

## MCCOURT & SON CONSTRUCTION, INC. 2790 CENTRALIA ROAD SUTTON, WV 26601

VOICE: 304-765-5288 FAX: 304-765-5293

**FAX TRANSMISSION** 

TO:State	of WV-Purchasing Divison - Chuck Bow	Mer
fax number 3	H-558-3970 DATE: 2-17-09	
FROM: Tomm	y MeCourt	
NUMBER OF PAG	SES TO FOLLOW: 21	
REMARKS:	Sealed Bid Enclosed	
	RFQ Number: DEP 14503 Buyer: Chuck Botomen Bid Opening Date: 2/17/09	12
	Bid Opening Time: /:δορπ  lall To:	an bolt
	WV PURCHASING DIVISION 2019 WASHINGTON ST E PO BOX 50130 CHARLESTON WV 25305-0130	
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State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

Request for Quotation

RECINUMBER

PAGE

CHUCK BOWMAN 304-558-2157

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

SUTTON WV 26601

ENVIRONMENTAL PROTECTION

DEPARTMENT OF

OFFICE OF AML&R

601 57TH STREET SE

CHARLESTON, WV

25304

304-926-0499

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SIGNATURE				765-5288	
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SIGNATURE

TITLE

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

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### Request for Quotation

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

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ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 304-926-0499 25304

PREIGHTTEHMS TERMS OF GALE SHIP VIA DATE PRINTED 12/03/2008 01:30PM BID OPENING TIME 02/17/2009 BID OPENING DATE: AMOUNT CAT UNITPRICE ITEM NUMBER UOP QUANTITY LINE EXHIBIT 5 WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT: ANY SOLICI-TATION FOR A PUBLIC IMPROVEMENT CONSTRUCTION CONTRACT REQUIRES EACH VENDOR THAT SUBMITS A BID FOR THE WORK TO SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLIANCE THE ENCLOSED PURCHASING AFFIDAVIT MUST WITH THE BID. BE SIGNED AND SUBMITTED WITH THE BID AS EVIDENCE OF THE VENDOR'S COMPLIANCE WITH THE PROVISIONS OF ARTICLE ID, CHAPTER 21 OF THE WEST VIRGINIA CODE. FAILURE TO SUBMIT THE SIGNED PURCHASING AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID. NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 90 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED. THE DIRECTOR OF PURCHASING RESERVES THE CANCELLATION 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 BID AND CONTRACT HEREIN. WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR MONONGALIA COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT.) ANY REFERENCES MADE TO ARBITRATION OR ARBITRATION: INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAWN CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS SEE REVERSE SIDE FOR TERMS AND CONDITIONS

TELEPHONE

ADDRESS CHANGES TO BE NOTED ABOVE



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CHUCK BOWMAN 304-558-2157

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

SUTTON WV 26601

ENVIRONMENTAL PROTECTION
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OFFICE OF AML&R
601 57TH STREET SE
CHARLESTON, WV
25304 304-926-0499

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State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 507005 Charleston, WV 25305-0130

# Request for Quotation DEP14503

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ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 304-926-0499 25304

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

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CHUCK BOWMAN 304-558-2157

ENVIRONMENTAL PROTECTION DEPARTMENT OF DFFICE OF AML&R 601 57TH STREET SE

CHARLESTON, WV 25304

304-926-0499

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CHUCK BOWMAN

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ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 304-926-0499

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

SUTTON WV 26601

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### Request for Quotation

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RADDRESSIGORESPONDENCE STATE MICHOROS CHUCK BOWMAN 304-558-2157

304 765 5288 ¥709052008 MCCOURT & SON CONSTRUCTION INC 2790 CENTRALIA ROAD DOUZEA SUTTON WV 26601

ENVIRONMENTAL PROTECTION -DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 304-926-0499 25304

EREIGHT TERMS F.O.B SHIP VIA DATE PRINTED TERMS OF SALE 12/03/2008 01:30PM BID OPENING TIME BID OPENING DATE: 02/17/2009 AMOUNT CAT UNITPRICE ITEM NUMBER UOP QUANTITY LINE TECHNICAL SPECIFICATIONS: (5) ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "PIERPONT (WHITEHAIR) FURALS AND SAID LANDSLIDE" PROJECT. PLANS & SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 6 DRAWINGS AS PREPARED IN-HOUSE BY THE WV DEPARTMENT OF ENVIRONMENTAL PROTECTION. PAYMENTS AND COMPLETION: (6) THE CONTRACTOR SHALL FURNISH TO DEP AN APPLICATION FOR PAYMENT WITH AN ITEMIZED SCHEDULE OF VALUES AS HEREIN BEFORE REQUESTED. THE FORM INCLUDED IN THE SPECIFICATIONS SHALL BE USED FOR APPLICATIONS IT IS THE DEP'S INTENT THAT THE PAYMENT TO OF PAYMENT. THE CONTRACTOR BE MADE WITHIN 60 DAYS AFTER RECEIPT OF APPLICATION FOR PAYMENT. APPLICATION FOR PARTIAL PAYMENT: (7) THE CONTRACTOR MAY, ON A PERIODIC BASIS, SUBMIT FOR PARTIAL PAYMENT BASED ON THE AMOUNT OF WORK THE AMOUNT OF COMPLETED AT THE TIME OF THE SUBMITTAL. PAYMENT WILL BE DETERMINED FROM THE ACTUAL QUANTITY OF WORK COMPLETED IF BASED UPON UNIT MEASURES OR THE PERCENT COMPLETED IF BASED UPON A LUMP SUM. IN THE EVENT THE VENDOR/CONTRACTOR FILES BANKRUPTCY: FOR BANKRUPTICY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER DRDER. REV. 1/2005 PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS see beverse side for teams and conditions DATE TELEPHONE SIGNATURE ADDRESS CHANGES TO BE NOTED ABOVE

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

Request for \_\_\_\_\_\_

DEP14503

CHUCK BOWMAN 304-558-2157

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26601 SUTTON WV

ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 304-926-0499 25304

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Request for Quotation

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Makein Civis Passes

PAGE 9

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ENVIRONMENTAL PROTECTION
DEPARTMENT OF
OFFICE OF AML&R
601 57TH STREET SE
CHARLESTON, WV
25304 304-926-0499

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FREIGHTTERMS FOB. SHP VIA DATE PRINTED TERMS OF BALE 12/03/2008 01:30PM BID OPENING DATE: BID OPENING TIME 02/17/2009 CAT. **AMQUNT** ITEM NUMBER UNITPRICE LINE QUANTITY EXCEED ONE TENTH OF DNE PERCENT (:1%) OF THE TOTAL CONTRACT COST OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER. FOR THE PURPOSES OF THIS SECTION, THE COST IS THE VALUE OF THE STEEL PRODUCT AS DELIVERED TO THE PROJECT OR, THE DIRECTOR OF THE PURCHASING DIVISION DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY AVAILABLE TO MEET CONTRACT REQUIREMENTS. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO W. VA. CODE SECTION 54-3-56. REV. 10/01/01 EXHIBIT 7 DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS 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 BEE REVEASE SIDE FOR TERMS AND CONDITIONS SIGNATURE



TODS TO

TITLE

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

Request for Quotation

DEP14503

PAGE

ADDRESS CONGENCIAL ON CHILDREN CHUCK BOWMAN 304-558-2157

ADDRESS CHANGES TO BE NOTED ABOVE

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

ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 304-926-0499 25304

FREIGHTHERMS FOB, SHIP VIA TERMS OF SALE DATE PRINTED 12/03/2008 01:30PM BID OPENING TIME BID OPENING DATE 02/17/2009 AMOUNT UNITPRICE ITEM NUMBER LOP CUANTITY LINE POUNDS OF STEEL ARE USED IN PUBLIC WORKS PROJECTS. FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND SUCH COST IS UNREASONABLE IF IT IS TO BE UNREASONABLE. 20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE IF THE DOMESTIC ALUMINUM, GLASS OR STEEL PRODUCTS. PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED ONLY IF DOMESTIC PRODUCTS ARE 30% OR MORE HIGHER IN PRICE THAN THE FOREIGN MADE PRODUCTS. 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 SPENDIN 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. REV. 3/88 EXHIBIT 9 NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA. THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES: THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM (1)SEE REVERSE SIDE FOR TERMS AND CONDITIONS DATE SIGNATURE



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### Request for Quotation

DEP14503

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CHUCK BOWMAN
304-558-2157

\*709052008 304 765 5288
MCCOURT & SON CONSTRUCTION INC
2/90 CENTRALIA RUAD
SUTTON WV 26601

ENVIRONMENTAL PROTECTION
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OFFICE OF AML&R
601 57TH STREET SE
CHARLESTON, WV
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State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130 Charleston, WV 25305-0130

Request for Quotation

COMMERCIAL PROPERTY OF THE PRO DEP14503

AGE 12

CHUCK BOWMAN 304-558-2157

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

26601

ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R þ 601 57TH STREET SE CHARLESTON, WV 25304

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SUTTON WV 26601

ENVIRONMENTAL PROTECTION
DEPARTMENT OF
OFFICE OF AML&R
601 57TH STREET SE
CHARLESTON, WV
25304
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CHUCK BOWMAN 304-558-2157

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ENVIRONMENTAL PROTECTION DEPARTMENT OF

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### PIERPONT (WHITEHAIR) PORTALS & LANDSLIDE

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Contractor's Bid Sheet

	Mo	Court	& S	on	Construction	TUC.
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Sutton, WV 26601

The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.

EM O.	QUANTITY	. DESCRIPTION	UNIT PRICE	AMOUNT
0,	QUANTAL A			
	Y Osser	Mobilization & Demobilization (Limited to 10% of Total Bid)	LS	\$ 10,000.00
.0	Lump Sum	Construction Layout (Limited to 5% of Total Bid)	LS	\$ 3,500,00
.0	Lump Sum	Quality Control (Limited to 3% of Total Bid)	LS	\$: 500.00
0	Lump Sum	Site Preparation (Limited to 10% of Total Bid)	1	\$ 6,500.00
1	Lump Sum	Gravel Road Rehabilitation	\$14.00 to	\$n 4,200.00
.2	300 TN	Sediment Control	\$3.75 LF	\$14,625.00 £12,000.00
.0	3900 LF	Revegetation	\$\$\$000.00 <i>}</i>	£12,000.00
.0	4 AC	4' Grouted Riprap Channel	\$73.00LI	\$ 4,015.00
.1	55 LF	6' Grouted Riprap Channel	\$58_00LF	\$ 33,640.00
.2	580 LF	18" HDPE Culvert	\$90,00LE	\$ 1.800.00
.3	20 LF	The state of the s	\$5,200.00	XA 5,200.00
.4	1 EA	Type "G" Inlet 12" SDR-35 Pipe	\$28650LF	\$ 4,560.00
.5	160 LF		\$18.00LF	\$ 2,700.00
.6	150 LF	Grass Lined Swate Grass Lined Channel (Roadway Ditch)	\$12,50LF	\$ 3,375.00 \$4,500.00
.7	270 LF	Wer/Modified Mine Seal	\$7,100.00	34 33,500.00
.1	5 EA		\$14,00	\$ 1,820.00
.2	130 LF	12" Conveyance Pipe Soda Ash Briquettes (50 lb Bags)	\$25.00EA	\$ 500.00
.3	20 EA	3' X 3' Underdrain	\$63.00	\$ 50,400,00
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PAGE 17

OMB #1029-0119 Expiration Date: Ol/31/2010

### AML CONTRACTOR INFORMATION FORM

You must complete this form for your AML contracting officer to request an AML eligibility evaluation from the Office of Surface Mining to determine if you are eligible to receive an AML contract. This eligibility requirement applies to contractors and their sub-contractors and is found under OSM's regulations at 30 CFR 874.16.

Part A: General Information

Contractor NameMa	Court & Son Constr	Tax Payer ID	No.: 55-062-4840
4 11 2700 0	Awalia Dani		
Address: 2790 C	State: wv	Zip Code: 26601	Phone: 304-765-5288
Fax No.304-765-	5293 E-mail addre	ss: mccourtandsor	@wirefire.com
Part B. Legal Struct	ne ,		
(x) Corporation ( ) Other (please spe	() Sole Proprietorship cify)	() Partnership	()LLC
Part C: Certifying as	nd updating information in to options, follow the instruct	he Applicant/Violator tions for that option, ar	System (AVS). Select only id sign below.
I Tommy McCou	<u>rt</u> , h	ave the express author	ity to certify that:
(print) Information v date. If you		attach an Entity OF I	complete, and upto- from AVS to this form.
Part of the i	nformation on the attached i	Entity OFT from AVS y must be updated. If y	is missing or incorrect and ou select this option, you

must attach an Entity OFT from AVS to this form. Use Part D to provide missing or corrected information. Sign and date below and complete Part D.

Our company currently has no information in AVS. If you select this option, you must provide all information required in Part D. Sign and date below and complete Part D.

Date 2/17/09

#### IMPORTANT!

In order to certify in Part C to the accuracy of existing information in AVS, you must obtain a copy of your business' Entity OFT. To obtain an Entity OFT, contact the AVS Office, toll-free, at 800-643-9748 or request it from www.avs.osmre.~ov on the Internet.

Date: 7-Jul-2006

Applicant Violator System Organizational Family Tree (OFT)

Time :11:44:12 Page: 1

(139788) MCCOURT & SON CONSTR INC

			Total N	umber:	6
Entity ID	Name	Desc Code	Begin Date	End Date	Pct. Hold Own. Code
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Agency State of Wy Purchasing Div.

### BID BOND

KNOW ALL MEN BY THESE PRESENTS	That wa, the understaned,	McCourt & Son Construction, Inc
of 2790 Centralia Road, Suiton, W		es Principal, and Merchants Bonding Company
of 2100 Fleur Drive, Des Moines, L	4 60321 a corporation	organized and existing under the lews of the State of
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ive caused their corporate seals to be affixed her	• • • • • • • • • • • • • • • • • • • •	be algred by that proper officers, this
17th day of February 20 i	19.	
insigal Corporate Seel		McCourt & Son Construction, Inc
with any horato and		(Ways of Principal)
"		(Most by Endsident or Vice President)
		President (Me)
urely Corporate Seal		Merchants Bonding Company (Name of Sujety)
	•	Charles C. Martin Attorney-In-Fact Charles C Martin

MAPCRITANT - Questy executing bands must be licensed in West Virginia to transact oursely insurance. Relocal corporate sould must be affected, a power of attorney must be affected.

# Merchants Bonding Company

### POWER OF ATTORNEY

Know All Persons By These Presents, that the MERCHANTS BONDING COMPANY (MUTUAL), a corporation duly organized under the laws of the State of lows, and having its principal office in the City of Des Moines, Countly of Polk, State of lows, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Charles C. Martin, James F. Oakes, Lavonne Sherrod

of Knoxville and State of Tennessee its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surely any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

### TWO MILLION FIVE HUNDRED THOUSAND (\$2,500,000.00) DOLLARS

and to bind the MERCHANTS BONDING COMPANY (MUTUAL) thereby as fully and to the same extent as if such bond or undertaking was signed by the duty authorized officers of the MERCHANTS BONDING COMPANY (MUTUAL), and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following Amended Substituted and Restated By-Laws adopted by the Board of Directors of the MERCHANTS BONDING COMPANY (MUTUAL) on November 18, 2002.

ARTICLE II, SECTION 8 - The Chairman of the Board or President or any Vice President or Secretary shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of Indemnity and other writings obligatory in the natura thereof.

ARTICLE II, SECTION 8 - The signature of any authorized efficer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or Cartification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other euretyahip obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 20th day of September 2007

ON POA

MERCHANTS BONDING COMPANY (MUTUAL)

· \*

STATE OF IOWA COUNTY OF POLK 89.

On this 20th day of September, 2007, before me appeared Larry Taylor, to me personally known, who being by me duly swom did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal offixed to the seld instrument is the Corporate Seal of the seld Corporation and that the sald instrument was eigned and sealed in behalf of seld Corporation by authority of ite Board of Directors.

In Treatimony Whereof, I have hereunto set my hand and affixed my Official Scal at the City of Des Moines, lows, the day and year first

CINDY SMYTH
Commission Number 173504
My Commission Expires
March 16, 2009

Notary Public, Polk County, lower

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL), do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said MERCHANTS BONDING COMPANY (MUTUAL), which is still in full force and effect and has not been amended or revoked.

in Witness Whereof, I have hereunto set my hand and affixed the seal of the Company on this

10th day of February

William Harner Jo.

POA 0001 (1/06)

TOTATE OF JOWA. COUNTY OF POLK 66.

REA No.	DEP1	4	5	0	3

## STATE OF WEST VIRGINIA Purchasing Division

### **PURCHASING AFFIDAVIT**

019

#### **VENDOR OWING A DEBT TO THE STATE:**

West Virginia Code §5A-3-10a provides that: 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.

#### PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

West Virginia Code §21-1D-5 provides that: Any solicitation for a public improvement construction contract shall require each vendor that submits a bid for the work to submit at the same time an affidavit that the vendor has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code. A public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the West Virginia Code may take place before their work on the public improvement is begun.

#### ANTITRUST:

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

#### LICENSING:

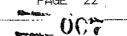
Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, 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 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 is in compliance with the requirements as stated.

Vendor's Name: _	McCourt & So	n Construction Inc.		
	yre		Deta 2/17/09	
Authorized Signal	yet		Date: 2/17/09	
Decemberation Affidaville /E	Pardrad 07/01/08			



Jan 2009



### State of West Virginia DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT West Virginia Code §21-1D-5

SIAII	E OF WEST VIRGINIA,
COUN	ity of Braxton, to-wit:
I,state	Jommy McCourt , after being first duly sworn, depose and as follows:
1.	I am an employee of Mc Court & Son Construction, Inc.; and, (Company Name)
2.	I do hereby attest that Mc. Pourt & San Construction, Inc. (Company Name)
	maintains a valid written drug free workplace policy and that such policy is in compliance with <b>West Virginia Code</b> §21-1D-5.
The al	bove statements are sworn to under the penalty of perjury.
	McCoulet + Son Construction, Inc. (Company Name)
	By:
	Title: President
	Date: 2/17/09
	, subscribed and sworn to before me this <u>17</u> day of <u>February 2009</u> .
Ву Сол	mmission expires Nov. 27, 2016
(Seal)	OFFICIAL SEAL Notary Public, State Of West Virginia TONYA VINCENT 1075 Old Turnpike Rd. (Notary Public)
	Sutton, WV 26301  My Commission Expires Now 27, 2016  APPIDAVET PRIST BE SUBMITTED WITH THE BID IN ORDER TO
	PLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE DAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF
THE B	