

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	Be	mw	<u>an</u>
FAX NUMBER 304-558-3970 DATE: 5/19/10	31.00 00 MINOR MI		
FROM: Tommy McCourt			· ····
NUMBER OF PAGES TO FOLLOW: 23		<u></u>	and the second s
RFQ Number: UEP 14973 Buyer: CB-23 Bid Opening Date: 5/19/10 Bid Opening Time: 1:30 Mail To:			
WV PURCHASING DIVISION 2019 WASHINGTON ST E PO BOX 50130 CHARLESTON WV 25305-0130	AM 40 JUNSTICS	200 KAV 19 A II: 2	



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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

ADDRESS CORRESPONDEN	ICE TO ATTENTION OF 18 AND A
CHUCK BOWMAN	
304-558-2157	

RFQ CDPY TYPE NAME/ADDRESS HERE 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

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GENERAL TERMS & CONDITIONS REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

- 1. Awards will be made in the best Interest of the State of West Virginia.
- 2. The State may accept or reject in part, or in whole, any bid.
- 3. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
- 4, All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods this Purchase Order/Contract becomes void and of no effect after June 30.
- 5. Payment may only be made after the delivery and acceptance of goods or services.
- 6. Interest may be paid for late payment in accordance with the West Virginia Code.
- 7, Vendor preference will be granted upon written request in accordance with the West Virginia Code.
- 8. The State of West Virginia is exempt from federal and state taxes and will not pay or relmburse such taxes.
- 9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
- 10. The laws of the State of West Virginia and the Legislative Rules of the Purchasing Division shall govern the purchasing process.
- 11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
- 12. BANKRUPTCY: In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
- 13. HIPAA BUSINESS ASSOCIATE ADDENDUM: The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.htm and is hereby made part of the agreement. Provided that the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
- 14. 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. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf.
- 15. 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, and the West Virginia Insurance Commission. 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 entitles.
- 16. 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 material, 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.

INSTRUCTIONS TO BIDDERS

- 1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
- 2. Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as EQUAL to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
- 3. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
- 4. All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130 5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division,

is strictly prohibited (W.Va. C.S.R. §148-1-6.6).

TYPE NAME/ADDRESS HERE

McCourt & Son Construction, Inc.

Sutton, WV 26601

2790 Centralia Road



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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DEPARTMENT OF DFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV

ENVIRONMENTAL PROTECTION 304-926-0499 25304

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CHUCK BOWMAN <u> 304-558-2157</u>

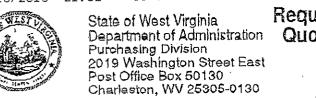
ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 25304

304-926-0499

ADDRESS CHANGES TO BE NOTED ABOVE

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CHUCK BOWMAN
304-558-2157

RFQ COPY
TYPE NAME/ADDRESS HERE
McCourt & Son Construction, Inc.
2790 Centralia Road
Sutton, WV 26601

ENVIRONMENTAL PROTECTION
DEPARTMENT OF
OFFICE OF AML&R
601 57TH STREET SE
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2790 Centralia Road

Sutton, WV 26601



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2019 Washington Street East
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Request for Quotation.

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CHUCK BOWMAN 304-558-2157

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TELEPHONE 304-765-5288

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5/19/10

ADDRESS CHANGES TO BE NOTED ABOVE

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2019 Washington Street East Post Office Box 50130 Charleston, WV 25305-0130

State of West Virginia

Purchasing Division

MCCOURT AND SON

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CHUCK BOWMAN	
304-558-2157	

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TITLE

RFQ COPY TYPE NAME/ADDRESS HERE

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

FREIGHT TERMS DATE PRINTED 03/23/2010 01:30PM BID OPENING TIME BID OPENING DATE: 05/19/2010 CAT UNIT PRICE TAUOMA ITEM NUMBER UOP... QUANTITY LINE PROCUREMENT. ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR 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. (1) NOTICE TO PROCEED: THE CONSTRUCTION WORK SPECIFIED HEREIN IS TO BE COMPLETED WITHIN 365 CALENDAR DAYS AFTER THE OFFICIAL IN THE EVENT THAT A NOTICE TO PROCEED IS RECEIVED. PRE-CONSTRUCTION CONFERENCE IS REQUIRED, THE NOTICE TO PROCEED SHALL BE THE SPECIFIC DATE ESTABLISHED IN THE PRE-CONSTRUCTION CONFERENCE. (2) GUARANTEE AND MAINTENANCE: (A) THE MATERIALS AND WORKMANSHIP AFFECTED BY THE CONTRACTOR ARE SUBJECT TO THE GUARANTEE ESTABLISHED IN THE ABSENCE OF BY CUSTOM OF THE RESPECTIVE TRADES. A TRADE GUARANTEE CUSTOM OR A SPECIAL GUARANTEE PROVISION, THE WORK, BOTH AS TO THE MATERIALS AND WORKMANSHIP, SHALL UPON ACCEPTANCE OF FINAL PAYMENT BY THE CONTRACTOR BE CONSIDERED GUARANTEED BY THE CONTRACTOR FOR ONE YEAR FROM THE DATE OF THE ACCEPTANCE NEITHER THE FINAL ACCEPTANCE NOR THE FINAL PAYMENT SHALL RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR NEGLIGENCE OR FAULTY MATERIALS, AND FOR DEFECTS APPEARING WITHIN THE GUARANTEE PERIOD SHALL BE REMEDIED AT THE EXPENSE OF THE CONTRACTOR UPON WRITTEN NOTICE. DURING THE ONE-YEAR GUARANTEE PERIOD, THE CONTRACTOR WILL MAINTAIN THE PROJECT TO THE CONDITIONS EXISTING AT THE DATE OF THE ACCEPTANCE OF THE WORK. ANY FAILURES DUE TO THE NEGLIGENCE OR WORKMANSHIP OF CONTRACTOR IN ANY OF THE WORK THAT DEVELOPS DURING THE Everse side for terms and conditions SIGNATURE

TYPE NAME/ADDRESS HERE

McCourt & Son Construction, Inc.

2790 Centralia Road

Sutton, WV 26601



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

3047655293

Request for _______ Quotation

DEP14973

CHUCK BOWMAN 304-558-2157

ENVIRONMENTAL PROTECTION DEPARTMENT OF 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 50130
Charleston, WV 25305-0130

Request for Quotation DEP14973

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CHUCK BOWMAN
304-558-2157

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McCourt & Son Construction

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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TITLE

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

3047655293

TYPE NAME/ADDRESS HERE McCourt & Son Construction, inc.

2790 Centralia Road

Sutton, WV 26601

Request for Quotation

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CHUCK BOWMAN	
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ADDRESS CHANGES TO BE NOTED ABOVE

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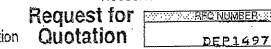
ENVIRONMENTAL PROTECTION
DEPARTMENT OF
OFFICE OF AML&R
601 57TH STREET SE
CHARLESTON, WV
25304 304-926-0499

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

CHUCK BOWMAN 304-558-2157

ADDRESS CHANGES TO BE NOTED ABOVE

RFQ COPY TYPE NAME/ADDRESS HERE 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

FACIGHT TERMS SHIP VIA DATE PRINTED 03/23/2010 BID OPENING TIME 01:30PM BID OPENING DATE: 05/19/2010 AMOUNT ! QUANTITY UOP. O TINE OF THE 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 5A-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 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 FOUN 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 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 SEE REVERSE SIDE FOR TERMS AND CONDITIONS.

TYPE NAME/ADDRESS HERE

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2790 Centralia Road

Sutton, WV 26601



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

3047655293

Request for Quotation

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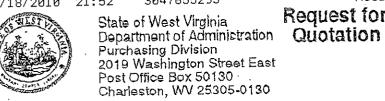
CHUCK BOWMAN 304-558-2157

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ADDRESS CHANGES TO BE NOTED ABOVE

DATE PRINTED 03/23/2010 BID OPENING DATE: 01:30PM 05/19/2010 BID OPENING TIME LINE QUANTITY DOP: UNIT PRICE AMOUNT ITEM NUMBER 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 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. 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 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. THE BUYER SHALL SEND THE ADDENDUM TO ALL. INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID ANY ADDENDUM SHOULD BE RECEIVED BY THE OPENING DATE. BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID SEEREVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE

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

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

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2790 Centralia Road

Sutton, WV 26601



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

3047655293

Request for REGINEMBER Quotation

CHUCK BOWMAN 304-558-2157

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

304-926-0499

DS/25/2010 DD OPENNOONE D5/19/2010 DE OOPENNOONE D5/19/2010 DE OOPENNOONE D5/19/2010 VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY DRAL 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. MCCOURT & SON CONSTRUCTION INC. COMPANY 5/19/10 REV. 11/96 NOTICE A SIGNED BID MUST BE SUBMITTED TO: DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WY 25305-0130 THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID BUYER: CB-23	DATE PRIN	ITEO STATE	ERMSOFSALE	i Spic	VIV. St. St. St.	føß.	ngan sasaran Pabus	
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TYPE NAME/ADDRESS HERE

McCourt & Son Construction, Inc.

Sutton, WV 26601

2790 Centralia Road

RFQ CDPY

3047655293

State of West Virginia Department of Administration Quotation
Purchasing Division

2019 Washington Street East Post Office Box 50130

Charleston, WV 25305-0130

MCCOURT AND SON Request for PRESIDENT PRODUMENT

PAGE 16

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APORESS OORRESPONDENCE JO ATTENTION OF
CHUCK BOWMAN
 304-558-2157

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

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Anglins Run #1

Requisition # DEP14973 Contractor's Bid Sheet

- - Ita detail a Did Olleet

Company Name: McCourt & Son Construction Inc.

Sutton, WV 26601

Address: 2790 Centralia Road

ITEM			1	
NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	1 LS	Mobilization and Demobilization (Limited to 10% of Total Bid)	LS	\$10,000.00
2.0	ILS	Construction Layout Stakes (Limited to 5% of Total Bid)	LS	\$ 1,500.00
3,0	1 LS	Quality Control (Limited to 3% of Total Bid)	LS	\$ 500,00
4.1	1 LS	Site Preparation (Limited to 10% of Total Bid)	LS	\$ 25,000.00
4.2	660 LF	Access Road #1	\$25.00	\$ 16,500.00
4.3	40 TN	Driveway Gravel	\$25,00	\$ 1,000.00
5.0	935 LF	Sediment Control	\$ 5.00	\$ 4,675.003
6.0	3.75 AC	Revegetation	\$1,895.00	
7.1	840 LF	8' Grouted Riprap Channel	\$75.00	\$63.000.00
7.2		24" HDPE Pipe		§ 4.355.00
7.3	3 EA	Type "G" Inlet		\$14,685.00
7.4		Ditch Rehabilitation		\$16,800.00
7.5		8' Grass Lined Channel (Road Ditch)		\$17,515,00
9.1		Wet/Modified Mine Seal	\$8-900.00	\$71.200.00
9.2		Soda Ash Briquettes (50 lb bag)	\$ 20 00	\$71,200,00 \$ 2,000.00
9.3		Conveyance Pipe	\$ 15.00	\$16,500.00
11.0		Underdrain		\$ 9,600,00
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Part A: General Information

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OMB \$1029-0119 Expiration Date: 1/31/13

AML CONTRACTOR INFORMATION FORM

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

Business NamemcCourt & Son Construction Payer ID No.:55-062-4840 Address: 2790 Centralia Road
City of the State vary Zip Code; 26601 Phone: 304 765 5288
Address: 2790 Centralia Road City: Sutton State: WV Zip Code: 26601 Phone: 304 765 - 5288 Fax No.: 304-765-5293 E-mail address:
Fax 10304-703-3273
Part B: Legal Structure
(x) Corporation () Sole Proprietorship () Partnership () LLC () Other (please specify)
Part C: Certifying and updating information in the Applicant/Violator System (AVS). Select only one of the following options, follow the instructions for that option, and sign below.
I, Tommy McCourt , have the express authority to certify that: (print name)
1. X Information on the attached Entity Organizational Family Tree (OFT) from AVS is accurate, complete, and up-to-date. If you select this option, you must attach an Entity OFT from AVS to this form. Sign and date below and do not complete Part D.
2. Part of the information on the attached Entity OFT from AVS is missing or incorrect and must be updated. If you select this option, you must attach an Entity OFT from AVS to this form. Use Part D to provide the missing or corrected information. Sign and date below and complete Part D.
Our business currently has no information in AVS. If you select this option, you mus provide all information required in Part D. Sign and date below and complete Part D.
Dresident
5/19/10 Date Dignature Title
IMPORTANT! In order to certify in Part C to the accuracy of existing information in

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 from the AVS website at https://avss.osmre.gov.

Date: 7-Jul-2006

Applicant Violator System Organizational Family Tree (OFT)

Time :11:44:12

Page: 1

(139788) MCCOURT & SON CONSTR INC

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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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Request for Quotation

DEP14973

****ADDRESSCORRESSONDENSEROMANIENTON OF CHUCK BOWMAN 304-558-2157

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

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

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Purchasing Division BID BOND McCourt & Son Construction, Inc. ONDW ALL MEN BY THESE PRESENTS, That WE, the undescipted, as Principal, and Berkley Regional Insurance Company Sutton, West Virginia 26601 of 2790 Centralia Road a corporation organized and existing under the laws of the State of DE of 11201 Douglas, Urbandale, IA 50322 es Surely, are held and firmly bound unto the State Urbandale with the principal office in the City of of West Virginia, as Obliges, in the panel step of Percent of the Amount Bid (5%)) for the payment of which, well and july to be made, we jointly and severally bind ourselves, our hairs, administrators, executors, excusesous and essigns. The Condition of the above obligation is such that whereas the Principal has submitted to the Prachasing 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 DEP 14973 - The "Angkins Run # 1" - Barbour County YOW THEREPORE a) If each this effect be rejected, or (b) If said but stell be acceptant and the Principal shall enter into a contract in accordance with the bid or proposal attached hereto ar d shart turnish any other bunds and insurance required by the bid or proposal, and shall in all other respects perform the agreement created by the assesptance of said bid, then this obligation shall be multiply for only otherwise this obligation shall be multiply for any and all distinct heretarder shall, in he sweet, force any effect. It is appreciated and egreed that the liability of the Surety for any and all distinct heretarder shall, in he sweet, and the surety for any and all distinct heretarder shall, in he sweet, and the surety of the surety for any and all distinct heretarder and all distinct heretarders and all distinct heretarders and all distinct heretarders and all distinct heretarders are the surety of the surety for the surety of the su exceed the pensi synamic of this obligation as herein stated. The Guerly, for the value received, becapy objuddes and agrees that the obligations of said Querly and its bond shall be in no way inquired or affected by any extension of the time within which the Obliges may accept such bid, and said Surely does hereby walve no toe of eary such extension. IN VALINESS WHEREOF, Principal and Suzzly have hereunto set they hands and seeds, and such of them as are corporations have coused their corporate meals to be affixed hemiliate and these presents to be signed by their proper officers, this 19th 1ay of McCourt & Son Construction, Inc. Principal Corporate Seal (Name of Principal) (Mysic be President or Cylco Presidenti President (Title) Backley Regional Insurance Company (Name of Stacty) Alleghey-In-Fact Karen Lynn Hussen

intropies, in the street properties bonds must be Recheck in West Virginia to beneat surely because. Caised corporate seals must be affined, a power of alterney must be attached.

PAGE 22 06 PAGE No. 339a

POWER OF ATTORNEY BERKLEY REGIONAL INSURANCE COMPANY WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY REGIONAL INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Urbandale, Iowa, has made, constituted and appointed, and does by these presents make, constitute and appoint: James F. Oakes, Lavonte Sherrod, Charles Carlisle Martin or Karen Lynn Hutson of TIS Insurance Services, Inc. of Knoxville, TN

its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, scal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Ten Million and 00/100 Dollars (\$10,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attautey is greated pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on August 21, 2000:

"RESOLVED, that the proper officers of the Company are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of amorney executed pursuant hereto; and

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other surroyahip obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person of persons who shall have been such officers or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued."

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal becomes affixed this 17 day of March

> mal Insurance Company Robert P. Cole Senior Vice President & Secretary Senior Vice President

WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.

STATE OF CONNECTICUT) CCUNTY OF FAIRFIELD

Sworn to be fore me, a Notary Public in the State of Connecticut, this 17 day of March , 2009, by Robert P. Cole and Ira S. Lederman who are swom to me to be the Senior Vice President, and the Senior Vice President and Secretary, respectively, of Berkley Regional Insurance Company.

EILEEN KILLEEN Elean Hillian Notar" public MY COMMISSION EXPIRES JUNE 30, 2012 Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY REGIONAL INSURANCE COMPANY. DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney, that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to Which this Power of At timey is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this in the

Given under my hand and seal of the Company, this Maday of

Steven Coward

The Break

WARNING - Any unauthorized reproduction or alteration of this document is prohibited. This power of aftorney is void unless seals are readable and The background imprint, warning and confirmation (on reverse) must be in blue ink iffication seal at the bottom is embossed.

(Seal)

Jan 2009

THE BID.



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

STATE OF WEST VIRGINIA,							
COUNTY OF Braxton TO-WIT:							
I, Tommy McCourt, after being first duly sworn, depose and state as follows:							
1. I am an employee of <u>McCourt & Son Construction Trc.</u> ; and, (Company Name)							
2. I do hereby attest that <u>McCourt & Son Construction Inc.</u> (Company Name)							
maintains a valid written drug free workplace policy and that such policy is in compliance with West Virginia Code §21-1D-5.							
The above statements are sworn to under the penalty of perjury. McCourt & Son Construction Inc.							
(Company Name)							
By: January & Control							
Title: President_							
Date: 5/19/10							
Taken, subscribed and sworn to before me this 19 day of May 2010. By Commission expires Opril 4, 2019							
Official Seal Notary Public, State of West Virginia Bernadette Gaddy Rt 1 Box 30 Official Seal Authorized Control of West Virginia Bernadette Gaddy Rt 1 Box 30							
Frametown, WV 26623 (Notary Pyblic) My commission expires April 6, 2019							
THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO							
COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE							
AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF							

RFQ No.	DEP14973.
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STATE OF WEST VIRGINIA Purchasing Division

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.

"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.

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

WITNESS THE FOLLOWING SIGNATURE Vendor's Name Court & Authorized Signature: State of WV County of Rraxton Taken, subscribed, and sworn to before me this $\underline{\mathcal{H}}$ day of $\underline{\mathcal{M}}$ My Commission expires Official Seal HERE Public. State of West Virginia Bernadette Gaddy Rt 1 30x 30 Francisiows, WV 26623 My gener restor expires April 6, 2019