



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
 DEP14130

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

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
08/16/2007				
BID OPENING DATE: 09/26/2007		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$762,020.00
<p>RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WV DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS FOR THE RECLAMATION OF 11 ACRE ABANDONED MINE PROJECT KNOWN AS THE "CRANE CREEK REFUSE PILES" PROJECT. THE SITE IS LOCATED NEAR MCCOMAS, WV (MERCER CO.).</p> <p>A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON 08/30/07 @ 10:00 AM. FAILURE TO ATTEND THE PREBID CONFERENCE WILL RESULT IN BID DISQUALIFICATION.</p> <p>DIRECTIONS TO PREBID: FROM THE PRINCETON EXIT 9, TRAVEL WEST ON US RT 460 TO US RT 19, ACROSS FROM A CAR DEALERSHIP. TURN RIGHT ONTO US RT 19 & MAKE AN IMMEDIATE LEFT ONTO GREEN VALLEY RD CO RT 19 BY A POOL AND SPA STORE. PROCEED ON GREEN VALLEY RD TO A STOP SIGN AND TURN RIGHT AT THE GREEN VALLEY PSD. REMAINING ON CO RT 19 CONTINUE TO THE THREE WAY INTERSECTION WITH ST RT 20. TURN LEFT ONTO ST RT 20 TO BLUEWELL. AT BLUEWELL TURN RIGHT AT THE TRAFFIC LIGHT ONTO US RT 52. DRIVE ON RT 52 TO THE NEXT TRAFFIC LIGHT (LESS THAN 1/4 OF A MILE) & TURN RIGHT ONTO ST R 71. TAKE ST RT 71 TO MONTCALM & THEN TURN LEFT ONTO CRANE CREEK ROAD (CO RT 11). DRIVE ON CRANE CREEK RD FOR ABOUT 2. TO 2.5 MILES TO REACH THE BEGINNING OF THE SITE. THERE IS A WIDE SPOT ON THE RIGHT SIDE OF THE ROAD JUST BEFORE A SMALL BRIDGE CROSSING CRANE CREEK.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Thomas M. ...</i>	TELEPHONE 304-765-5288	DATE 09/26/2007
TITLE President	FAX 55-062-4840	ADDRESS CHANGES TO BE NOTED ABOVE

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



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<p>PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM WVDEP, OFFICE AML&R, 601 57TH ST., SE, CHARLESTON, WV 25304 PH. 304-926-0485 UPON PAYMENT OF \$25.00 NON-REFUNDABLE FEE. PAYMENT MUST BE MADE BY CHECK OR MONEY ORDER. NO CASH WILL BE ACCEPTED.</p> <p>EXHIBIT 5</p> <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 365 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE THE BID AND CONTRACT HEREIN.</p> <p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAG RATES AS ESTABLISHED FOR MERCER COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET,SEQ.</p> <p>ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED.</p> <p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</p>						

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<p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</p> <p>(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.</p> <p>() BUILDERS RISK INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT.</p> <p>(XX) BONDS: FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF THE BID PAYABLE TO THE STATE OF WEST VIRGINIA, SHALL BE SUBMITTED WITH EACH BID AS A BID BOND. THE SUCCESSFUL BIDDER SHALL ALSO FURNISH A PERFORMANCE BOND AND LABOR MATERIAL BOND FOR 100% OF THE AMOUNT OF THE CONTRACT. BONDS MAY BE PROVIDED IN THE FORM OF A CERTIFIED CHECK, IRREVOCABLE LETTER OF CREDIT, OR BOND FURNISHED BY A SOLVENT SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF WEST VIRGINIA. A LETTER OF CREDIT SUBMITTED IN LIEU OF A PERFORMANCE AND LABOR & MATERIAL BOND WILL ONLY BE ALLOWED FOR PROJECTS UNDER \$100,000. PERSONAL OR BUSINESS CHECKS ARE NOT ACCEPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR/MATERIAL BOND.</p> <p>() MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR.</p> <p>***** EXHIBIT 12</p> <p>AML CONTRACTOR INFORMATION FORM OMB #1029-0119 (EXPIRATION DATE: 01/31/2010) IS ATTACHED. YOU MUST</p>						

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<p>COMPLETE THIS ORIGINAL FORM TO OBTAIN AN AVS DATA EVALUATION TO DETERMINE YOUR ELIGIBILITY AS AN AML CONTRACTOR. THIS IS A REQUIREMENT UNDER 30 CFR 874.16. IF THE ORIGINAL OMB #1029-0119 IS NOT ATTACHED TO THE BIDDING DOCUMENTS YOU CAN CONTACT THE AVS OFFICE AT 800-643-9748 OR WWW.AVS.DSMRE.GOV</p> <p>*****</p> <p style="text-align: center;">CONTRACTORS LICENSE</p> <p>WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR, CAPITOL COMPLEX, BUILDING 3, ROOM 319, CHARLESTON, WV 25305 OR PHONE 304-558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID. BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME: McCourt & Son Construction, Inc.</p> <p>CONTRACTORS LICENSE #: WV001913</p> <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.</p> <p style="text-align: center;">APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULE</p>						

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<p>& REGULATIONS, PURCHASING DIVISION POLICY STATEMENTS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</p> <p>(1) NOTICE TO PROCEED: THE CONSTRUCTION WORK SPECIFIED HEREIN IS TO BE COMPLETED WITHIN 365 CALENDAR DAYS AFTER THE OFFICIAL NOTICE TO PROCEED IS RECEIVED. IN THE EVENT THAT A PRE-CONSTRUCTION CONFERENCE IS REQUIRED, THE NOTICE TO PROCEED SHALL BE THE SPECIFIC DATE ESTABLISHED IN THE PRE-CONSTRUCTION CONFERENCE.</p> <p>(2) GUARANTEE AND MAINTENANCE: (A) THE MATERIALS AND WORKMANSHIP AFFECTED BY THE CONTRACTOR ARE SUBJECT TO THE GUARANTEE ESTABLISHED BY CUSTOM OF THE RESPECTIVE TRADES. IN THE ABSENCE OF 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 OF THE WORK. 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. (B) DURING THE ONE-YEAR GUARANTEE PERIOD, THE CONTRACTOR WILL MAINTAIN THE PROJECT TO THE CONDITIONS</p>						

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<p>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 GUARANTEE PERIOD SHALL BE CORRECTED BY THE CONTRACTOR AT ITS EXPENSE.</p> <p>(C) THE ONE-YEAR GUARANTEE PERIOD SHALL NOT B CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIME ALLOTTED FOR WORK UNDER THE CONTRACT.</p> <p>(D) GUARANTEES CONCERNING REVEGETATION MAY BE FURTHER DEFINED IN THE TECHNICAL SPECIFICATIONS CONTAINED HEREIN.</p> <p>(3) TERMINATION: (1) THIS CONTRACT MAY BE CANCELLED IN WHOLE OR IN PART IN WRITING BY THE DIRECTOR OF PURCHASING, WITHOUT PREJUDICE TO ANY OTHER RIGHT OR REMEDY IT MAY HAVE, PROVIDED THAT THE CONTRACTOR IS GIVEN NOT LESS THAN THIRTY CALENDAR DAYS WRITTEN NOTICE, (DELIVERED B CERTIFIED MAIL, RETURN RECEIPT REQUESTED) OF INTENT TO TERMINATE.</p> <p>(4) IT SHALL BE THE RESPONSIBILITY OF THE SUCCESSFUL VENDOR TO: (A) OBTAIN ALL NECESSARY DIVISION OF HIGHWAYS PERMITS FOR ALL TRANSPORTATION OF EQUIPMENT AND MATERIALS TO AND FROM THE JOB SITE. (B) OBTAIN ANY AND ALL REQUIRED CONSTRUCTION PERMITS OR RELATED JOB PERMITS.</p> <p>(5) TECHNICAL SPECIFICATIONS: ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "CRANE CREEK REFUSE PILES" PROJECT. PLANS & SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE</p>						

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<p>MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 35 DRAWINGS AS PREPARED BY ACKENHEIL & ASSOCIATES WV, INC.</p> <p>(6) PAYMENTS AND COMPLETION: 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 OF PAYMENT. IT IS THE DEP'S INTENT THAT THE PAYMENT TO THE CONTRACTOR BE MADE WITHIN 60 DAYS AFTER RECEIPT OF APPLICATION FOR PAYMENT.</p> <p>(7) APPLICATION FOR PARTIAL PAYMENT: THE CONTRACTOR MAY, ON A PERIODIC BASIS, SUBMIT FOR PARTIAL PAYMENT BASED ON THE AMOUNT OF WORK COMPLETED AT THE TIME OF THE SUBMITTAL. THE AMOUNT OF 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.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>REV. 9/98</p> <p>PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS</p> <p>1. EXCEPT WHEN AUTHORIZED BY THE DIRECTOR OF THE PURCHASING DIVISION PURSUANT TO SUBSECTION 2 BELOW, NO CONTRACTOR MAY USE OR SUPPLY STEEL PRODUCTS FOR A STATE CONTRACT PROJECT OTHER THAN THOSE STEEL PRODUCTS MADE IN THE UNITED STATES. AS USED IN THIS CONTRACT,</p>						

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				<p>A. "STATE CONTRACT PROJECT" MEANS ANY ERECTION OR CONSTRUCTION OF, OR ANY ADDITION TO, ALTERATION OF OR OTHER IMPROVEMENT TO ANY BUILDING OR STRUCTURE, INCLUDING, BUT NOT LIMITED TO, ROADS OR HIGHWAYS, OR THE INSTALLATION OF ANY HEATING OR COOLING OR VENTILATING PLANTS OR OTHER EQUIPMENT, OR THE SUPPLY OF AND MATERIALS FOR SUCH PROJECTS, PURSUANT TO A CONTRACT WITH THE STATE OF WEST VIRGINIA FOR WHICH BIDS WERE SOLICITED ON OR AFTER JUNE 6, 2001.</p> <p>B. "STEEL PRODUCTS" MEANS PRODUCTS ROLLED, FORMED SHAPED, DRAWN, EXTRUDED, FORGED, CAST, FABRICATED OR OTHERWISE SIMILARLY PROCESSED, OR PROCESSED BY A COMBINATION OF TWO OR MORE OF SUCH OPERATIONS, FROM STEEL MADE BY THE OPEN HEARTH, BASIC OXYGEN, ELECTRIC FURNACE, BESSEMER OR OTHER STEEL MAKING PROCESS.</p> <p>C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.</p> <p>2. THE DIRECTOR OF THE PURCHASING DEPARTMENT MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF:</p> <p>A. THE COST FOR EACH CONTRACT ITEM USED DOES NOT EXCEED ONE TENTH OF ONE 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,</p>		

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

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<p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p><i>Thomas M. McQuest</i> </p> <p style="text-align: center;">SIGNATURE</p> <p style="text-align: center;">McCourt & Son Construction, Inc. </p> <p style="text-align: center;">COMPANY</p> <p style="text-align: center;">09/26/2007 </p> <p style="text-align: center;">DATE</p>						
REV. 11/96						
NOTICE						
A SIGNED BID MUST BE SUBMITTED TO:						
DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130						
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:						
SEALED BID						

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'

BID SCHEDULE

STATE OF WEST VIRGINIA PURCHASING CONTINUATION SHEET

Buyer:	Page	Req. or P.O. No:
CB #23	14	DEP14130
Spending Unit:		

WV-36
Rev 10/81

Vendor:

CRANE CREEK REFUSE PILES Mercer County, WV

1-1	L.S.	Mobilization & Demobilization (not to exceed 10% of total bid)	\$ Lump Sum	\$55,000.00
2-1	L.S.	Construction Layout (not to exceed 5% of total bid)	\$ Lump Sum	\$29,000.00
3-1	L.S.	Quality Control (not to exceed 3% of total bid)	\$ Lump Sum	\$17,000.00
4-1	L.S.	Site Preparation (not to exceed 10% of total bid)	\$ Lump Sum	\$50,000.00
5-1	9800 L.F.	Sediment Control	\$ 3.50/L.F.	\$34,300.00
5-2	2760 S.Y.	Erosion Control Matting	\$ 10.50/S.Y.	\$28,980.00
6-1	11 Acres	Revegetation	\$ 1900/AC	\$20,900.00
7-1	240 L.F.	Type 1 Ditch - Grouted Riprap	\$ 93.50/L.F.	\$22,440.00
7-2	830 L.F.	Type 2 Ditch - Grouted Riprap	\$ 155.00/L.F.	\$128,650.00
7-3	250 L.F.	Type 3 Ditch - Grouted Riprap	\$ 228.00/L.F.	\$57,000.00
8-1	58,000 C.Y.	Unclassified Excavation	\$ 3.25/C.Y.	\$188,500.00
8-2	L.S.	Temporary Stream Crossing	\$ Lump Sum	\$10,000.00
9-1	10 Acres	Soil Cover	\$ 6800/AC	\$68,000.00
10-1	275 L.F.	Riprap for Slope Protection	\$ 190.00/L.F.	\$52,250.00
		TOTAL		\$ 762,020.00



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
DEP14130

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

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
09/05/2007				
BID OPENING DATE: 10/02/2007		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UCP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 1 *****						
<p>ADDENDUM IS ISSUED DUE TO INCORRECT DIRECTIONS TO THE MANDATORY ON-SITE PRE-BID MEETING AND BECAUSE OF THE EXTRAORDINARY CIRCUMSTANCES THAT OCCURRED ON-SITE RESULTING IN A DELAY OF THE MEETING WHEREAS SOME ATTENDEES LEFT THE SITE PRIOR TO THE CONTINUANCE AND CONCLUSION OF THE MANDATORY PRE-BID MEETING.</p> <p>THEREFORE, A SECOND ON-SITE PRE-BID MEETING HAS BEEN SCHEDULED FOR 09/18/07 AT 10:00AM. THOSE IN ATTENDANCE FOR THE ENTIRE PRE-BID MEETING HELD 08/30/07, NEED NOT ATTEND THIS SECOND MEETING. THOSE NOT IN ATTENDANCE FOR THE ENTIRE MEETING OF 08/30/07, AS DETERMINED BY DEP PERSONNEL, ARE REQUIRED TO ATTEND THE MEETING 09/18/07, AS ARE ANY VENDORS WHO WISH TO PARTICIPATE IN THIS BID OPPORTUNITY AS A RESULT OF THIS BID EXTENSION.</p> <p>THE REVISED CORRECTED DIRECTIONS TO THE SITE ARE ATTACHED.</p> <p>ANY QUESTIONS REGARDING THIS ADDENDUM AND THE INFORMATION CONTAINED HEREIN ARE TO BE DIRECTED TO THE BUYER, CHUCK BOWMAN, AT THE NUMBER NOTED ABOVE.</p> <p>BID DATE HAS BEEN EXTENDED FROM 09/26/2007 TO 10/02/2007. BID OPENING TIME REMAINS 1:30 PM.</p>						
***** NO OTHER CHANGES *****						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>Chuck Bowman</i>	304-765-5288	10/23/2007
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
President	55-062-4840	

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

Addendum No. 1
DEP14130
Crane Creek Refuse Piles
McComas, WV (Mercer Co.)

REVISED & CORRECTED DIRECTIONS TO MANDATORY ON-SITE PRE-BID MEETING

From the Princeton exit (Exit 9), travel west on US Rt. 460 to U.S. Rt. 19, across from a car dealership. Turn right onto US Rt. 19 and make an immediate left onto Glenwood Park Road by a pool and spa store. Proceed approximately 1.3 miles to a stop sign, and turn right. Travel another 0.7 mile to the intersection with State Rt. 20, and turn left (south) toward Bluewell. At Bluewell, turn right at the traffic light onto U.S. Rt. 52. At the next traffic light (less than one-quarter mile), turn right onto State Rt. 71. Take Rt. 71 to Montcalm and then turn left onto Crane Creek Road (County Rt. 11). Drive on Crane Creek Road for about 2 to 2.5 miles to reach the beginning of the site. There is a wide spot on the right side of the road just before a small bridge crossing Crane Creek.



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
DEP14130

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

DATE PRINTED 09/30/2007	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **10/23/2007** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>***** ADDENDUM NO. 2 *****</p> <p>ADDENDUM ISSUED AS A RESULT OF PRE-BID MEETING #2 ON 09/18/07. ATTACHED ARE THE PRE-BID SIGN-IN SHEETS FROM MEETING #1 ON 08/30/07 & MEETING #2 ON 09/18/07, AS WELL AS THE QUESTIONS/CLARIFICATIONS FROM THE MEETINGS.</p> <p>BID OPENING DATE AND TIME HAVE BEEN EXTENDED FROM 10/02/2007 TO 10/23/2007 AT 1:30 PM.</p> <p>***** NO OTHER CHANGES *****</p>						
0001	1	JB		962-73		\$762,020.00
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>James M. ...</i>	TELEPHONE 304-765-5288	DATE 10/23/2007
TITLE President	FEIN 55-062-4840	ADDRESS CHANGES TO BE NOTED ABOVE

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

DEP14130
Addendum No. 2
09/28/2007

Item 1 (Site 1) An additional item not shown on the plans will be added to the project. Rock riprap shall be placed at the water supply line outlet as a precaution against erosion. There will be no separate pay item, but is to be considered incidental to Item 10-1 (Riprap for Slope Protection) on the Bid Schedule.

Item 2 Q. Are there soil borrow areas located on site?

A. Yes, there are potential soil borrow areas located on Sites 1 and 2. These areas are shown on drawing sheets #2, 7, and 8. Site 3 does not show a potential soil borrow area. Therefore, the soil will need to come from Site 2.

Item 3 Q. Will Dominion Exploration & Production be giving approval on where blasting can take place or will WVDEP be giving approval?

A. WVDEP will be giving approval on where blasting can take place

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

004

PRINT LEGIBLY

RFQ # : _____
Project: _____

Bid Date: _____
Pre-Bid Date: _____

Name : ALLEN VEST
Company: WV DEP- AML
Address: OAK HILL

Phone #: 465-1911
Fax #: _____
Email : _____

Name : _____
Company: _____
Address: _____

Phone# : _____
Fax # : _____
Email : _____

Name : ~~EASTERN ARROW~~
Company: _____
Address: _____

Phone #: _____
Fax # : _____
Email : _____

Name : _____
Company: _____
Address: _____

Phone# : _____
Fax # : _____
Email : _____

②
eff

Name : ANN WARDMARELL
Company: EASTERN ARROW
Address: P.O. Box 365
CHARTERS HTS WV
25040
Phone #: 304-332-5522
Fax # : 304-332-5525
Email : easternarrow@hotmail

Name : _____
Company: _____
Address: _____

Phone# : _____
Fax # : _____
Email : _____

①

Name : DOUG VINCENT ✓
Company: BREAKWAY INC.
Address: 1075 Old Turnpike Rd
Sutton WV 26001

Phone #: 304 765-5317
Fax # : 304 765-5389
Email : breakway-inc@verizon.net

Name : _____
Company: _____
Address: _____

Phone# : _____
Fax # : _____
Email : _____

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

pg 3 of 3

005

PRINT LEGIBLY

RFQ # : _____
Project: _____

Bid Date: _____
Pre-Bid Date: _____

①
left

Name : Randy Carpenter
Company: Carpenter Restoration
Address: PO Box 13015
Sissonville, WV
25360
Phone #: 984-1115
Fax #: 984-2770
Email : _____

Name : DAVID HARRIS
Company: DOMINION E&P
Address: CRAB ORCHARD, WV
1297 Robert C. Byrd Dr.
25827
Phone# : _____
Fax # : _____
Email : _____

right

Name : _____
Company: _____
Address: _____

Name : _____
Company: _____
Address: _____

Phone #: _____
Fax #: _____
Email : _____

Phone# : _____
Fax # : _____
Email : _____

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Address: _____

Phone #: _____
Fax #: _____
Email : _____

Phone# : _____
Fax # : _____
Email : _____

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET 006

PRINT LEGIBLY

2007 SEP 25 11 24 AM RECEIVED

RFQ # : 14130
Project: Cranes Creek Refuse Piles

Bid Date: 10/2/07
Pre-Bid Date: 9/18/07

Name : Craig A. Lyle
Company: Ackenheil Engineers & Geologists
Address: P.O. Box 416
Hub Industrial Park
Nites, WV 25143
Phone #: 304-755-8228
Fax #: 304-755-8229
Email : clyle@email.wvdsi.net

Name : Sherrard Citlink
Company: Sherrard Exc. & Trucking Co
Address: P.O. Box 398
Kimball, WV 24853
Phone #: 585-7060
Fax #: 585-7062
Email : Sherrard Citlink, WV

Name : DAVID H. BOWMAN
Company: GREEN MOUNTAIN CO
Address: 511 50TH STREET
CHARLESTON WV
25304
Phone #: 304 925 0253
Fax #: 304 925-9230
Email : Jody May@AOL.COM

Name : Kevin Bradford
Company: Pineville Paving & Excavating Inc
Address: P.O. Box 1290
Pineville WV 24874
Phone #: 304-732-8303
Fax #: 304-732-7855
Email : KDBPPI@AOL.COM

Name : Roger Smithson
Company: Cowgirl Up INC.
Address: PO Box 243
Simson WV 26435
Phone #: 304-739-4397
Fax #: 304-739-4397
Email :

Name : JAMES STARCHER
Company: Maintinor Landscaping
Address: P.O. Box 159
Pikeview WV 25071
Phone #: 304-548-6800
Fax #: 548-6900
Email :

Name : Wes Addair
Company: A-A ENERGY INC
Address: 151 STEWART ST Welch
24801
Phone #: 304-320-3961
Fax #: 304-436-5111
Email : Wes Addair@Hotmail.com

Name : Zak TOTTEN
Company: Hawk Eye Contracting
Address: PO Box 1000
Pikeville Ky 41560
Phone #: 304-836-5860
Fax #: 304 836-5862
Email : ZTOTTEN@SMPHOLDINGSLLC.COM

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

007

PRINT LEGIBLY

RFQ # : 14130
Project: Crane Creek Refuse Piles

Bid Date: 10/2/07
Pre-Bid Date: 9/18/07

Name : Allen Vest
Company: AMJ
Address: Oak Hill

Name : _____
Company: _____
Address: _____

Phone #: _____
Fax # : _____
Email : _____

Phone# : _____
Fax # : _____
Email : _____

Name : _____
Company: _____
Address: _____

Name : _____
Company: _____
Address: _____

Phone #: _____
Fax # : _____
Email : _____

Phone# : _____
Fax # : _____
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Fax # : _____
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Fax # : _____
Email : _____

Name : _____
Company: _____
Address: _____

Name : _____
Company: _____
Address: _____

Phone #: _____
Fax # : _____
Email : _____

Phone# : _____
Fax # : _____
Email : _____

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

Entity ID	Name	Desc Code	Begin Date	End Date	Pct. Own	Hold 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			

Bond# 5505

Agency Purchasing
REQ.P.O# 14130

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, McCourt & Son Construction, Inc.

of 2790 Centralia Road, Sutton, WV 26601, as Principal, and Companion Property and Casualty

Insurance Company of 18051 Jefferson Park Rd #104 Middleburg a corporation organized and existing under the laws of the State of S Carolina with its principal office in the City of Atlanta, GA

as Surety, are held and firmly bound unto the State of West Virginia, as Obligee, in the penal sum of Forty Five Thousand (\$ 45,375.00) for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the Purchasing Section of the Department of Administration a certain bid or proposal, attached hereto and made a part hereof, to enter into a contract in writing for DEP14130 Reclamation of 11 acres abandoned mine project known as Crane Creek Refuse Piles Mercer Co McComas, WV

NOW THEREFORE,

(a) If said bid shall be rejected, or

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

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

IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be affixed hereunto and these presents to be signed by their proper officers, this 26th day of September, 20 07

Principal Corporate Seal

McCourt & Son Construction, Inc.

(Name of Principal)

By [Signature]

(Must be President or Vice President)

President

(Title)

Surety Corporate Seal

Companion Property and Casualty Insurance Company

(Name of Surety)

[Signature]

Attorney-in-Fact
Andrew C. Heaner

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

COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY

P. O. Box 100165 (29202)

51 Clemson Road
Columbia, SC 29229

GENERAL POWER OF ATTORNEY

Know all men by these Presents, that the COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY had made, Constituted and appointed, and by these presents does make, Constitute and appoint Andrew C. Heaner of Atlanta, Georgia; Richard L. Shanahan of Atlanta, Georgia; Stefan E. Tauger of Parker, Colorado; Arthur S. Johnson of Atlanta, Georgia; Jessica B. Gardiner of Loganville, Georgia; Mary F. Holland of Chamblee, Georgia; James E. Feldner of West Lake, Ohio; Jeffery L. Booth of Parma, Ohio; Cheryl L. Torrao of Canton, Georgia; Garry W. Black of Murfreesboro, Tennessee; Martha G. Ross of Charlotte, North Carolina; 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 22nd day of December 2006.

Attest: COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY

By:


Charles M. Potok, President


Curtis C. Stewart, Vice President & CFO

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

On this 22nd day of December, 2006, before me personally came the above named officers to me known, who being by me duly sworn, did depose and say that they reside in Columbia, in the County of Richland, State of SC, at Columbia; that they are the President and Vice President of COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY, the corporation described in and which executed the above instrument; that they know the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed and that they signed their names thereto pursuant to due authorization

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

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

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

Signed and sealed at the City of Columbia, Dated the 26th day of September, 2007


Curtis C. Stewart, Vice President & CFO

State of West Virginia
Offices of the Insurance Commissioner
Certificate of Authority

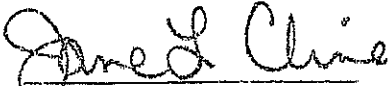
Whereas, **COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY** domiciled in the State of South Carolina has complied with all the requirements of the laws of this State so as to entitle it to transact its appropriate business in the State of West Virginia.

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

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

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

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


Jane L. Cline
Insurance Commissioner



WV File #1602

Companion Property & Casualty Insurance Company

NAIC Company Code: 12157
NAIC Group Code: 0661

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

<u>Assets</u>		<u>Liabilities</u>	
Bonds:	\$ 209,225,230	Reserve for:	
Stocks:	8,841,531	a) Losses & LAE:	\$ 159,613,743
Cash & Short-term Investments:	46,011,217	b) Unearned Premiums:	70,788,900
Agents Balances or Uncollected		c) Expenses, Taxes, Licenses & Fees:	22,108,826
Reinsured Companies	62,466,033	Payables to Parents, Subsidiaries & Affiliates:	5,305,930
Amounts Recoverable From Reinsurers	2,125,335	Other Liabilities:	10,501,977
Other Assets:	28,143,570	Total Liabilities:	\$ 268,319,376
		Total Admitted Assets:	\$ 356,812,916
		Total Policyholder Surplus:	\$ 88,493,540
		Total Policyholder Surplus:	\$ 88,493,540
		Total Liabilities & Policyholder Surplus:	\$ 356,812,916

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

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

Charles M. Potok
Charles M. Potok, President

Curtis C. Stewart
Curtis C. Stewart, VP & CFO

Notarized: State of South Carolina
County of Richland

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

William R. Morton
Notary Public

My Commission expires: 25 MAY 2015



STATE OF WEST VIRGINIA
Purchasing Division

019

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 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 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.

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 are in compliance with the requirements as stated.

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

Authorized Signature: _____

Date: 09/26/2007