



NOTICE TO AWARD
 PUBLIC SERVICE COMMISSION
 ABANDONED MINE LANDS DIVISION
 SFN 51732 (Rev. 9-2009)

TO

Name Smith Contracting, Inc.			
Address 3941 Wynne Avenue	City Butte	State MT	Zip Code 59701

Project Description Excavation of spoil piles and backfilling of pits and highwalls at abandoned surface mines primarily located within Sections 27, 28 and 30, T152N, R81W southwest of Velva, ND.

The Commission as owner has considered the bid submitted by you for the above described work in response to its advertisement for bids dated February 26, 2010, and the invitation for bids.

You are hereby notified that your bid has been accepted in the amount of \$1,225,500.00
 (One million two hundred twenty-five thousand five hundred dollars)

You are required by the invitation for bids to execute the contract and furnish the required performance and payment; bonds and certificate of tax clearance within ten (10) calendar days from the date of this notice to you.

If you fail to execute the contract and furnish the bonds and certificate within ten (10) days from receipt of this notice, the owner shall be entitled to consider all your rights arising out of acceptance of your bid as abandoned and as a forfeiture of your bid bond. The owner shall be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this notice to the owner.

Date April 28, 2010

ND PUBLIC SERVICE COMMISSION

Chairman <i>Kevin James</i>
Commissioner <i>James [unclear]</i>
Commissioner <i>B. Kelle</i>

ATTEST:

Executive Secretary
Daniel Witschke

ACKNOWLEDGEMENT OF NOTICE

Receipt of the above NOTICE TO AWARD is hereby acknowledged by: <i>[Signature]</i>

Date 05-05-2010
By <i>David Smith</i>
Title PRESIDENT

Witness to Signature
Witness to Signature <i>[Signature]</i>