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

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

| | FAX TRANSMISSION | |
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| ro: State c | of WV-Purchasing Division- | Chuck Bowner |
| fax number: <u></u> | 64-558-3970 DATE: 2-12-09 | <u>.</u> |
| from: <u>Тотта</u> | y Mc Court | |
| NUMBER OF PAG | ES TO FOLLOW: 22 | |
| REMARKS: | aled Bid Enclosed | |
| | RFQ Number: Buyer: Bid Opening Date: DEP 14501 Chuck Bowman 2/12/04 | |
| | Bid Opening Time: 1.30 | |
| | WV PURCHASING DIVISION 2019 WASHINGTON ST E PO BOX 50130 | S B B |
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304 765 5288 *709052008 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

ADDRESS CHANGES TO BE NOTED ABOVE

PREIGHT TERMS TERMS OF SALE SHIP VIA F.O.B DATE PRINTED 12/03/2008 BID OPENING DATE: BID OPENING TIME 01:30PM 02/10/2009 AMOUNT OUANTITY ITEM NUMBER UNIT PRICE UOP LINE 0001 JB 962-73 \$174,150.00. 1 RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPT. OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS FOR THE RECLAMATION OF 1-ACRE ABANDONED MINE PROJECT KNOWN AS THE "JOSEPHINE (DOSS) PORTALS" PROJECT LOCATED IN JOSEPHINE, (RALEIGHT CO.), WEST VIRGINIA. A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON FAILURE TO ATTEND THE PREBID 01/06/09 a 10:00 AM. CONFERENCE WILL RESULT IN BID DISQUALIFICATION. PREBIDS WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER. DIRECTIONS TO PREBID: FROM BECKLEY, TAKE INTERSTATE 77 SOUTH. TAKE THE GHEN EXIT. TURN RIGHT ON ODD ROAD. TRAVEL APPROXIMATELY AT THE ODD POST OFFICE, BEAR RIGHT ON 5 MILES TO ODD. TRAVEL APPROXIMATELY 2 MILES TO COUNTY RT. 33. APPROXIMATELY 1/4 MILE PAST THE JOSEPHINE POST OFFICE, TURN LEFT ON SHAWNEE COURT. BEAR LEFT UP THE HILL ON GRAVEL ROAD TO THE SITE. 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 \$10.00 NON-REFUNDABLE PAYMENT MUST BE MADE BY CHECK OR MONEY ORDER. NO CASH WILL BE ACCEPTED. see reverse side hom terms and conditions DATE SIGNATURE

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

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Request for DEP14501

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

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

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CHUCK BOWMAN 304-558-2157

304 765 5288 ***709052008** 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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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

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addinessecorgesedionoenselectrocares CHUCK BOWMAN 304-558-2157

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

304-926-0499

PREIGHT TERMS FOB. SHIP VIA TERMS OF SALE DATE PRINTED 12/03/2008 01:30PM BID OPENING TIME BID OPENING DATE: 02/10/2009 CAT. NO AMOUNT UNIT PRICE ITEM NUMBER LINE QUANTITY. UOP TECHNICAL SPECIFICATIONS: (5)ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "JOSEPHINE (DOSS) PORTALS" PROJECT. SAID PLANS & SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 5 DRAWINGS AS PREPARED IN-HOUSE BY THE WV DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF AML&R. PAYMENTS AND COMPLETION: THE CONTRACTOR SHALL FURNISH TO DEP AN APPLICATION FOR PAYMENT WITH AN ITEMIZED SCHEDULE OF THE FORM INCLUDED VALUES AS HEREIN BEFORE REQUESTED. IN THE SPECIFICATIONS SHALL BE USED FOR APPLICATIONS IT IS THE DEP'S INTENT THAT THE PAYMENT TO THE CONTRACTOR BE MADE WITHIN 60 DAYS AFTER RECEIPT OF APPLICATION FOR PAYMENT. APPLICATION FOR PARTIAL PAYMENT: (7) 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. IN THE EVENT THE VENDOR/CONTRACTOR FILES BANKRUPTCY: FOR BANKRUPTICY PRIOTECTION, THIS CONTRAICT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER. REV. 1/2005 PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS SEE REVERSE SIDE FOR TERMS AND CONDITIONS DATE TELEPHONE SIGNATURE ADDRESS CHANGES TO BE NOTED ABOVE TITLE

SUTTON WV

2790 CENTRALIA ROAD



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

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

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FREIGHT TERMS

ADDRESS CHANGES TO BE NOTED ABOVE

CHUCK BOWMAN 304-558-2157

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

FOB

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

26601 SUTTON WV TERMS OF SALE SHIP VIA DATE PRINTED 12/03/2008

01:30PM BID OPENING TIME BID OPENING DATE: 02/10/2009 THUDWA UNIT PRICE TEM NUMBER UOP QUANTITY LINE 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, THE DIRECTOR OF THE PURCHASING DIVISION В. DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY AVAILABLE TO MEET CONTRACT REQUIREMENTS. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO W. VA. CODE SECTION 54-3-56. REV. 10/01/01 EXHIBIT 7 DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND, IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF STEEL ARE REQUIRED, THE STATE WILL ACCEPT ONLY ALUMINUM GLASS, OR STEEL PRODUCTS PRODUCED IN THE UNITED STATES. IN ADDITION, ITEMS OF MACHINERY OR EQUIPMENT PURCHASED FOR USE AT THE SITE OF PUBLIC WORKS SHALL BE MADE OF DOMESTIC ALUMINUM, GLASS OR STEEL, UNLESS THE COST OF see acverse side for teams and conditions DATE

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

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ADDRESS CHANGES TO BE NOTED ABOVE

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

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

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SUTTON WV 26601

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

304-926-0499 25304 FREIGHT TERMS FOB. DATE PRINTED TERMS OF SALE SHIP VIA 12/03/2008 BID OPENING TIME 01:30PM BID OPENING DATE: 02/10/2009 AMOUNT UNITARIÇE UNE QUANTITY: UOP ITEM NUMBER 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 FOUND SUCH COST IS UNREASONABLE IF IT I TO BE UNREASONABLE. 20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE IF THE DOMESTIC ALUMINUM, GLASS OR STEEL PRODUCTS. PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED ONLY IF DOMESTIC PRODUCTS ARE 30% OR MORE HIGHER IN PRICE THAN THE FOREIGN MADE PRODUCTS. IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID FOR DOMESTIC PRODUCTS, THE 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: SEE REVERSE SIDE FOR TERMS AND CONDITIONS

TELEPHONE

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

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ADDRESS:CORRESEONDENCESIOTA III ENLIGHED I CHUCK BOWMAN 304-558-2157

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

CHARLESTON, WV 304-926-0499 25304

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

MCCOURT & SON CONSTRUCTION INC

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

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

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SUTTON WV

2790 CENTRALIA RUAD

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State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 60130
Charleston, WV 25305-0130

MCCOURT & SON CONSTRUCTION INC

26601

Request for Quotation

DEP14501

PAGE 1

CHUCK BOWMAN
304-558-2157

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

FREIGHT TERMS. FOB. SHIP VIA TERMS OF SALE DATE PRINTED 01/14/2009 01:30PM BID OPENING TIME 02/10/2009 BID OPENING DATE: AMOUNT UNIT PRICE TEMNUMBER: UOP QUANTITY LINE ADDENDUM ISSUED FOR THE JOSEPHINE (DOSS) PORTALS TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS FROM THE MANDA-TORY MEETING HELD 01/06/09, THE Q/A, SPECIFICATION REVISION, AND THE REVISED BID SCHEDULE. ALSO INCLUDED IN THIS MAILED ADDENDUM ARE REVISED FULL SIZE COPIES OF DRAWINGS #3 & #4. BID OPENING DATE & TIME REMAIN 02/10/2009 AT 1:30 PM. 962-73 JΒ 0001 RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES SEE REVENSE SIDE FOR TERMS AND CONDITIONS DATE TELEPHON 304-765-5288 2/12/09 ADDRESS CHANGES TO BE NOTED ABOVE FEN55-062-4840

2790 CENTRALIA ROAD

SUTTON WV 26601



TITLE

President

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

MCCOURT & SON CONSTRUCTION INC

304 765 5288

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Request for

DEP14501

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CHUCK BOWMAN 104-558-2157

ENVIRONMENTAL PROTECTION DEPARTMENT OF

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

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Addendum No. 1

Josephine (Doss) Portals Requisition # DEP14501

Contractor's Bid Sheet

| Company | Name: McCourt & Son Construction, Inc. |
|-----------|----------------------------------------|
| | 2790 Centralia Road |
| Address:_ | |
| | Sutton, WY Zooo! |

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

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| ITEM NO. | QUANTITY | DESCRIPTION | UNIT PRICE | AMOUNT |
| | | | | |
| 1.0 | Lump Sum | MOBILIZATION (LIMTED TO 10% OF TOTAL BID) - | | \$11,000,00 |
| 2.0 | Lump Sum | CONSTRUCTION LAYOUT (LIMITED TO 5% TOTAL BID) | | \$ 5,000.00 |
| 3.0 | Lump Sum | QUALITY CONTROL (LIMITED TO 3% OF TOTAL BID) | | \$-3,500.00 \$11,000.00 |
| 4.0 | Lump Sum | SITE PREPARATION (LIMITED TO 10% OF TOTAL BID) | | |
| 5,0 | 200 L.F. | SEDIMENT CONTROL BARRIER | \$5.00 L | \$ 1,000.00 |
| 6.0 | | REVEGETATION | LS | \$ 5,000.00 |
| 7.1 | 400 L.F. | Grass Lined Channel | \$15.00 | \$ 6,000.QO |
| 7.2 | 150 L.F. | 1.5' Rock Riprap Channel | \$54.00 | \$ 8 100 00 |
| 7.3 | 240 L.F. | 18" Diameter HDPE Pipe | \$70,00LE | \$16,800.00 \$ 48,600.00 |
| 7.4 | 6. | Manholes . | <u>\$8,100.0</u> | \$ 48,600.00 |
| 7.5 | 4 | Splesh Pads | <u> </u> | \$ 2,350.00 \$ 3,600.00 |
| 9.0 | 80 Tons | Crusher Run Stone | \$45.00 | 5 3,000.00 6 14 700 00 |
| 10.1 | 2 | Type I Mine Scal | \$7,100.0 | \$ 14,200.00 |
| 10.2 | 4 | Type II Mine Seal | \$9,500.0 | 08 38,000.00 |
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OMB #1029-0119 Expiration Date: 01/31/2010

AML CONTRACTOR INFORMATION FORM

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

| Part A: General Information |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contractor Name: McCourt & Son Construction Inc 55-062-4840 Contractor Name: Tax Payer ID No.: Address: 2790 Centralia Rd Address: 2790 Centralia Rd |
| Address: 2770 Constant State: WV Zip Code 26601 Phone: 304-765-5288 |
| City: Sutton State: WV Zip Code 20001 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: 301 Phone: |
| 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) Information on the attached Entity OFT from AVS is accurate, complete, and upto- X 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. |
| Part of the information on the attached Entity OFT from AVS is missing or incorrect and the information in AVS for my company must be updated. If you select this option, you must attach an Entity OFT from AVS to this form. Use Part D to provide missing or corrected information. Sign and date below and complete Part D. |
| Our company currently has no information in AVS. If you select this option, you must provide all information required in Part D. Sign and date below and complete Part D. |
| Date 2/12/2009 Signature TitlePresident |
| IMPORTANT! In order to certify in Part C to the accuracy of existing information in AVS, you must obtain a copy of your business' Entity OFT. To obtain an Entity OFT, contact the AVS Office, toll-free, at 800-643-9748 or request it from www.avs.osmreov on the Internet. |

Date: 7-Jul-2006

Applicant Violator System Organizational Family Tree (OFT)

Time :11:44:12 Page: 1

(139788) MCCOURT & SON CONSTR INC

| | · | Total Number: | | | € ` |
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MCCOURT AND SON

PAGE 07

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| KNOW ALL MEN BY THESE PRESENTS, That we, the und of 2790 Centralia Road, Sutton, WV 2 of 2100 Fleur Dr. Das Moines, TAS con with the principal office in the City of Des Moines | lengined, McCourt & Son Construction, Inc. 26601 ss Principal, and Merchants Bonding Company reposition organized and existing under the laws of the State of |
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| | of amount bid (5%)) for the payment of which, |
| is and truly to be made, we jointly and severally bind currentes, ou | r helfs, administraturas, excecutora, aucunazzora euro acolgne. |
| The Condition of the above obligation is such that whereas t | he Principal has submitted to the Purchasing Section of the |
| partment of Administration a certain bid or proposal, attached have | |
| P 14501 - Raleight County - Mine Reclan | |
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| (a) Menid hid shall be relative or | in linip a contract in accordance with the bld or proposal attached |
| y impaired or affected by eny extension of the time within which the lvs notice of any such extension. | • |
| IN WITNESS WHEREOF, Principal and Burely have hereun | to set their hands and seals, and such of them as are corporations |
| or persed their corporate seals to be affined heraunto and these p | researcs to be eighed by their proper children, the |
| Oth day of February 20 09. | · · |
| | McCourt & Son Construction, Inc. |
| ncipal Corporate Stell | (Name of Principal) |
| | By Branch Ma and |
| | (M/Gr/be President) Vice President) |
| | President |
| 1000 AND 100 | (Hise) |
| | • |
| | Marchants Bondine Commany |
| /av/Corporate/Seel | Merchants Bondine Company (Nama of Burely) |
| 'ay Corporato Seel | Merchants Ronding Company (Name of Surety) |
| (by Corporate Seel | Charles Bonding Company (Name of Burely) |
| /dry Corporate/Seel | Charles C. Marten |
| (by Corporate Seel ORTANT — Surety executing bonds must be Scensed in West | Charles C. Masten Attentery-in-Fact Charles C. Mar |

PAGE

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Merchants Bonding Company

POWER OF ATTORNEY

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

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

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

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

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

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

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

ARTICLE II. SECTION 9 - 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 obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 24th day of October 2008.



MERCHANTS BONDING COMPANY (MUTUAL)

President

STATE OF JOWA COUNTY OF POLK ss.

On this 24th day of October , 2008, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal affixed to the seld instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Molnes, Iowa, the day and year first above written.

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

Notery Public, Polk County, lower

STATE OF IOWA COUNTY OF POLK \$3.

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

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

12th day of February, 2009.

William Harner Jo,

POA 0001 (1/06)

| DEA.L. | DEP1 | 45 | 01_ |
|--------------------|------|----|-----|
| RFQ-No: | | | |

STATE OF WEST VIRGINIA Purchasing Division

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PURCHASING AFFIDAVIT

VENDOR OWING A DEBT TO THE STATE:

West Virginia Code §5A-3-10a provides that: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

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

ANTITRUST:

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

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

LICENSING:

Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

CONFIDENTIALITY:

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendors should visit www.state.wv.us/admin/purchase/privacy for the Notice of Agency Confidentiality Policies.

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

| Vendor's Name: | McCourt | and Son | Construction | Inc. | | |
|--------------------|--------------|---------|--------------|-------|---------|--|
| Authorized Signatu | re: <u> </u> | | ma Bando | Date: | 2/12/09 | |

Purchasing Affidavit (Revised 07/01/08)

___008

Jan 2009



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

| STAT | E OF WEST VIRGINIA, | |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| COU | ITY OF Broxton TO-WIT: | |
| I, state | Tommy McCourt , after being first duly sworn, depose and as follows: | |
| 1. | I am an employee of McCourt & Son Construction, Inc.; and, (Company Name) | |
| 2. | I do hereby attest that Mc Court + Sin Construction, Inc. (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 a | McCourt Sun Construction, Inc. (Company Name) | |
| | By: President | } |
| | Date: 2/12/09 | |
| Take | , subscribed and sworn to before me this 12 day of February 2009 | |
| Ву С | mmission expires Nov. 27, 2016 | |
| (Se | OFFICIAL SEAL Notary Public, State Of West Virginia 10N YA VINCENT 1075 Oth Turnpike Rd. Sulton, WV 28801 M) Commission Expires Nov 27, 2016 MM Commission Expires Nov 27, 2016 MM Commission Expires Nov 27, 2016 | |
| | AFFIDAVIT MUST OF SUBMITTED WITH THE BID IN ORDER TO PLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE | |
| | DAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF | |