



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

Solicitation

NUMBER
DCH13092

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
CONNIE OSWALD
304-558-2157

RFQ COPY

TYPE NAME/ADDRESS HERE

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N-Powell Company, Inc.
 P.O. Box 239
 3828 Main Street
 Weirton, WV 26062

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DIVISION OF CULTURE & HISTORY
 GRAVE CREEK ARCHEOLOGY COMPLEX
 801 JEFFERSON AVENUE
 PO BOX 527
 MOUNDSVILLE, WV
 26041 304-558-0220

DATE PRINTED
07/18/2013

BID OPENING DATE: 08/15/2013 ²⁹

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>THE STATE OF WEST VIRGINIA AND ITS AGENCY THE WEST VIRGINIA DIVISION OF CULTURE & HISTORY REQUEST A QUOTE TO PROVIDE LABOR, MATERIALS, EQUIPMENT & SUPPLIES FOR ENHANCEMENT OF THE THEATER AND RESTROOMS AT GRAVE CREEK ARCHAEOLOGICAL COMPLEX LOCATED AT 801 JEFFERSON AVENUE, MOUNDSVILLE, WV 26041 PER THE SPECIFICATIONS, PROJECT MANUAL, DRAWINGS AND INSTRUCTIONS TO BIDDERS.</p> <p>MANDATORY PRE-BID MEETING: JULY 30, 2013 AT 1:00 PM (SEE INSTRUCTIONS TO BIDDERS)</p> <p>BID OPENING: AUGUST 15, 2013 AT 1:30 PM (SEE INSTRUCTIONS TO BIDDERS)</p> <p>ALL WORK SHALL BE IN ACCORDANCE WITH THE DRAWINGS AND PROJECT MANUAL PREPARED BY MCKINLEY & ASSOCIATES. BIDDING DOCUMENTS MAY BE OBTAINED FROM MCKINLEY & ASSOCIATES UPON PAYMENT OF A DEPOSIT OF \$75.00 PER SET. THE DEPOSIT WILL BE REFUNDED IF DRAWINGS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN 10 DAYS FOLLOWING RECEIPT OF BIDS.</p> <p>MCKINLEY & ASSOCIATES INC. THE MAXWELL CENTRE, SUITE 100 32-20TH STREET WHEELING, WV 26003 PH: 304-233-0140 FAX: 304-233-4613</p> <p>BIDDERS MAY ALSO EXAMINE BID DOCUMENTS AT SEVERAL OTHER LOCATIONS NOTED BELOW:</p>						

08/28/13 01:14:27 PM
 West Virginia Purchasing Division

SIGNATURE <i>Deborah P. Nelson</i>	TELEPHONE 304-748-3338	DATE August 29, 2013
TITLE President	FEIN 47-0947745	ADDRESS CHANGES TO BE NOTED ABOVE

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



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

Solicitation

NUMBER
DCH13092

PAGE
2

ADDRESS CORRESPONDENCE TO ATTENTION OF:
CONNIE OSWALD 304-558-2157

RFQ COPY

TYPE NAME/ADDRESS HERE

RODGER

N-Powell Company, Inc.
 P.O. Box 239
 3828 Main Street
 Weirton, WV 26062

SHIP TO

DIVISION OF CULTURE & HISTORY
 GRAVE CREEK ARCHEOLOGY COMPLEX
 801 JEFFERSON AVENUE
 PO BOX 527
 MOUNDSVILLE, WV
 26041 304-558-0220

DATE PRINTED
07/18/2013

29

BID OPENING DATE: 08/15/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				OHIO VALLEY CONSTRUCTION EMPLOYERS COUNCIL 21 ARMORY DRIVE WHEELING, WV 26003 PH. 304-242-0520 FAX 304-242-7261		
				GRAVE CREEK MOUND MUSEUM 801 JEFFERSON AVENUE MOUNDSVILLE, WV 26041 PH. 304-843-4128 FAX 304-843-4131	PITTSBURGH BUILDERS EXCH. 1813 FRANKLIN STREET PITTSBURGH, PA 15233 PH. 412-922-4200 FAX 412-938-9406	
				DODGE REPORTS 600 WATERFRONT DRIVE PITTSBURGH, PA 15222 PH. 412-330-2205 FAX 412-231-6662	PARKERSBURG-MARIETTA CONTRACTORS ASSOCIATION 4424 B EMERSON AVENUE PARKERSBURG, WV 26104 PH. 304-485-6485 FAX 304-428-7622	
				CONTRACTORS ASSOC. OF WV 2114 KANAWHA BLVD. EAST CHARLESTON, WV 25311 PH. 304-342-1166 FAX: 304-342-1074	CONST. EMPLOYERS ASSOC. WV 2794 WHITE HALL BLVD. WHITE HALL, WV 26554 PH. 304-367-1290 FAX: 304-367-0126	
				REFERENCE ATTACHED INSTRUCTIONS TO BIDDERS AND TERMS & CONDITIONS.		
0001	1	JB	968-42	GENERAL CONSTRUCTION	\$ 293,264. ⁰⁰	\$ 293,264. ⁰⁰

SIGNATURE <i>Kevin P. Marshall</i>	TELEPHONE 304-748-3338	DATE August 29, 2013
TITLE President	FEIN 47-0947745	ADDRESS CHANGES TO BE NOTED ABOVE

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

ADDITIONAL TERMS AND CONDITIONS (Construction Contracts Only)

1. **CONTRACTOR'S LICENSE:** West Virginia Code § 21-11-2 requires that all persons desiring to perform contracting work in this state be licensed. The West Virginia Contractors Licensing Board is empowered to issue the contractor's license. Applications for a contractor's license may be made by contacting the West Virginia Division of Labor.

West Virginia Code § 21-11-11 requires any prospective Vendor to include the contractor's license number on its bid. Failure to include a contractor's license number on the bid shall result in Vendor's bid being disqualified. Vendors should include a contractor's license number in the space provided below.

Contractor's Name: N-Powell Company, Inc.

Contractor's License No. WV 037247

The apparent successful Vendor must furnish a copy of its contractor's license prior to the issuance of a purchase order/contract.

2. **DRUG-FREE WORKPLACE AFFIDAVIT:** W. Va. Code § 21-1D-5 provides that any solicitation for a public improvement contract requires 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. To comply with this law, Vendor must either complete the enclosed drug-free workplace affidavit and submit the same with its bid or complete a similar affidavit that fulfills all of the requirements of the applicable code. Failure to submit the signed and notarized drug-free workplace affidavit, or a similar affidavit that fully complies with the requirements of the applicable code, with the bid shall result in disqualification of Vendor's bid.
3. **DRUG FREE WORKPLACE REPORT:** Pursuant to W. Va. Code § 21-1D-7b, no less than once per year, or upon completion of the project, every contractor shall provide a certified report to the public authority which let the contract. For contracts over \$25,000, the public authority shall be the West Virginia Purchasing Division. For contracts of \$25,000 or less, the public authority shall be the agency issuing the contract. The report shall include:
- (1) Information to show that the education and training service to the requirements of West Virginia Code § 21-1D-5 was provided;
 - (2) The name of the laboratory certified by the United States Department of Health and Human Services or its successor that performs the drug tests;
 - (3) The average number of employees in connection with the construction on the public improvement;



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

STATE OF West Virginia

COUNTY OF Brooke, TO-WIT:

I, Nichole P. Northcraft, after being first duly sworn, depose and state as follows:

- 1. I am an employee of N-Powell Company, Inc.; and,
(Company Name)
- 2. I do hereby attest that N-Powell Company, 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 above statements are sworn to under the penalty of perjury.

N-Powell Company, Inc.
(Company Name)

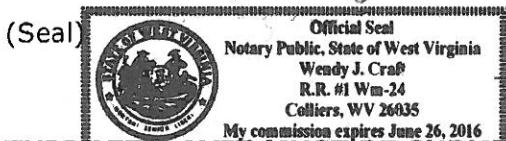
By: Nichole P. Northcraft

Title: President

Date: August 29, 2013

Taken, subscribed and sworn to before me this 29 day of August, 2013

By Commission expires June 26, 2016



Wendy J. Craß
(Notary Public)

THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.

GRAVE CREEK MUSEUM RENOVATIONS
REQUEST FOR QUOTATION NO. DCH13092

MOUNDSVILLE, WV

BID FORM
WEST VIRGINIA DIVISION OF CULTURE &
HISTORY GRAVE CREEK MOUND MUSEUM
RENOVATIONS MOUNDSVILLE, WEST VIRGINIA
REQUEST FOR QUOTATION NO. DCH13092

Bids are in care of, and due at West Virginia State Purchasing of: 2019 Washington Street East
Charleston, WV 25305

On: *[TBD]*;

At: 1:30 PM Local Prevailing Time

**FAILURE TO SUBMIT THIS BID AT THE LOCATION AND BY THE DATE & TIME
INDICATED ABOVE SHALL RESULT IN THIS BID BEING CONSIDERED NON-
RESPONSIVE AND THIS BID SHALL NOT BE ACCEPTED.**

NAME OF BIDDER N-Powell Company, Inc.

ADDRESS P.O. Box 239/3828 Main St. PHONE 304-748-3338

Weirton, WV 26062 DATE August 29, 2013

TIME OF COMPLETION:

If awarded a contract, the Bidder (as Contractor) hereby agrees to commence Work upon receiving a "Notice to Proceed" on behalf of the Owner, and to Substantially Complete the contract Work within 120 Calendar days.

The Bidder (as Contractor) also agrees, for each calendar day of delay in substantially completing the Work beyond the stated time, to be liable for and pay to the Owner liquidated damages in the amount noted in the Supplementary Conditions, subject to allowances for delays beyond the control of the Contractor, all reasons for delays properly documented and verified.

BASE BID AMOUNT:

The undersigned, hereinafter called the Bidder, being familiar with and understanding the Bidding Documents and also having examined the site and being familiar with all local conditions affecting the Project, hereby proposes to provide all labor, material, equipment, supplies and transportation and to perform all Work in accordance with the Bidding Documents prepared by McKinley & Associates, Inc. for the following lump sum Base Bid Amount, and within the Time of Completion specified:

BASE BID AMOUNT Two hundred ninety three thousand
two hundred sixty four and ⁰⁰/₁₀₀ dollars - \$ 293,264.⁰⁰

(Show amount in both words and numbers; in the event of a discrepancy between the words and the numbers, the words shall govern)

GRAVE CREEK MUSEUM RENOVATIONS
REQUEST FOR QUOTATION NO. DCH13092

MOUNDSVILLE, WV

We are providing the specified Basis-of-Design sound system: YES or NO (circle choice).

We are providing an alternate sound system that meets all requirements stipulated by the Basis-of-Design specification and it was approved as a substitution during Bidding: YES or NO (circle choice).

FAILURE TO PROVIDE A FULLY COMPLETED BASE BID AMOUNT ON THIS BID FORM AT THE TIME OF BID OPENING MAY RESULT IN THIS BID BEING CONSIDERED NON-RESPONSIVE.

ALTERNATE AMOUNT(S):

To the Base Bid Amount indicated above, add or deduct the following lump sum(s) for the respective Alternate Amount(s) as applicable:

ALTERNATE NO. 1 – Provide all demolition and new construction required to install the elevated floor access way between the rear of the Auditorium and the Stage. Include a credit for the reduction in the number of seating positions and a credit for finishes not required due to displacement caused by the elevated floor access way. Include the glass guard rail and alterations at the wooden stage. Include all patching of existing surfaces.

Add Deduct (circle choice) Fifty nine thousand four hundred
Fifty and 00/100 dollars (\$ 59,450)

(Cross out the Add or Deduct word that does NOT apply; in the event that neither or both are crossed out, the Alternate Amount will be considered incomplete. Show amount in both words and numbers; in the event of a discrepancy between the words and the numbers, the words shall govern)

ALTERNATE NO. 2 – Complete repair and refinishing of the existing wood stage. Replace water damaged areas with new matching wood. Repair stage nosing with matching materials. Replace heavy duty rubber base around perimeter of the stage.

Add Deduct (circle choice) Ten thousand nine hundred twenty and
00/100 dollars (\$ 10,920)

(Cross out the Add or Deduct word that does NOT apply; in the event that neither or both are crossed out, the Alternate Amount will be considered incomplete. Show amount in both words and numbers; in the event of a discrepancy between the words and the numbers, the words shall govern)

FAILURE TO PROVIDE FULLY COMPLETED ALTERNATE AMOUNTS FOR ALL ALTERNATES ON THIS BID FORM AT THE TIME OF BID OPENING MAY RESULT IN THIS BID BEING CONSIDERED NON-RESPONSIVE.

CONTRACT SCOPE AND AWARD:

The Bidder understands that, should sufficient funding be available, it is the Owner's intent to add Alternate work to the Base Bid work and to award a Contract on that basis, with the total sum of the various combinations of Base Bid Amounts and Alternate Amounts taken into full consideration, as may

solely benefit the Owner. The Bidder further agrees that the Owner may elect to accept Alternates in any order that, in the Owner's sole judgment, best meets the needs and funding availability of the Owner.

BID SECURITY:

The Bidder acknowledges that this Bid must be accompanied by a valid Bid Bond conforming to specified requirements.

FAILURE TO PROVIDE A VALID BID BOND IN CONFORMANCE WITH SPECIFIED REQUIREMENTS AT THE TIME OF BID OPENING SHALL RESULT IN THIS BID BEING CONSIDERED NON-RESPONSIVE AND THIS BID SHALL NOT BE ACCEPTED.

ACCEPTANCE PERIOD:

The Bidder agrees that this Bid will be valid and enforceable for ninety (90) days and, if authorized to proceed within that period, will execute a contract as prescribed in the Bidding Documents. Upon notice of the acceptance of this bid, the Bidder agrees to promptly furnish, within 10 days, Performance and Labor and Material Payment Bonds in the amount of the contract price.

FAILURE TO PROVIDE BONDS AND OTHER SPECIFIED PRE-CONTRACT DOCUMENTS WITHIN THE 10-DAY PERIOD INDICATED MAY RESULT IN FORFEITURE OF BID SECURITY.

TAXES AND PERMITS:

The Bidder affirms that all Federal, State and local taxes and permits are included in the Base Bid Amount of this Bid.

ADDENDA:

The undersigned Bidder confirms that the costs for all issued Addenda are included in this Bid, and hereby acknowledges receipt of the following Addenda covering revisions to the Bidding Documents:

Addendum No. <u> 1 </u>	Dated <u> 8/9/13 </u>	; Addendum No. <u> </u>	Dated <u> </u>
Addendum No. <u> 2 </u>	Dated <u> 8/14/13 </u>	; Addendum No. <u> </u>	Dated <u> </u>
Addendum No. <u> 3 </u>	Dated <u> 8/22/13 </u>	; Addendum No. <u> </u>	Dated <u> </u>
Addendum No. <u> 4 </u>	Dated <u> 8/29/13 </u>	; Addendum No. <u> </u>	Dated <u> </u>

FAILURE TO PROVIDE THE ABOVE ACKNOWLEDGEMENT OF RECEIPT OF ALL ISSUED ADDENDA ON THIS BID FORM AT THE TIME OF BID OPENING MAY RESULT IN THIS BID BEING CONSIDERED NON-RESPONSIVE.

GRAVE CREEK MUSEUM RENOVATIONS
REQUEST FOR QUOTATION NO. DCH13092

MOUNDSVILLE, WV

ADDRESS, LEGAL STATUS, SIGNATURE AND LICENSE OF BIDDER:

The undersigned Bidder does hereby designate the address given below as the legal address to which all notices, directions or other communications may be served or mailed.

Street P.O. Box 239 / 3828 Main Street
City Weirton State WV 26062

The undersigned Bidder does hereby declare that the bidder has the legal status checked below:

- Individual
- Co-Partnership
- Corporation Incorporated
under the laws of the State of

West Virginia

The Names and addresses of all persons indicated as partners in this proposal are as follows:

Nichole P. Northcraft President
P.O. Box 239 / 3828 Main Street
Weirton, WV 26062
This Bid is submitted in the name of:

By N-Powell Company, Inc.
Nichole P. Northcraft
(Signature) Nichole P. Northcraft, President

Signed and Sealed this 29 day of August 2013

West Virginia Contractor License Number: WV037247

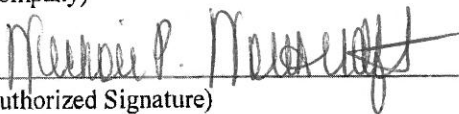
FAILURE TO SIGN THIS BID, OR PROVIDE THE BIDDER'S WV CONTRACTOR LICENSE NUMBER ON THIS BID FORM AT THE TIME OF BID OPENING MAY RESULT IN THIS BID BEING CONSIDERED NON-RESPONSIVE.

END OF BID FORM

CERTIFICATION AND SIGNATURE PAGE

By signing below, I certify that I have reviewed this Solicitation in its entirety; understand the requirements, terms and conditions, and other information contained herein; that I am submitting this bid or proposal for review and consideration; that I am authorized by the bidder to execute this bid or any documents related thereto on bidder's behalf; that I am authorized to bind the bidder in a contractual relationship; and that to the best of my knowledge, the bidder has properly registered with any State agency that may require registration.

N-Powell Company, Inc.
(Company)


(Authorized Signature)

Nichole P. Northcraft, President
(Representative Name, Title)

304-748-3338 304-748-2307
(Phone Number) (Fax Number)

August 29, 2013
(Date)

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: DCH13092

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

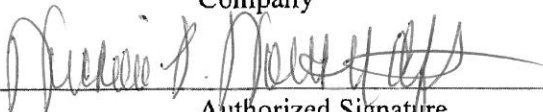
Addendum Numbers Received:

(Check the box next to each addendum received)

- | | |
|----------------------------------------------------|------------------------------------------|
| <input checked="" type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 6 |
| <input checked="" type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 7 |
| <input checked="" type="checkbox"/> Addendum No. 3 | <input type="checkbox"/> Addendum No. 8 |
| <input checked="" type="checkbox"/> Addendum No. 4 | <input type="checkbox"/> Addendum No. 9 |
| <input type="checkbox"/> Addendum No. 5 | <input type="checkbox"/> Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any state personnel is not binding. Only the information issued in writing and added to the specifications by an official addendum is binding.

N-Powell Company, Inc.
Company


Authorized Signature

August 29, 2013
Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.

RECEIVED JUN 17 2013

CONTRACTOR LICENSE

Authorized by the

West Virginia Contractor Licensing Board

Number: WV037247

Classification:

GENERAL BUILDING

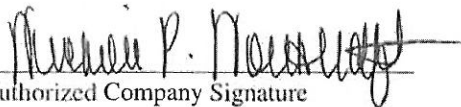
N-POWELL COMPANY INC
DBA N-POWELL COMPANY INC
PO BOX 239
WEIRTON, WV 26062


Date Issued

JULY 12, 2013

Expiration Date

JULY 12, 2014


Authorized Company Signature


Chair, West Virginia Contractor
Licensing Board

**WEST VIRGINIA
CONTRACTOR
LICENSING
BOARD**

This license, or a copy thereof, must be posted in a conspicuous place at every construction site where work is being performed. This license number must appear in all advertisements, on all bid submissions and on all fully executed and binding contracts. This license cannot be assigned or transferred by licensee. Issued under provisions of West Virginia Code, Chapter 21, Article 11.

Agency DCH13092
REQ.P.O# _____

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, N-Powell Company, Inc.
of Weirton West Virginia, as Principal, and Western Surety Company
of Sioux Falls South Dakota, a corporation organized and existing under the laws of the State of South Dakota with its principal office in the City of Sioux Falls, as Surety, are held and firmly bound unto the State of West Virginia, as Obligee, in the penal sum of Five Percent (5%) of Bid (\$ _____) 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 Enhancement of the Theater and Restrooms at Grace Creek Archeological Complex, Moundsville, WV
Solicitation Number DCH13092

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.

WITNESS, the following signatures and seals of Principal and Surety, executed and sealed by a proper officer of Principal and Surety, or by Principal individually if Principal is an individual, this 15th day of August, 20 13.

Principal Seal

N-Powell Company, Inc.
(Name of Principal)
By [Signature]
(Must be President, Vice President, or Duly Authorized Agent)
President
(Title)

Surety Seal

Western Surety Company
(Name of Surety)
[Signature]
Maggie Loeser Attorney-in-Fact

IMPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance, must affix its seal, and must attach a power of attorney with its seal affixed.

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Mark N Coleman, Frank P Middelberg, Kyp L Ross, Lori A Proch, Gary E Roadruck, Robert W Lampus, Faith A Studeny, Kathy Van Tassel, Linda M Cowin, Louis A Colagrossi, Sandy Kruger, Maggie Loeser, Individually

of Cleveland, OH, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 3rd day of October, 2012.



WESTERN SURETY COMPANY

Paul T. Bruflat

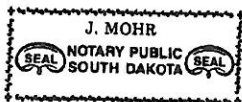
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 3rd day of October, 2012, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2015



J. Mohr

J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 15th day of August, 2013.



WESTERN SURETY COMPANY

L. Nelson

L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

WESTERN SURETY COMPANY
Sioux Falls, South Dakota
Statement of Net Admitted Assets and Liabilities
December 31, 2012

ASSETS

Bonds	\$1,544,217,378
Stocks	23,405,721
Cash and short-term investments	85,332,658
Uncollected premiums and agents' balances	32,034,747
Amounts recoverable from reinsurers	163,180
Net deferred tax asset	23,141,708
Electronic data processing equipment and software	47,102
Investment income due and accrued	18,997,674
Other assets	5,203,942
Total Assets	<u>\$1,732,544,110</u>

LIABILITIES AND SURPLUS

Losses	\$310,752,443
Loss adjustment expense	79,546,495
Contingent and other commissions payable	6,404,001
Other expense	1,046,332
Taxes, licenses and fees	1,652,483
Unearned premiums	249,533,795
Other liabilities	31,210,018
Total Liabilities	<u>680,145,567</u>
Surplus Account:	
Capital paid up	\$4,000,000
Gross paid in and contributed surplus	280,071,836
Unassigned funds	<u>768,326,707</u>
Surplus as regards policyholders	\$1,052,398,543
Total Liabilities and Capital	<u>\$1,732,544,110</u>



I, O. B. Magara, Assistant Vice President of Western Surety Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2012, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western Surety Company as of that date.

Western Surety Company

By *[Signature]*
Assistant Vice President

Subscribed and sworn to me this 25th day of March, 2013.

My commission expires: "OFFICIAL SEAL"
KATHLEEN M. SCHROEDER
Notary Public, State of Illinois
My Commission Expires 08/16/15

Kathleen M Schroeder
Notary Public

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

MANDATE: Under W. Va. Code §5A-3-10a, 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: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

EXCEPTION: The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. 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.

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.

"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

"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.

AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §61-5-3) that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Name: N-Powell Company, Inc.

Authorized Signature: *Murphy P. [Signature]* Date: August 29, 2013

State of West Virginia

County of Brooke, to-wit:

Taken, subscribed, and sworn to before me this 29 day of August, 2013.

My Commission expires June 26, 2016.

AFFIX SEAL HERE

NOTARY PUBLIC *Wendy J. Craft*

Purchasing Affidavit (Revised 07/01/2012)

