

***709052008**

2790 CENTRALIA ROAD

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

MCCOURT & SON CONSTRUCTION INC

304 765 5288

Request for Quotation

DEP13817

PAGE

ADDRESS CORRESPONDENCE TO ATTENTION OF CHUCK BOWMAN

S H I P T O

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

304-558-2157

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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. All guotations are governed by the West Virginia Code and the Legislative Rules of the Purchasing Division.
- 4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125.00 registration fee.
- 5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contract, 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.
- 6. Payment may only be made after the delivery and acceptance of goods or services.
- 7. Interest may be paid for late payment in accordance with the West Virginia Code.
- 8. Vendor preference will be granted upon written request in accordance with the West Virginia Code.
- The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
- 10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
- 11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract,
- 12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
- 13. BANKRUPTCY: In the event the vendor/contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.
- 14. HIPAA Business Associate Addendum The West Viginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (http://www.state.wv.us/admin/purchase/vrc/hipaa.htm) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

INSTRUCTIONS TO BIDDERS

- 1. Use the quotation forms provided by the Purchasing Division.
- 2. SPECIFICATIONS: 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. Complete all sections of the quotation form.
- 4. Unit prices shall prevail in cases of discrepancy.
- 5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
- 6. BID SUBMISSION: 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.

SIGNED BID TO:

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

Rev. 06/21/2006



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PAGE 2

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

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DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. FREIGHT TERMS 10/04/2006 **BID OPENING DATE** BID OPENING TIME 11/14/2006 01:30PM CAT QUANTITY LINE UOP ITEM NUMBER UNIT PRICE AMOUNT BID OPENING DATE: 11/14/2006 BID OPENING TIME: 1:30 PM EXHIBIT 5 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. 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 BID AND CONTRACT HERE IN. WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR KANAWHA COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5-1, ET, SEQ. ANY REFERENCES MADE TO ARBITRATION OR ARBITRATION: 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. WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL. ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT: SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TELEPHONE DATE TITLE FEIN ADDRESS CHANGES TO BE NOTED ABOVE



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DATE PRINTED

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TERMS OF SALE

Request for Quotation

SHIP VIA

REP13817

PAGE 6

FREIGHT TERMS

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SUTTON WV

2790 CENTRALIA ROAD

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

MCCOURT & SON CONSTRUCTION INC

26601

304 765 5288

Request for Quotation

DEP13817

PAGE 10

ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

∅Т-р ТО

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

RFO NUMBER
DEP13817

PAGE 11

ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

MODZMA

*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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Ring Hollow (Meadows) Portals Requisition # DEP 13817

Contractor's Bid Sheet

012

Company Name: McCOURT AND SON CONSTRUCTION, INC.

Address: 2790 CENTRALIA ROAD

SUTTON, WV 26601

ITEM				
NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
	2			
1.0	Lump Sum	MOBILIZATION (LIMITED TO 10% OF TOTAL BID)	L.S.	\$ 25,000.00
2.0		CONSTRUCTION LAYOUT (LIMITED TO 5% TOTAL BID)	L.S.	\$ 9,000.00
3.0		QUALITY CONTROL (LIMITED TO 3% OF TOTAL BID)	L.S.	\$ 8,000.00
4.0		SITE PREPARATION (LIMITED TO 10% OF TOTAL BID)	L.S.	\$ 25,000.00
5.0		SEDIMENT CONTROL BARRIER	5.00/L.F.	
6.0		REVEGETATION		\$ 13,300.00
7.1	580 L.F.	GROUT FILLED DITCH	71.00/L.F	
7.2		ROCK RIPRAP DITCH	28.00/L.F	
7.3	600 L.F.	UNDERDRAIN	35.00/L.F	
7.4		MANHOLES		\$ 5,400.00
7.5		DROP INLETS		\$ 2.720.00
7.6	480 L.F.	24" DIAMETER HDPE PIPE	38.00/L.F	
10.1	1	HORIZONTAL BORING	81,750 EA	
10.2	5	WET MINE SEAL		\$ 40,000.00
10.3	3	TYPE I BAT GATE SEAL		\$ 21,450.00
10.4	4	TYPE II BAT GATE SEAL		\$ 34.000.00
11.0	110 TONS	DRIVEWAY STONE		\$ 2,970.00
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		TOTAL		\$ 359,590.00

OMB #1029-0119 Expiration Date: 12/31/06

AML CONTRACTOR INFORMATION FORM

You must complete this form to obtain an AVS data evaluation to determine your eligibility as an AML contractor and/or sub-contractor. This is a requirement under 30 CFR 874.16.

Contractor Name: McCOURT & SON CONSTRUCTION ax Payer ID No.: 55-062-4840 Address:2790 CENTRALIA ROAD	
City: SUTTON State: <u>WV</u> Zip Code: <u>26601</u> Phone: <u>(304)765-528</u> 8	
Fax No.: (304)765-5293 E-mail address: mccourtandson@wirefire.com	
Part B: Legal Structure	
(X) Corporation () Sole Proprietorship () Partnership () LLC () Other (please specify)	
Part C: Certifying and updating information in the AVS. Select only one of the following options and sign below.	
I, TOMMY H. MCCOURT, have the express authority to certify that:	
X Information on the attached AVS printout is accurate, complete, and up-to-date. (NOTE: If you select this option, an AVS printout must accompany this form. Sign below and do not complete Part D.)	
Part of the information on the attached AVS printout is missing or incorrect and AVS needs to be updated as indicated in Part D. Sign below and complete Part D.	
Our company currently has no information listed in the AVS. This information must be provided as indicated in Part D. Sign below and complete Part D.	
11/16/2006 PRESIDENT	
Date Signature Title	

Important!

Part A: General Information

In order to certify to existing information in Part C, you must obtain a copy of the relevant information from AVS. You may contact the AVS Office at 800-643-9748 or request a copy via e-mail from www.avs.osmre.gov on the Internet.

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

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Contractor Name:	
Commación Maine.	

If the current information for your company is incorrect in the AVS, or if your company has no information in the AVS, you must provide the information below for the following relationships. Please attach additional information as necessary.

- Company officers (president, vice president, secretary, treasurer, etc.);
- Directors;
- Persons performing a function similar to a Director;
- persons/companies who own or control 10% or more of the voting stock in your company;
- partners (if your company is a partnership);
- members/managers (if your company is a limited liability company);
- any other person(s) who has the ability to determine the manner in which the AML reclamation project is being conducted

Name	Position/Title	
Address	Telephone #	
	% of Ownership	
Begin Date:	Ending Date:	
Name	Position/Title	
Address	Telephone #	
	% of Ownership	
Begin Date:	Ending Date:	
Name	Position/Title	
Address .	Telephone #	
Section 2.1	% of Ownership	
Regin Date:	Ending Date:	

PAPERWORK REDUCTION STATEMENT

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501) requires us to inform you that: Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This information is necessary for all successful bidders prior to the distribution of AML funds, and is required to obtain a benefit.

Public reporting burden for this form is estimated to average <u>45 minutes</u> per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Room 210 SIB, Constitution Ave., NW, Washington, D.C. 20240.

RFQ I	No.	DEP13817
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AFFIDAVIT

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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 owned 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:

The vendor must be licensed in accordance with any and all state requirements to do business with the state of West Virginia.

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 are in compliance with the requirements as stated.

Vendor's Name:	MCCOURT	AND SON	CONSTRUCTION,	INC.	
		7	Alle S	Pale	11/16/2006
Authorized Signa	ture:			Duc.	117.072300

No Debt Affidavit Revised 02/08/06

Agency_DEI	<u> </u>	
REQ.P.O#_	DEP1381	7

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KNOW ALL MEN BY THE	SE PRESENTS, That we	the undersigned,	'. LO
of		ac Drinning	and
with its principal	office in the City of penal sum of	, a corporation organized and exi , as Surety, are	sting under the laws of the State of held and firmly bound unto the State
The Condition of the above Department of Administration a certa	obligation is such that what which bid or proposal, attach	hereas the Principal has submitted to sed hereto and made a part hereof, t	o the Purchasing Section of the opening of the opening for
NOW THEREFORE,			
greement created by the acceptance price and effect. It is expressly unders xceed the penal amount of this obligation.	oted and the Principal sha ids and insurance require of said bid, then this obli- stood and agreed that the ation as herein stated.	e liability of the Surety for any and all	all other respects perform the ise this obligation shall remain in full claims hereunder shall, in no event,
IN WITNESS WHEREOF, Prin	ncipal and Surely have he	ereunto set their hands and seals as	nd such of them as are corporations
their corporate seals to be	r arrixed hereunto and the	ese presents to be signed by their pr	Doer officers, this
day of	20	- · ·	- For 5,110013, 11113
ncipal Corporate Seal			
			Name of Principal)
	•		fust be President or ice President)
ly Corporate Seal		***************************************	(Title)
		(N	ame of Surely)

DRTANT — Surety executing bonds must be licensed in West Virginia to transact surety insurance. Corporate seals must be affixed, wer of attorney must be attached

Attorney-in-Fact

	ВІ	ID BOND PREPARATION INSTRUCTION	ONS
		•	127 AGENCY (A)
			AGENCY (A)
	·		RFQ/RFP# (B)
(A) (C) (D)	(Stated on Page 1 "Spending Unit") Request for Quotation Number (upporight corner of page #1) Your Company Name City, Location of your Company	KNOW ALL MEN BY THES (C) of as Principal, and (F) (H) , a corporati of the State of (I) wi	of (G),
(E)	State, Location of your Company	of West Virginia, as Obligee, in the per	ial sum of CVA
(F) (G) (H) (I) (J) (K)	Surety Corporate Name City, Location of Surety State, Location of Surety State of Surety Incorporation City of Surety Incorporation Minimum amount of acceptable bid bond is 5% of total bid. You may state	we jointly and severally bind ourselves, successors and assigns. The Condition of the above ob has submitted to the Purchasing Section a certain bid or proposal, attached hereto	ment of which, well and truly to be made, our heirs, administrators, executors, ligation is such that whereas the Principal of the Department of Administration
	"5% of bid" or a specific amount on		
	this line in words.	(M)	
(L)	Amount of bond in figures	***************************************	
(M)	Brief Description of scope of work	NOW THEREFORE.	
(N)	Day of the month	(a) If said bid shall be rejected	. or
(0)	Month	(b) If said bid shall be accepted	and the Principal shall enter into a
(P) (Q) (R) (S) (T) (U) (V)	Year Name of Corporation Raised Corporate Seal of Principal Signature of President or Vice President Title of person signing Raised Corporate Seal of Surety Corporate Name of Surety	any other bonds and insurance required be other respects perform the agreement creathis obligation shall be null and void, other force and effect. It is expressly understoom Surety for any and all claims hereunder slamount of this obligation as herein stated. The Surety for value received in	oposal attached hereto and shall furnish by the bid or proposal, and shall in all ated by the acceptance of said bid then erwise this obligation shall remain in full od and agreed that the liability of the hall, in no event, exceed the penal
(X)	Signature of Attorney in Fact of the Surety	any extension of time within which the Ot	all be in no way impaired or affected by
NOTE:	Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.	Surety does hereby waive notice of any su IN WITNESS WHEREOF, Princ hands and seals, and such of them as are co seals to be affixed hereto and these present this(N) day of(O)	ipal and Surety have hereunto set their orporations have caused their corporate is to be signed by their proper officers.
		Principal Corporate Seal	· · · · · · · · · · · · · · · · · · ·
		par emporate bour	(Q) (Name of Principal)
	•	(R)	By(S)
	•		(Must be President or Vice President)
			Title
	,	(U) Surety Corporate Seal	nue

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

(Name of Surety)

(X) Attorney-in-Fact

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

Date: 7-Jul-2006

Applicant Violator System Organizational Family Tree (OFT)

Time :11:44:12

Page: 1

(139788) MCCOURT & SON CONSTR INC

Total	Number:	6
rotar	MARKACT.	- 0

Entity ID	Name	Desc Code	Begin Date	End Date	Pct. Hold Own. Code
139789 MCCOURT,	TOMMY H	PRS	14-Feb-1982		
139789 MCCOURT,	TOMMY H	SH	14-Feb-1982		50%
139790 MCCOURT,	LYDIA	SEC	14-Feb-1996		
139790 MCCOURT,	LYDIA	TRS	14-Feb-1996		
139790 MCCOURT,	LYDIA	SH	14-Feb-1996		50%
139791 MCCOURT,	JAMES C	VP	14-Feb-1996		

Bon	A#	30	35
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Agency_Pt	irchasing
REQ.P.O#_	DEP13817

BID BOND

	and the second s	aractic That was the undersioned	d, McCourt & Son Construction, Inc.
	KNOW ALL MEN BY THESE PI	Sutton W 26601	as Principal, and Companion Property and Casualty
	of 2790 Centralia Road	1 #10. Middloh m a comoration	r organized and existing under the laws of the State of
	of 18001 Jerrerson Fack in	Hts OH 44130 At lanta CA	as Surety, are held and firmly bound unto the State
South (Carolina with its principal office	Twenty Seven Thousand	(\$ 27,500.00) for the payment of which,
of Wes	t Virginia, as Obligee, in the penal	sum of Twenty Seven Thousand Five Hindred and no/II	Madministrators, executors, successors and assigns.
well an	d truly to be made, we jointly and	severally bind obtablicot out florid	
	a un retui tanca abili	ention is such that whereas the Print	sipal has submitted to the Purchasing Section of the
	The Condition of the above uping	id or proposal attached hereto and r	nade a part hereof, to enter into a contract in writing for
Depart	DEP 13817 The Ring	Hollow Meadows Portals	Kanawha County WV
			
		-	
	NOW THEREFORE,		
	*	, or	
	(b) If said bid shall be accepted	d and the huncibal auguleries and a	contract in accordance with the bid or proposal attached r proposal, and shall in all other respects perform the e null and void, otherwise this obligation shall remain in full
hereto	and shall furnish any other conds	said bid, then this obligation shall be	proposal, and shall it all other toppose pall remain in full and void, otherwise this obligation shall remain in full Surety for any and all claims hereunder shall, in no event,
F	malestant It is aversally understu	OG SUG SQUEEG WALLING MANNING	Surety for any and all claims hereunder shall, in no event,
exceed	I the penal amount of this obligation	on as nerem stated.	
	The Surety for the value receiv	ed, hereby stipulates and agrees tha	nt the obligations of said Surety and its bond shall be in no se may accept such bid, and said Surety does hereby
way im	paired or affected by any extension	on of the time within which the Oblige	e may accept such bid, and said Surety does hereby
waive r	notice of any such extension.		
	IN WITNESS WHEREOF, Princ	cipal and Surety have hereunto set the	neir hands and seals, and such of them as are corporations
have C	aured their corporate seals to be	affixed hereunto and these presents	to be signed by their proper officers, this
14	day ofNovember	<u>, 2n_ 06</u> .	
.	30, 77		McCourt & Son Construction, Inc.
Princip	al Corporate Seal		(Name of Principal)
			The state of the
			(Must be President or
			Vice President)
			PRESIDENT
			(Title)
	_ ,		Companion Property and Casualty Insurance Company
Surety	Corporate Seal		(Name of Surety)
	·		11/1/201
			Mm M JOTI 5
			Attorney-in-Fact
			Jeffery L. Booth

IMPORTANT -Corporate seals must be affixed and 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; Scott E. Stoltzner of Birmingham, Alabama; 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; 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 24th 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 10th day of August 2006.

AUGUS COMPANIONED OPED VAND CASHALTY INCIDANCE COMPANY

Charles M. Potok, President Curtis C. Stewart, Vice President & CFO STATE OF SOUTH CAROLINA COUNTY OF RICHLAND On this 1012 day of 1014 day of 101
Charles M. Potok, President Curtis C. Stewart, Vice President & CFO STATE OF SOUTH CAROLINA COUNTY OF RICHLAND On this 10 day of 10 d
STATE OF SOUTH CAROLINA COUNTY OF RICHLAND On this 101 day of 100 before me personally came the above named officers to me known we being by me duly swom, did denose and say that they reside in Columbia, in the County of Richland, State of SC, at Columbia; that they reside in Columbia.
COUNTY OF RICHLAND On this 101 day of 200 before me personally came the above named officers to me known was being by me duly swom, did denose and say that they reside in Columbia, in the County of Richland, State of SC, at Columbia; that they reside in Columbia.
COUNTY OF RICHLAND On this 101 day of 200 before me personally came the above named officers to me known was being by me duly swom, did denose and say that they reside in Columbia, in the County of Richland, State of SC, at Columbia; that they reside in Columbia.
duly swom, did denose and say that they reside in Columbia, in the County of Richland, State of SC, at Columbia; that they resident G
duly swom, did depose and say that they reside in Columbia, in the County of Richland, State of SC, at Columbia; that they resident and Which and Vice President & CEO of COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY, the corporation respirated 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 control and
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: Z5 MAFE COUNTY PUBLIC TO
Notary Public, State of SC, Qualified in Richard County Commission Expires. 25.447.448. 6 LIC 5.09
STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
I, the undersigned, an Officer of COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY, a South Carolina Companion, To A HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and, further 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 day of November 2006
Chile C. VII also

Revised: 8/10/2006

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 31st day of May, 2007, 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 1st day of June, 2006.

Jane L. Cline

Insurance Commissioner

GE COLLING TO THE STATE OF THE

WV File #1602

Companion Property & Casualty Insurance Company

NAIC Company Code: 12157 NAIC Group Code: 661

Statutory Financial Statement As of December 31, 2003

\$ 37,638,920 Shot-term sents: Balances or cted Reinsured sets: \$ 26,570,985 Balances or 55,839,826 right by or Deposited insured Companies: \$ 1,875,298 ssets: \$ 11,501,765	Assets Bonds:	s lo	140,825,963	Liabilities Reserve For		•
-term \$ 26,570,985 nces or Reinsured \$ 55,839,826 by or Deposited by or Deposited ed Companies: \$ 1,875,298 s: \$ 11,501,765	Stocks:	69 (37,638,920	a) Losses & LAE:		69
\$ 26,570,985 Reinsured \$ 55,839,826 by or Deposited	Cash & Shot-term					
nces or Reinsured \$ 55,839,826 by or Deposited by Grompanies: \$ 1,875,288 s: \$ 11,501,765	Investments:	co	26,570,985	b) Unearned Premiums:		69
\$ 55,839,826 by or Deposited ed Companies: \$ 1,875,298 s: \$ 11,501,785	Agents Balances or Uncollected Reinsured					
/ or Deposited d Companies: \$ 1,875,298 \$ 11,501,765	Companies:	69	55,839,826	c) Expenses, Taxes, Licenses & Fees:		(A
d Companies: \$ 1,875,298 \$ 11,501,765	Funds Held by or Deposited					
\$ 11,501,765	with Reinsured Companies:	69	1,875,298	Payables to Parents, Subsidiaries & Affilia	tes:	tes: \$
	Other Assets:	44	11,501,765	Other Liabilities:		co

Policyholder Surplus

Capital Stock: Total Policyholder Surplus: 4,200,000 74,289,779 78,489,779

Total Liabilities & Policyholder Surplus:

Total Admitted Assets:

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

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

Charles M. Potok, President

Notarized: State of: South Carolina

On the 15-45 day or 11010111 101 , 2004, before me came the above named officers of Companion Property and Casually insurance Company to me personally known to be individuals and officers described herein, and acknowledge that they executed ne foregoing instrument and affixed the seal of said company thereto by authority of their office.

My Commission expires

AN COMMISSION EXPRES SEPTEMBER 27, 2014

County of: Richland aty Public