

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 Division - Chuck Bowman

FAX NUMBER 304-558-3970 DATE: 8/11/10

FROM: Tommy McCourt

NUMBER OF PAGES TO FOLLOW: 8

REMARKS: **Sealed Bid Enclosed**

RFQ Number: DEP15106
Buyer: CB-23
Bid Opening Date: 8/12/10
Bid Opening Time: 1:30

Mail To:
WV PURCHASING DIVISION
2019 WASHINGTON ST E
PO BOX 50130
CHARLESTON WV 25305-0130

PURCHASING DIVISION
STATE OF WV

RECEIVED
AUG 11 2 33 PM



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
DEP15106

PAGE
1

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

VENDOR

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

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
07/16/2010				

BID OPENING DATE: 08/12/2010 BID OPENING TIME: 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$157,500.00
TRUCK FOR CLEANING PONDS/SLUDGE REMOVAL THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED VENDORS TO FURNISH THE WVDEP OFFICE OF SPECIAL RECLAMATION, WITH TRUCKS FOR THE REMOVAL OF SLUDGE/POND CLEANINGS ON THE FORFEITED SITES IN THE BELOW LISTED COUNTIES, PER THE FOLLOWING SPECIFICATIONS, TERMS & CONDITIONS, BID REQUIREMENTS, AND THE ATTACHED BID SCHEDULE. THOSE COUNTIES IN PARENTHESIS INDICATE WHERE MOST OF THE WORK REQUIRED IN THIS CONTRACT IS TO BE PERFORMED. (BARBOUR), (BRAXTON), (BROOKE), DODDRIDGE, (GILMER), (GRANT), (HANCOCK), (HARRISON), (LEWIS), (MARION), MARSHALL, (MINERAL), (MONONGALIA), (OHIO), PENDLETON, PLEASANTS, POCAHONTAS, (PRESTON), (RANDOLPH), RITCHIE, (TAYLOR), (TUCKER), TYLER, (UPSHUR), (WEBSTER), WETZEL AND WOOD COUNTIES. THE TRUCKS UTILIZED IN THIS HOURLY-RATE CONTRACT ARE TO BE TRI-AXLE DUMP TRUCKS USING QUALIFIED DRIVERS TO HAUL SLUDGE AND POND SEDIMENT RESULTING FROM THE OPERATION OF AN ACID MINE DRAINAGE TREATMENT FACILITY TO DESIGNATED DISPOSAL SITES. TRUCKS MUST MEET OSHA REQUIREMENTS, HAVE WATER TIGHT TAILGATES, AND HAVE A MINIMUM BED CAPACITY OF 16 CUBIC YARDS.						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS	
SIGNATURE	TELEPHONE 304-765-5288
TITLE President	DATE 8/11/10
FEIN 55-062-4840	ADDRESS CHANGES TO BE NOTED ABOVE

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



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
 DEP15106

PAGE
 2

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

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

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
07/16/2010				

BID OPENING DATE: 08/12/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>TRUCKS WILL BE FULLY OPERATIONAL AND OPERATED IN A SAFE AN REASONABLE MANNER. VENDOR TO PROVIDE A MINIMUM OF ONE TRUCK AND UP TO EIGHT TRUCKS ON AN 'AS REQUIRED BY WVDEP' BASIS WITHIN 72 HOURS NOTICE. THE HOURLY PAY RATE STARTS AT THE SLUDGE/POND CLEANING SITES AND ENDS AT THE DISPOSAL SITE. THE NORMAL WORK SCHEDULE WILL B 8 HOURS PER DAY, MONDAY THROUGH FRIDAY UNLESS OTHERWISE SPECIFIED BY THE WVDEP. ACCESS TO THE TREATMENT SITES AND DISPOSAL SITE WILL REQUIRE OFF ROAD OPERATIONS. TRUCKS WILL BE UTILIZED DEPENDENT UPON THE OPERATION OF SLUDGE/POND CLEANING REMOVAL EQUIPMENT.</p> <p>THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYING AND/OR SECURING ALL TAXES, PERMITS, FEES, INSURANCE LIABILITY, COMPENSATIONS, AND ANY OTHER ITEMS NECESSARY TO RENDER THE OWNER FREE AND HARMLESS FROM ALL CLAIMS ARISING FROM SERVICES PERFORMED UNDER THIS CONTRACT. THE CONTRACTOR SHALL TAKE STEPS REQUIRED TO ENSURE EQUAL OPPORTUNITY FOR EMPLOYMENT IN ACCORDANCE WITH POLICIES PROMULGATED BY THE PRESIDENTS COMMITTEE ON EQUAL OPPORTUNITY. PRIOR TO AWARD, CONTRACTOR MUST PROVIDE COPY OF COMMERCIAL LIABILILTY AND VEHICLE INSURANCE CERTIFICATES TO THE WEST VIRGINIA PURCHASING DIVISION.</p> <p>THE STATE SHALL BE RESPONSIBLE FOR OBTAINING ALL RIGHTS OF ENTRY FOR EACH PROJECT NEEDED.</p> <p>THE WORK AND SERVICES TO BE PERFORMED UNDER THIS CONTRACT SHALL BE SUBJECT TO CONTINUAL MONITORING AND INSPECTION BY THE STATE'S AUTHORIZED REPRESENTATIVE.</p> <p>IN ACCOMPLISHMENT OF SERVICES TO FULFILL THE REQUIREMENTS OF CONTRACT, NEITHER CONTRACTOR OR SUBCONTRACTOR SHALL CAUSE ANY ADVERSE ENVIRONMENTAL EFFECTS AND SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE LOCAL STATE, AND FEDERAL ENVIRONMENTAL AND OCCUPATIONAL</p>						

SIGNATURE			TELEPHONE		DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE			

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



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

**Request for
 Quotation**

REQ NUMBER
DEP15106

PAGE
3

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

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

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219

RODNEY

SHIP TO

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
07/16/2010				
BID OPENING DATE: 08/12/2010		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
HEALTH AND SAFETY REGULATIONS PERTINENT TO THE WORK. WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR THE COUNTY IN WHICH THE WORK IS BEING PERFORMED, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. AND 42CRS7 RULES AND REGULATIONS FOR THE WV PREVAILING WAGE ACT. EXHIBIT 3 LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE UPON AWARD, AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE. UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT. RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS. CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN						

SIGNATURE			TELEPHONE		DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE			

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



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

**Request for
 Quotation**

BEO NUMBER
DEP15106

PAGE
4

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

REVIEW REQUIRED

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

REVIEW REQUIRED

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
07/16/2010				
BID OPENING DATE:	08/12/2010	BID OPENING TIME	01:30PM	

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION WERE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>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.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 04/11/2001</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS		
SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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



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

Request for Quotation

REQ NUMBER
DEP15106

PAGE
- 5 -

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

BUYER'S ADDRESS

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

VENDOR'S ADDRESS

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219

DATE PRINTED	TERMS OF SALE	SHIP VIA	P.O.B.	FREIGHT TERMS
07/16/2010				

BID OPENING DATE: 08/12/2010	BID OPENING TIME: 01:30PM
------------------------------	---------------------------

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>NOTICE</p> <p>AN ORIGINAL, SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID MUST CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BIDS MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: CB-23</p> <p>RFQ. NO.: DEP15106</p> <p>BID OPENING DATE: 08/12/2010</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:</p> <p style="text-align: center;">304-765-5293</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY):</p> <p style="text-align: center;">Tommy McCourt</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>[Signature]</i>	TELEPHONE 304-765-5288	DATE 8/11/10	FAX 55-062-4840
ADDRESS CHANGES TO BE NOTED ABOVE			

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN ORDER TO BE CONSIDERED

RFQ No. DEP 15/106

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.

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 exceeds 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: McPouet + Son Construction, Inc.

Authorized Signature: [Signature] Date: 8/11/10

State of WV

County of Braxton, to-wit:

Taken, subscribed, and sworn to before me this 11th day of August, 2010.

My Commission expires June 30, 2019.

AFFIX SEAL HERE

NOTARY PUBLIC Cynthia R. Godwin

