZER</u>	LUMP SUM	\$ 1000. <sup>00</sup>
13.3	LUMP SUM	<u>MULCH</u>	LUMP SUM	\$ 1500. <sup>00</sup>
13.4	LUMP SUM	<u>VEGETATIVE SPECIES</u>	LUMP SUM	\$ 2000. <sup>00</sup>
14.0	500 LF	<u>HAYBALE DIKE</u> (max bid \$5.00 per LF)	$\frac{3.00}{\text{per LF}}$	\$ 1500. <sup>00</sup>
15.0		<u>CONSTRUCTED WATER TREATMENT STRUCTURES</u>		
15.1	LUMP SUM	<u>RAW WATER POND</u>	LUMP SUM	\$ 45,000. <sup>00</sup>
15.2	LUMP SUM	<u>POND 1</u>	LUMP SUM	\$ 43,000. <sup>00</sup>
15.3	LUMP SUM	<u>POND 2</u>	LUMP SUM	\$ 43,000. <sup>00</sup>
15.4	LUMP SUM	<u>POND 3</u>	LUMP SUM	\$ 43,000. <sup>00</sup>
15.5	LUMP SUM	<u>POND 4</u>	LUMP SUM	\$ 43,000. <sup>00</sup>
16.0		<u>CONSTRUCTED PERMANENT ACCESS ROADS</u>		

McCourt & Son Construction, Inc.  
 2790 Centralia Road  
 Sutton, WV 26601

BUYER- CB-23...	PAGE 019	REQ. OR PO NO. DEP 13007
SPENDING UNIT		
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/ OFFICE OF SPECIAL RECLAMATION		

WV-36 STATE OF WEST VIRGINIA  
 REV. 1/29/02 PURCHASING CONTINUATION SHEET  
 VENDOR:

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
16.1	LUMP SUM	<u>AQUA-FIX ACCESS ROAD</u>	LUMP SUM	\$ <u>47,500.<sup>00</sup></u>
17.0		<u>CONSTRUCT SLUDGE DRYING CELLS</u>		
17.1	LUMP SUM	<u>SLUDGE DRYING CELL 1</u>	LUMP SUM	\$ <u>25,000.<sup>00</sup></u>
17.2	LUMP SUM	<u>SLUDGE DRYING CELL 2</u>	LUMP SUM	\$ <u>25,000.<sup>00</sup></u>
17.3	LUMP SUM	<u>SLUDGE PUMPING SYSTEM LINES</u>	LUMP SUM	\$ <u>15,000.<sup>00</sup></u>
18.0	LUMP SUM	<u>CONSTRUCTED FENCE AND GATES</u>	LUMP SUM	\$ <u>18,000.<sup>00</sup></u>
19.0		<u>OPEN LIMESTONE CHANNEL</u>		
19.1	LUMP SUM	<u>V-DITCH #2</u>	LUMP SUM	\$ <u>9500.<sup>00</sup></u>
20.0	LUMP SUM	<u>GROUTED TRAPEZOIDAL CHANNEL #2</u>	LUMP SUM	\$ <u>26,050.<sup>00</sup></u>
21.0		<u>AQUA-FIX TREATMENT FACILITY</u>		
21.1	LUMP SUM	<u>FOUNDATION AND STRUCTURAL ELEMENTS</u>	LUMP SUM	\$ <u>15,000.<sup>00</sup></u>
21.2	LUMP SUM	<u>SUB-FOUNDATION PREPARATION</u>	LUMP SUM	\$ <u>1250.<sup>00</sup></u>
21.3	LUMP SUM	<u>CRANE/COMPARABLE EQUIPMENT</u>	LUMP SUM	\$ <u>1800.<sup>00</sup></u>
21.4	LUMP SUM	<u>DOSING UNIT AND SILO</u>	LUMP SUM	\$ <u>82,000.<sup>00</sup></u>
21.5	LUMP SUM	<u>WATER INTAKE LINES TO DRIVE UNIT</u>	LUMP SUM	\$ <u>1000.<sup>00</sup></u>
		<u>SITE NUMBER THREE (#3)</u>		
22.0		<u>REVEGETATION</u>		
22.1	LUMP SUM	<u>AGRICULTURAL LIME</u>	LUMP SUM	\$ <u>500.<sup>00</sup></u>
22.2	LUMP SUM	<u>FERTILIZER</u>	LUMP SUM	\$ <u>500.<sup>00</sup></u>
22.3	LUMP SUM	<u>MULCH</u>	LUMP SUM	\$ <u>500.<sup>00</sup></u>

McCourt & Son Construction, Inc.

2790 Centralia Road

Sutton, WV 26601

BUYER CB-23	PAGE 020	REQ. OR PO NO. DEP 13007
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/ OFFICE OF SPECIAL RECLAMATION		

WV-36

STATE OF WEST VIRGINIA

REV. 1/29/02

PURCHASING CONTINUATION SHEET

VENDOR:

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
22.4	LUMP SUM	<u>VEGETATIVE SPECIES</u>	LUMP SUM	\$ 500. <sup>00</sup>
23.0	100 LF	<u>HAYBALE DIKE</u> (max bid \$5.00 per LF)	<u>3.<sup>00</sup></u> per LF	\$ <u>300.<sup>00</sup></u>
24.0	LUMP SUM	<u>STRUCTURE AND/OR DEBRIS REMOVAL</u>	LUMP SUM	\$ <u>150.<sup>00</sup></u>
25.0	LUMP SUM	<u>CONSTRUCT WETLAND</u>	LUMP SUM	\$ <u>15,000.<sup>00</sup></u>
<u>TOTAL FOR PERMIT UO-396</u>			TOTAL	\$ <u>69,825.<sup>00</sup></u>

Agency Purchasing  
REQ.P.O.# DEP13007  
Bond # 6610

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, McCourt & Son Construction, Inc.  
of 2790 Centralia Rd., Sutton, WV 26601, as Principal, and Companion Property and Casualty  
Insurance Company 7512 Slate Ridge Blvd., Reynoldsburg, OH 43068, a corporation organized and existing under the laws of the State of S Carolina  
with its principal office in the City of Atlanta, GA, as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligee, in the penal sum of Thirty Eight Thousand (\$ 38,500.00 ) for the payment of which,  
well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the Purchasing Section of the  
Department of Administration a certain bid or proposal, attached hereto and made a part hereof, to enter into a contract in writing for  
DEP13007, Coal X Inc., Logan County

**NOW THEREFORE,**

- (a) If said bid shall be rejected, or
- (b) If said bid shall be accepted and the Principal shall enter into a contract in accordance with the bid or proposal attached hereto and shall furnish any other bonds and insurance required by the bid or proposal, and shall in all other respects perform the agreement created by the acceptance of said bid, then this obligation shall be null and void, otherwise this obligation shall remain in full force and effect. It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for the value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Obligee may accept such bid, and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be affixed hereunto and these presents to be signed by their proper officers, this  
14th day of November, 2007.

Principal Corporate Seal

McCourt & Son Construction, Inc.  
(Name of Principal)

By [Signature]  
(Must be President or Vice President)

President  
(Title)

Surety Corporate Seal

Companion Property and Casualty Insurance Company  
(Name of Surety)

[Signature]

Attorney-in-Fact

Andrew C. Heaner, Attorney-in-Fact

**IMPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised corporate seals must be affixed, a power of attorney must be attached.**

# COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY

P. O. Box 100165 (29202)  
51 Clemson Road  
Columbia, SC 29229

## GENERAL POWER OF ATTORNEY

Know all men by these Presents, that the COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY had made, Constituted and appointed, and by these presents does make, Constitute and appoint Andrew C. Heaner of Atlanta, Georgia; Richard L. Shanahan of Atlanta, Georgia; Stefan E. Tauger of Parker, Colorado; Arthur S. Johnson of Atlanta, Georgia; Jessica B. Gardiner of Loganville, Georgia; Mary F. Holland of Chamblee, Georgia; James E. Feldner of West Lake, Ohio; Jeffery L. Booth of Parma, Ohio; Cheryl L. Torrao of Canton, Georgia; Garry W. Black of Murfreesboro, Tennessee; Martha G. Ross of Charlotte, North Carolina; Lloyd Randall Deal, Kennesaw, Georgia; Donald J. Kersey, Birmingham, Alabama; David R. Brett of Columbia, South Carolina; or Donald H. Gibbs of Atlanta, Georgia, EACH as its true and lawful attorney for it and its name, place and stead to execute on behalf of the said company, as surety, bonds, undertakings and contracts of suretyship to be given to all obligees provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount of the sum of **\$1,000,000 (One Million dollars)**.

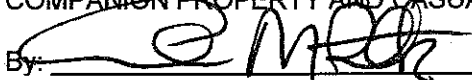
This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted pursuant to due authorization by the Executive Committee of the Board of Directors of the COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY on the 24<sup>th</sup> day of December 2003.

RESOLVED, that the Chairman, President or any Vice President of the Company be, and that each or any of them hereby is, authorized to execute Powers of Attorney qualifying the attorney named in the given Power of Attorney to execute in behalf of the COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY bonds, undertakings and all contracts of suretyship; and that any Officer, Secretary or any Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

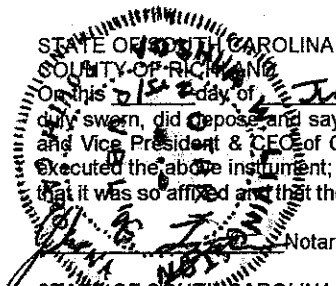
FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future, with respect to any bond undertaking or contract of suretyship to which it is attached.

In Witness Whereof, the COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY has caused its official seal to be hereto affixed, and these presents to be signed by its President and attested by its Vice President this 1<sup>st</sup> day of June 2007.

Attest: COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY

By:   
Charles M. Potok, President

  
Curtis C. Stewart, Vice President & CFO



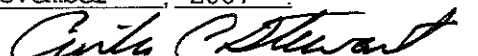
On this 1<sup>st</sup> day of June, 2007, before me personally came the above named officers to me known, who being by me duly sworn, did depose and say that they reside in Columbia, in the County of Richland, State of SC, at Columbia; that they are the President and Vice President & CEO of COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY, the corporation described in and which executed the above instrument; that they know the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed and that they signed their names thereto pursuant to due authorization.

Notary Public, State of SC, Qualified in Richland County Commission Expires: 7/16/14

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

I, the undersigned, an Officer of COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY, a South Carolina Corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and, furthermore, that the Resolution of the Executive Committee of the Board of Directors set forth in the Power of Attorney is now in force.

Signed and sealed at the City of Columbia, Dated the 14<sup>th</sup> day of November, 2007

  
Curtis C. Stewart, Vice President & CFO

*State of West Virginia*  
*Offices of the Insurance Commissioner*

*Certificate of Authority*

*Whereas*, **COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY** domiciled in the State of South Carolina has complied with all the requirements of the laws of this State so as to entitle it to transact its appropriate business in the State of West Virginia.

*Therefore*, I the undersigned, Insurance Commissioner of the State of West Virginia, pursuant to the authority vested in me by the laws of this State, do hereby authorize it to transact the business of insurance as defined in Chapter 33

ARTICLE 1, SECTION 10(c) -- FIRE  
ARTICLE 1, SECTION 10(d) -- MARINE  
ARTICLE 1, SECTION 10(e) -- CASUALTY  
ARTICLE 1, SECTION 10(f) (1) (2) & (3) -- SURETY

of the 1931 Code of West Virginia as amended, in the State of West Virginia in accordance with the laws thereof until midnight on the 31<sup>st</sup> day of May, 2008, unless this license be sooner revoked. Pursuant to W. Va. Code 33-3-2(c), the above authorization does not allow the insurer to transact a kind of insurance in this State unless duly authorized or qualified to transact such insurance in the state or country of its domicile.

*In Testimony Whereof*, I have hereunto set my hand and affixed my seal of office at the City of Charleston this 1<sup>st</sup> day of June, 2007.

*Jane L. Cline*  
Jane L. Cline  
Insurance Commissioner



WV File #1602

**Companion Property & Casualty Insurance Company**

NAIC Company Code: 12157  
NAIC Group Code: 0661

**Statutory Financial Statement  
As of December 31, 2005**

<u>Assets</u>		<u>Liabilities</u>	
Bonds:	\$ 209,225,230	Reserve for:	
Stocks:	8,841,531	a) Losses & LAE:	\$ 159,613,743
Cash & Short-term Investments:	46,011,217	b) Unearned Premiums:	70,788,900
Agents Balances or Uncollected		c) Expenses, Taxes, Licenses & Fees:	22,108,826
Reinsured Companies	62,466,033	Payables to Parents, Subsidiaries & Affiliates:	5,305,930
Amounts Recoverable From Reinsurers	2,125,335	Other Liabilities:	10,501,977
Other Assets:	28,143,570	<b>Total Liabilities:</b>	<b>\$ 288,319,376</b>

<b>Total Admitted Assets:</b>	<b>\$ 356,812,916</b>	<b>Total Liabilities &amp; Policyholder Surplus:</b>	<b>\$ 356,812,916</b>
		<u>Policyholder Surplus</u>	
		Capital Stock:	\$ 4,200,000
		Surplus:	84,293,540
		<b>Total Policyholder Surplus:</b>	<b>\$ 88,493,540</b>

**Notes:** Bonds & Stocks are valued in accordance with the basis adopted by the NAIC.

**Certification:** The officers of this reporting entity being duly sworn, each depose and say that they are the described officers of said reporting entity, and that on the reporting period stated above, all of the herein described assets were the absolute property of the said reporting entity, free and clear from any liens or claims thereon, except as herein stated, and that this statement, together with related exhibits, schedules and explanations therein contained, annexed or referred to, is a full and true statement of all assets and liabilities and of the condition and affairs of the said reporting entity as of the reporting period stated above, and of its income and deductions there from for the period ended and have been completed in accordance with the NAIC Annual Statement Instructions and Accounting Practices and Procedures manual except that: 1) state law may differ, or 2) that state rules or regulations require differences in reporting not related to accounting practices and procedures, according to the best of their information, knowledge and belief, respectively.

Charles M. Polok, President

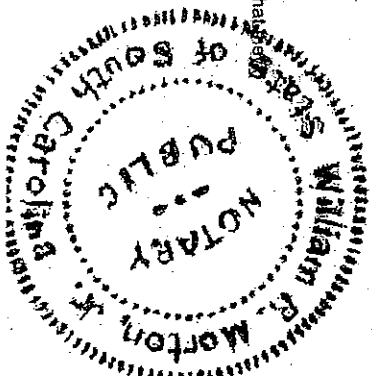
Curtis C. Stewart, VP & CFO

**Notarized:** State of South Carolina  
County of Richland

On the 26<sup>th</sup> day of April, 2006 before me came the above named officers of Companion Property and Casualty Insurance Company, whom I personally know to be individuals and officers described herein, and acknowledge that they executed the foregoing instrument and affixed the seal of said company thereto by authority of their office.

Notary Public

My Commission expires: 25 May 2015





STATE OF WEST VIRGINIA  
Purchasing Division

123

**PURCHASING AFFIDAVIT**

**West Virginia Code §5A-3-10a states:** No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate

**DEFINITIONS:**

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceed five percent of the total contract amount.

**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

**LICENSING:** Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

**CONFIDENTIALITY:** The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendors should visit [www.state.wv.us/admin/purchase/privacy](http://www.state.wv.us/admin/purchase/privacy) for the Notice of Agency Confidentiality Policies.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), it is hereby certified that the vendor acknowledges the information in this said affidavit and are in compliance with the requirements as stated.

Vendor's Name: McCourt & Son Construction, Inc.

Authorized Signature:  Date: 11/28/2007