

10-5-11  
KT\_Invoice\_10-3-11  
513

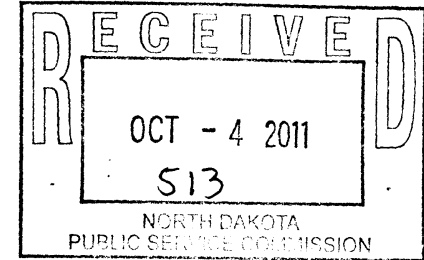
### CONTRACTOR PRODUCTION FIGURES

**Project:** Buechler/Velva AML Project ND 004

**Contractor:** Kern & Tabery Inc. 222 SE 1st Street, Suite 3, Wadena, MN 56482

**Submittal Number:** 11

**From:** 9/19/2011 **through** 10/1/2011



| ITEMS                          | Equipment Description   | Operating Hrs.                                         | Avg. Cycle Time | Avg. Load Capacity | Job Eff. Factor | Est. Volumes Moved  | TOTALS              |
|--------------------------------|-------------------------|--------------------------------------------------------|-----------------|--------------------|-----------------|---------------------|---------------------|
| 1)                             | Mobilization            | Completion of mobilization-demobilization              |                 |                    | 100%            |                     | \$15,086.40         |
| 3A)                            | Topsoil Salvage (K&T)   | Topsoil salvaged and respread Areas 1,2,8,9, and 12-15 |                 |                    | 100%            | 2802 cy @ \$1.85    | 5,183.70            |
| 3B)                            | Topsoil Salvage         | Respread topsoil with work area 17                     |                 |                    | 100%            | 3,596 cy @ \$1.25   | 4,495.00            |
| 4)                             | Dirtwork                | completion of dirt work Area 17 and extra cut Area 11  |                 |                    | 100%            | 38,900 cy @ \$0.96  | 37,344.00           |
| 6)                             | Fertilizer, Mulch, Seed | Completion of seeding and fertilizer                   |                 |                    | 100%            | 16 acres @ \$420.00 | 6,720.00            |
| 8)                             | Force Account           | final grading work area 17                             |                 |                    | 100%            |                     | 3,015.00            |
| 9)                             | Clean Up                | completion of clean up                                 |                 |                    | 100%            |                     | 3,360.00            |
|                                | D6H Dozer               |                                                        |                 |                    |                 |                     |                     |
|                                | D6R Dozer               |                                                        |                 |                    |                 |                     |                     |
| (2)                            | 637D Scrapers           |                                                        |                 |                    |                 |                     |                     |
|                                | 14G Blade               |                                                        |                 |                    |                 |                     |                     |
| TOTAL DOLLARS THIS PAY REQUEST |                         |                                                        |                 |                    |                 |                     | <u>\$ 75,204.10</u> |

The Contractors signature certifies the accuracy and completeness of these estimated production figures.

Kern & Tabery Inc.

**Contractor**

*Kevin Tabery*  
**Contractor Signature**

October 3, 2011

**Date**

**FIG**

87 AM-10-37 Filed 10/03/2011 Pages: 6  
Invoice No. 11 - final  
Kern & Tabery Inc  
Kevin Tabery

INVOICE: 011 (FINAL)  
 Project: BUCHLER/VELVA COMPLETION PROJECT  
 Project No.: 10168  
 Contractor: Kern & Tabery Inc.  
 222 SE 1st Street, Suite 3  
 Wadena, MN 56482

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Contract No.: AM-588-10  
 Date of Invoice: 10/03/11  
 Dates Service Rendered: 9/18/11 to 9/29/11

| Spec No. | Description              | Orig. Quantity | Unit     | Unit Price  | Bid Amount        | Previous Invoices |                 | Current Invoice |                 | Total To Date |              |                |
|----------|--------------------------|----------------|----------|-------------|-------------------|-------------------|-----------------|-----------------|-----------------|---------------|--------------|----------------|
|          |                          |                |          |             |                   | Quantity          | Amount          | Quantity        | Amount          | Quantity      | Amount       |                |
| (1)      | Mobilization             | 1              | L. Sum   | \$75,432.00 | \$75,432.00       | 0.80              | \$60,345.60     | 0.2             | \$15,086.40     | 1             | \$75,432.00  |                |
| (2)      | Water Management         | 1              | L. Sum   | \$9,000.00  | \$9,000.00        | 1.00              | \$9,000.00      |                 | \$0.00          | 1             | \$9,000.00   |                |
| (3A)     | Topsoil Salvage          | 1              | Cu. Yds. | \$1.85      | \$1.85            | 4942.00           | \$9,142.70      | 2802            | \$5,183.70      | 7744          | \$14,326.40  |                |
| (3B)     | Topsoil Salvage-Respread | 20048          | Cu. Yds. | \$1.25      | \$25,060.00       | 16452.00          | \$20,565.00     | 3596            | \$4,495.00      | 20048         | \$25,060.00  |                |
| (4)      | Dirt Work                | 824586         | Cu. Yds. | \$0.96      | \$791,602.56      | 822986.00         | \$790,066.56    | 38900           | \$37,344.00     | 861886        | \$827,410.56 |                |
| (5)      | Culvert                  | 240            | FT.      | \$85.00     | \$20,400.00       | 240.00            | \$20,400.00     |                 | \$0.00          | 240           | \$20,400.00  |                |
| (6)      | Fert. Seed & Mulching    | 150            | Acres    | \$420.00    | \$63,000.00       | 74.00             | \$31,080.00     | 16              | \$6,720.00      | 90            | \$37,800.00  |                |
| (7)      | Wattles                  | 12000          | FT.      | \$2.67      | \$32,040.00       | 12000.00          | \$32,040.00     |                 | \$0.00          | 12000         | \$32,040.00  |                |
| (8)      | Force Account            | 1              | L. Sum   | \$80,000.00 | \$80,000.00       | 0.02              | \$1,326.00      | 0.0376875       | \$3,015.00      | 0.0542625     | \$4,341.00   |                |
| (9)      | Clean-up                 | 1              | L. Sum   | \$3,360.00  | \$3,360.00        |                   | \$0.00          | 1               | \$3,360.00      | 1             | \$3,360.00   |                |
|          |                          |                |          |             | Original Contract | \$1,099,896.41    |                 | \$973,965.86    |                 | \$75,204.10   |              | \$1,049,169.96 |
|          |                          |                |          |             | Change Orders (+) | \$0.00            | Change Order(s) | \$0.00          | Change Order(s) | \$0.00        | Total CO.    | \$0.00         |
|          |                          |                |          |             | Change Orders (-) | \$0.00            |                 |                 |                 |               |              |                |
|          |                          |                |          |             | Grand Total       | \$1,099,896.41    |                 |                 |                 |               |              |                |
|          |                          |                |          |             | Contract Balance  | \$50,726.45       | Amount Paid     | \$973,965.86    | AMOUNT DUE      | \$75,204.10   | Total Amt.   | \$1,049,169.96 |

Project Manager: M.E. G. Q/WB 10-3-11

AML Director:

AMOUNT DUE = \$75,204.10  
 Note: Surety (Liberty) paid first \$272,491.39 of contract amount.



**CHANGE ORDER**  
 NORTH DAKOTA PUBLIC SERVICE COMMISSION  
 ABANDONED MINE LANDS  
 SFN 19942 (5-83)

Project: Buccher/Velton Completion Project  
 Contractor: Kern & Tabery Inc.  
 Original Contract Amount: \$1,099,896.41  
 Date: 10-3-11

CHANGE ORDER NUMBER 0017

| NO.            | ITEM OF WORK                                                                                                                                                                                                                                  | UNIT             | ORIG. QUAN.       | QUAN. + OR -                   | UNIT PRICE                                       | INCREASE AMOUNT                                 | DECREASE AMOUNTS   |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------|--------------------------------|--------------------------------------------------|-------------------------------------------------|--------------------|
| 3A.)           | Topsoil Salvage<br>Additional Topsoil in Areas 6-10<br>T.S. along highwall edges in Areas 1, 2, 8, 9 & 12-15                                                                                                                                  | Yds <sup>3</sup> | 1                 | +4942<br>+2802                 | \$1.65/yd <sup>3</sup><br>\$1.55/yd <sup>3</sup> | \$8,142.70<br><del>\$5,153.70</del><br>5,181.85 |                    |
| 4.)            | Dirt Work<br>Area 3B extra pile<br>11 extra piles                                                                                                                                                                                             | Yds <sup>3</sup> | 829596            | +5300<br>+32000                | \$0.96/yd <sup>3</sup><br>\$0.96/yd <sup>3</sup> | \$5088.00<br>30,720.00                          |                    |
| 6.)            | Fert. Seed & Mulch<br>Reduce in Areas 3, 4, 5, 17 & 18<br>Eliminate Mulch operations<br>reduce cost by 1/3<br>135 acres x 420/3 = 48,900<br>or 135 acres x 420 = \$18,900                                                                     | Acres            | 150               | -15<br><del>45</del>           | \$420/acre<br>\$420/acre                         |                                                 | \$6300<br>\$18,900 |
| 8.)            | Force Account<br>P.I. in Trunk (Area 16) left<br>by Smith Contracting<br>6.5 hrs @ 204/hr = \$1,326.00<br>Grading Rough Area 17 left<br>by Smith Contracting<br>Decker 14 hrs x 164.29 = \$2,300<br>Nobry 5.5 hrs x 130.00 = 715<br>\$3015.00 | h.s.             | 1 <del>hour</del> | used<br>+0.16575<br>+0.0376975 | 80,000<br>90,000                                 | <del>\$1,326.00</del><br>\$3,015.00             | \$75,659           |
| <b>TOTALS:</b> |                                                                                                                                                                                                                                               |                  |                   |                                |                                                  | \$50,132.55<br><del>50,726.45</del>             | 100,859            |

Explanation and/or sketch of change:  
 8.) Force Account  
 utilized 1,326 + 3,015 = \$4341.00  
 so a reduction of \$80,000 -  
 4341.00 = \$75,659 \*

**-\$50,726.45**

Not Increase or Decrease to Date  
~~\$ - \$50,726.45~~  
 Projected Contract Final Cost to Date  
\$1,049,169.96

AMI Project Manager  
Mark Hall  
 Date: 10-3-11  
 Contractor:  
Kern Tabery  
 Date: 10-3-11

**NOTE:** No increase or decrease of work is authorized unless this change order is signed by both parties prior to start or elimination of such work.

**Contractor Payment Requests  
2011 Buechler/Velva Project  
Kern & Tabery, Inc.  
Tender Agreement**

Note: Under Tender Agreement, Surety agreed to pay the first 272,491.40, which is the Contract Shortfall amount.  
When this amount is exhausted, PSC will pay the remainder of the Tender Agreement Amount.

**Pay 1 : For Surety Payment 5-23-11**

Dates of Service: May 18-21, 2011

| Item                             | Units    | Unit Price  | Total                     | Cumulative Units | Cumulative \$\$    | Bid Price             | %            |
|----------------------------------|----------|-------------|---------------------------|------------------|--------------------|-----------------------|--------------|
| Mobilization LS                  | 0.50     | \$75,432.00 | \$37,716.00               | 0.50             | \$37,716.00        | \$75,432.00           | 50.00%       |
| Water Management LS              | 0.20     | \$9,000.00  | \$1,800.00                | 0.20             | \$1,800.00         | \$9,000.00            | 20.00%       |
| Topsoil Salvage 3A CY            | 1600.00  | \$1.85      | \$2,960.00                | 1600.00          | \$2,960.00         | \$1.85                | 160000.00%   |
| Topsoil Salvage 3B (respread) CY | 0.00     | \$1.25      | \$0.00                    | 0.00             | \$0.00             | \$25,060.00           | 0.00%        |
| Dirt Work CY                     | 11000.00 | \$0.96      | \$10,560.00               | 11000.00         | \$10,560.00        | \$791,602.56          | 1.33%        |
| Culvert FT                       | 0.00     | \$85.00     | \$0.00                    | 0.00             | \$0.00             | \$20,400.00           | 0.00%        |
| Fert/Seed/Mulch AC               | 0.00     | \$420.00    | \$0.00                    | 0.00             | \$0.00             | \$63,000.00           | 0.00%        |
| Wattles FT                       | 0.00     | \$2.67      | \$0.00                    | 0.00             | \$0.00             | \$32,040.00           | 0.00%        |
| Force Account LS                 | 0.00     | \$80,000.00 | \$0.00                    | 0.00             | \$0.00             | \$80,000.00           | 0.00%        |
| Clean Up LS                      | 0.00     | \$3,360.00  | \$0.00                    | 0.00             | \$0.00             | \$3,360.00            | 0.00%        |
| <b>Total This Invoice</b>        |          |             | <b><u>\$53,036.00</u></b> |                  | <b>\$53,036.00</b> | <b>\$1,099,896.41</b> | <b>4.82%</b> |

Note: The Topsoil Salvage 3A bid item was an unknown and was bid with a unit cost and 1 unit. Any costs for this item will be monitored and charged to the force account so that there will be no addition to the total contract price.

**Pay 2 : For Surety Payment 6-7-11**

Dates of Service: May 23 to June 4, 2011

| Item                             | Units    | Unit Price  | Total                     | Cumulative Units | Cumulative \$\$    | Bid Price             | %            |
|----------------------------------|----------|-------------|---------------------------|------------------|--------------------|-----------------------|--------------|
| Mobilization LS                  | 0.00     | \$75,432.00 | \$0.00                    | 0.50             | \$37,716.00        | \$75,432.00           | 50.00%       |
| Water Management LS              | 0.00     | \$9,000.00  | \$0.00                    | 0.20             | \$1,800.00         | \$9,000.00            | 20.00%       |
| Topsoil Salvage 3A CY            | 0.00     | \$1.85      | \$0.00                    | 1600.00          | \$2,960.00         | \$1.85                | 160000.00%   |
| Topsoil Salvage 3B (respread) CY | 0.00     | \$1.25      | \$0.00                    | 0.00             | \$0.00             | \$25,060.00           | 0.00%        |
| Dirt Work CY                     | 20660.00 | \$0.96      | \$19,833.60               | 31660.00         | \$30,393.60        | \$791,602.56          | 3.84%        |
| Culvert FT                       | 0.00     | \$85.00     | \$0.00                    | 0.00             | \$0.00             | \$20,400.00           | 0.00%        |
| Fert/Seed/Mulch AC               | 0.00     | \$420.00    | \$0.00                    | 0.00             | \$0.00             | \$63,000.00           | 0.00%        |
| Wattles FT                       | 0.00     | \$2.67      | \$0.00                    | 0.00             | \$0.00             | \$32,040.00           | 0.00%        |
| Force Account LS                 | 0.00     | \$80,000.00 | \$0.00                    | 0.00             | \$0.00             | \$80,000.00           | 0.00%        |
| Clean Up LS                      | 0.00     | \$3,360.00  | \$0.00                    | 0.00             | \$0.00             | \$3,360.00            | 0.00%        |
| <b>Total This Invoice</b>        |          |             | <b><u>\$19,833.60</u></b> |                  | <b>\$72,869.60</b> | <b>\$1,099,896.41</b> | <b>6.63%</b> |

**Pay 3 : For Surety Payment 6-21-11**

Dates of Service: June 6-18, 2011

| Item                             | Units    | Unit Price  | Total                     | Cumulative Units | Cumulative \$\$     | Bid Price             | %            |
|----------------------------------|----------|-------------|---------------------------|------------------|---------------------|-----------------------|--------------|
| Mobilization LS                  | 0.15     | \$75,432.00 | \$11,314.80               | 0.65             | \$49,030.80         | \$75,432.00           | 65.00%       |
| Water Management LS              | 0.00     | \$9,000.00  | \$0.00                    | 0.20             | \$1,800.00          | \$9,000.00            | 20.00%       |
| Topsoil Salvage 3A CY            | 0.00     | \$1.85      | \$0.00                    | 1600.00          | \$2,960.00          | \$1.85                | 160000.00%   |
| Topsoil Salvage 3B (respread) CY | 0.00     | \$1.25      | \$0.00                    | 0.00             | \$0.00              | \$25,060.00           | 0.00%        |
| Dirt Work CY                     | 26020.00 | \$0.96      | \$24,979.20               | 57680.00         | \$55,372.80         | \$791,602.56          | 7.00%        |
| Culvert FT                       | 0.00     | \$85.00     | \$0.00                    | 0.00             | \$0.00              | \$20,400.00           | 0.00%        |
| Fert/Seed/Mulch AC               | 0.00     | \$420.00    | \$0.00                    | 0.00             | \$0.00              | \$63,000.00           | 0.00%        |
| Wattles FT                       | 0.00     | \$2.67      | \$0.00                    | 0.00             | \$0.00              | \$32,040.00           | 0.00%        |
| Force Account LS                 | 0.00     | \$80,000.00 | \$0.00                    | 0.00             | \$0.00              | \$80,000.00           | 0.00%        |
| Clean Up LS                      | 0.00     | \$3,360.00  | \$0.00                    | 0.00             | \$0.00              | \$3,360.00            | 0.00%        |
| <b>Total This Invoice</b>        |          |             | <b><u>\$36,294.00</u></b> |                  | <b>\$109,163.60</b> | <b>\$1,099,896.41</b> | <b>9.92%</b> |

**Pay 8: For Commission Payment 8-22-11**

Dates of Service: August 8-20, 2011

| Item                             | Units     | Unit Price  | Total                      | Cumulative Units | Cumulative \$\$     | Bid Price             | %             |
|----------------------------------|-----------|-------------|----------------------------|------------------|---------------------|-----------------------|---------------|
| Mobilization LS                  | 0.00      | \$75,432.00 | \$0.00                     | 0.80             | \$60,345.60         | \$75,432.00           | 80.00%        |
| Water Management LS              | 0.00      | \$9,000.00  | \$0.00                     | 0.70             | \$6,300.00          | \$9,000.00            | 70.00%        |
| Topsoil Salvage 3A CY            | 0.00      | \$1.85      | \$0.00                     | 1600.00          | \$2,960.00          | \$1.85                | 160000.00%    |
| Topsoil Salvage 3B (respread) CY | 16452.00  | \$1.25      | \$20,565.00                | 16452.00         | \$20,565.00         | \$25,060.00           | 82.06%        |
| Dirt Work CY                     | 207437.00 | \$0.96      | \$199,139.52               | 497366.00        | \$477,471.36        | \$791,602.56          | 60.32%        |
| Culvert FT                       | 0.00      | \$85.00     | \$0.00                     | 0.00             | \$0.00              | \$20,400.00           | 0.00%         |
| Fert/Seed/Mulch AC               | 0.00      | \$420.00    | \$0.00                     | 0.00             | \$0.00              | \$63,000.00           | 0.00%         |
| Wattles FT                       | 0.00      | \$2.67      | \$0.00                     | 0.00             | \$0.00              | \$32,040.00           | 0.00%         |
| Force Account LS                 | 0.00      | \$80,000.00 | \$0.00                     | 0.00             | \$0.00              | \$80,000.00           | 0.00%         |
| Clean Up LS                      | 0.00      | \$3,360.00  | \$0.00                     | 0.00             | \$0.00              | \$3,360.00            | 0.00%         |
| <b>Total This Invoice</b>        |           |             | <b><u>\$219,704.52</u></b> |                  | <b>\$567,641.96</b> | <b>\$1,099,896.41</b> | <b>51.61%</b> |

**Pay 9: For Commission Payment 9-6-11**

Dates of Service: August 22 to September 3, 2011

| Item                             | Units     | Unit Price  | Total                      | Cumulative Units | Cumulative \$\$     | Bid Price             | %             |
|----------------------------------|-----------|-------------|----------------------------|------------------|---------------------|-----------------------|---------------|
| Mobilization LS                  | 0.00      | \$75,432.00 | \$0.00                     | 0.80             | \$60,345.60         | \$75,432.00           | 80.00%        |
| Water Management LS              | 0.00      | \$9,000.00  | \$0.00                     | 0.70             | \$6,300.00          | \$9,000.00            | 70.00%        |
| Topsoil Salvage 3A CY            | 3342.00   | \$1.85      | \$6,182.70                 | 4942.00          | \$9,142.70          | \$1.85                | 494200.00%    |
| Topsoil Salvage 3B (respread) CY | 0.00      | \$1.25      | \$0.00                     | 16452.00         | \$20,565.00         | \$25,060.00           | 82.06%        |
| Dirt Work CY                     | 200520.00 | \$0.96      | \$192,499.20               | 697886.00        | \$669,970.56        | \$791,602.56          | 84.63%        |
| Culvert FT                       | 0.00      | \$85.00     | \$0.00                     | 0.00             | \$0.00              | \$20,400.00           | 0.00%         |
| Fert/Seed/Mulch AC               | 60.00     | \$420.00    | \$25,200.00                | 60.00            | \$25,200.00         | \$63,000.00           | 40.00%        |
| Wattles FT                       | 6000.00   | \$2.67      | \$16,020.00                | 6000.00          | \$16,020.00         | \$32,040.00           | 50.00%        |
| Force Account LS                 | 0.0166    | \$80,000.00 | \$1,326.00                 | 0.02             | \$1,326.00          | \$80,000.00           | 1.66%         |
| Clean Up LS                      | 0.00      | \$3,360.00  | \$0.00                     | 0.00             | \$0.00              | \$3,360.00            | 0.00%         |
| <b>Total This Invoice</b>        |           |             | <b><u>\$241,227.90</u></b> |                  | <b>\$808,869.86</b> | <b>\$1,099,896.41</b> | <b>73.54%</b> |

**Pay 10: For Commission Payment 9-19-11**

Dates of Service: September 6-17, 2011

| Item                             | Units     | Unit Price  | Total                      | Cumulative Units | Cumulative \$\$     | Bid Price             | %             |
|----------------------------------|-----------|-------------|----------------------------|------------------|---------------------|-----------------------|---------------|
| Mobilization LS                  | 0.00      | \$75,432.00 | \$0.00                     | 0.80             | \$60,345.60         | \$75,432.00           | 80.00%        |
| Water Management LS              | 0.30      | \$9,000.00  | \$2,700.00                 | 1.00             | \$9,000.00          | \$9,000.00            | 100.00%       |
| Topsoil Salvage 3A CY            | 0.00      | \$1.85      | \$0.00                     | 4942.00          | \$9,142.70          | \$1.85                | 494200.00%    |
| Topsoil Salvage 3B (respread) CY | 0.00      | \$1.25      | \$0.00                     | 16452.00         | \$20,565.00         | \$25,060.00           | 82.06%        |
| Dirt Work CY                     | 125100.00 | \$0.96      | \$120,096.00               | 822986.00        | \$790,066.56        | \$791,602.56          | 99.81%        |
| Culvert FT                       | 240.00    | \$85.00     | \$20,400.00                | 240.00           | \$20,400.00         | \$20,400.00           | 100.00%       |
| Fert/Seed/Mulch AC               | 14.00     | \$420.00    | \$5,880.00                 | 74.00            | \$31,080.00         | \$63,000.00           | 49.33%        |
| Wattles FT                       | 6000.00   | \$2.67      | \$16,020.00                | 12000.00         | \$32,040.00         | \$32,040.00           | 100.00%       |
| Force Account LS                 | 0.0000    | \$80,000.00 | \$0.00                     | 0.02             | \$1,326.00          | \$80,000.00           | 1.66%         |
| Clean Up LS                      | 0.00      | \$3,360.00  | \$0.00                     | 0.00             | \$0.00              | \$3,360.00            | 0.00%         |
| <b>Total This Invoice</b>        |           |             | <b><u>\$165,096.00</u></b> |                  | <b>\$973,965.86</b> | <b>\$1,099,896.41</b> | <b>88.55%</b> |

**Pay 11 (Final): For Commission Payment 10-3-11**

Dates of Service: September 18 to 29, 2011

| Item                             | Units    | Unit Price  | Total                     | Cumulative Units | Cumulative \$\$       | Bid Price             | %             |
|----------------------------------|----------|-------------|---------------------------|------------------|-----------------------|-----------------------|---------------|
| Mobilization LS                  | 0.20     | \$75,432.00 | \$15,086.40               | 1.00             | \$75,432.00           | \$75,432.00           | 100.00%       |
| Water Management LS              | 0.00     | \$9,000.00  | \$0.00                    | 1.00             | \$9,000.00            | \$9,000.00            | 100.00%       |
| Topsoil Salvage 3A CY            | 2802.00  | \$1.85      | \$5,183.70                | 7744.00          | \$14,326.40           | \$1.85                | 774400.00%    |
| Topsoil Salvage 3B (respread) CY | 3596.00  | \$1.25      | \$4,495.00                | 20048.00         | \$25,060.00           | \$25,060.00           | 100.00%       |
| Dirt Work CY                     | 38900.00 | \$0.96      | \$37,344.00               | 861886.00        | \$827,410.56          | \$791,602.56          | 104.52%       |
| Culvert FT                       | 0.00     | \$85.00     | \$0.00                    | 240.00           | \$20,400.00           | \$20,400.00           | 100.00%       |
| Fert/Seed/Mulch AC               | 16.00    | \$420.00    | \$6,720.00                | 90.00            | \$37,800.00           | \$63,000.00           | 60.00%        |
| Wattles FT                       | 0.00     | \$2.67      | \$0.00                    | 12000.00         | \$32,040.00           | \$32,040.00           | 100.00%       |
| Force Account LS                 | 0.0377   | \$80,000.00 | \$3,015.00                | 0.05             | \$4,341.00            | \$80,000.00           | 5.43%         |
| Clean Up LS                      | 1.00     | \$3,360.00  | \$3,360.00                | 1.00             | \$3,360.00            | \$3,360.00            | 100.00%       |
| <b>Total This Invoice</b>        |          |             | <b><u>\$75,204.10</u></b> |                  | <b>\$1,049,169.96</b> | <b>\$1,099,896.41</b> | <b>95.39%</b> |
|                                  |          |             |                           |                  |                       | <b>\$50,726.45</b>    |               |

**Pay 4 : For Surety Payment 7-6-11**  
 Dates of Service: June 20-July 2, 2011

| Item                             | Units    | Unit Price  | Total                     | Cumulative Units | Cumulative \$\$     | Bid Price             | %             |
|----------------------------------|----------|-------------|---------------------------|------------------|---------------------|-----------------------|---------------|
| Mobilization LS                  | 0.15     | \$75,432.00 | \$11,314.80               | 0.80             | \$60,345.60         | \$75,432.00           | 80.00%        |
| Water Management LS              | 0.00     | \$9,000.00  | \$0.00                    | 0.20             | \$1,800.00          | \$9,000.00            | 20.00%        |
| Topsoil Salvage 3A CY            | 0.00     | \$1.85      | \$0.00                    | 1600.00          | \$2,960.00          | \$1.85                | 160000.00%    |
| Topsoil Salvage 3B (respread) CY | 0.00     | \$1.25      | \$0.00                    | 0.00             | \$0.00              | \$25,060.00           | 0.00%         |
| Dirt Work CY                     | 46519.00 | \$0.96      | \$44,658.24               | 104199.00        | \$100,031.04        | \$791,602.56          | 12.64%        |
| Culvert FT                       | 0.00     | \$85.00     | \$0.00                    | 0.00             | \$0.00              | \$20,400.00           | 0.00%         |
| Fert/Seed/Mulch AC               | 0.00     | \$420.00    | \$0.00                    | 0.00             | \$0.00              | \$63,000.00           | 0.00%         |
| Wattles FT                       | 0.00     | \$2.67      | \$0.00                    | 0.00             | \$0.00              | \$32,040.00           | 0.00%         |
| Force Account LS                 | 0.00     | \$80,000.00 | \$0.00                    | 0.00             | \$0.00              | \$80,000.00           | 0.00%         |
| Clean Up LS                      | 0.00     | \$3,360.00  | \$0.00                    | 0.00             | \$0.00              | \$3,360.00            | 0.00%         |
| <b>Total This Invoice</b>        |          |             | <b><u>\$55,973.04</u></b> |                  | <b>\$165,136.64</b> | <b>\$1,099,896.41</b> | <b>15.01%</b> |

**Pay 5: For Surety Payment 7-20-11**  
 Dates of Service: July 5-16, 2011

| Item                             | Units    | Unit Price  | Total                     | Cumulative Units | Cumulative \$\$     | Bid Price             | %             |
|----------------------------------|----------|-------------|---------------------------|------------------|---------------------|-----------------------|---------------|
| Mobilization LS                  | 0.00     | \$75,432.00 | \$0.00                    | 0.80             | \$60,345.60         | \$75,432.00           | 80.00%        |
| Water Management LS              | 0.50     | \$9,000.00  | \$4,500.00                | 0.70             | \$6,300.00          | \$9,000.00            | 70.00%        |
| Topsoil Salvage 3A CY            | 0.00     | \$1.85      | \$0.00                    | 1600.00          | \$2,960.00          | \$1.85                | 160000.00%    |
| Topsoil Salvage 3B (respread) CY | 0.00     | \$1.25      | \$0.00                    | 0.00             | \$0.00              | \$25,060.00           | 0.00%         |
| Dirt Work CY                     | 78680.00 | \$0.96      | \$75,532.80               | 182879.00        | \$175,563.84        | \$791,602.56          | 22.18%        |
| Culvert FT                       | 0.00     | \$85.00     | \$0.00                    | 0.00             | \$0.00              | \$20,400.00           | 0.00%         |
| Fert/Seed/Mulch AC               | 0.00     | \$420.00    | \$0.00                    | 0.00             | \$0.00              | \$63,000.00           | 0.00%         |
| Wattles FT                       | 0.00     | \$2.67      | \$0.00                    | 0.00             | \$0.00              | \$32,040.00           | 0.00%         |
| Force Account LS                 | 0.00     | \$80,000.00 | \$0.00                    | 0.00             | \$0.00              | \$80,000.00           | 0.00%         |
| Clean Up LS                      | 0.00     | \$3,360.00  | \$0.00                    | 0.00             | \$0.00              | \$3,360.00            | 0.00%         |
| <b>Total This Invoice</b>        |          |             | <b><u>\$80,032.80</u></b> |                  | <b>\$245,169.44</b> | <b>\$1,099,896.41</b> | <b>22.29%</b> |

\* Note that Surety has \$27,321.96 remaining to pay under the Tender Agreement.

**Pay 6: For Surety Payment 7-29-11**  
 Dates of Service: July 18-23, 2011

| Item                             | Units    | Unit Price  | Total                     | Cumulative Units | Cumulative \$\$     | Bid Price             | %             |
|----------------------------------|----------|-------------|---------------------------|------------------|---------------------|-----------------------|---------------|
| Mobilization LS                  | 0.00     | \$75,432.00 | \$0.00                    | 0.80             | \$60,345.60         | \$75,432.00           | 80.00%        |
| Water Management LS              | 0.00     | \$9,000.00  | \$0.00                    | 0.70             | \$6,300.00          | \$9,000.00            | 70.00%        |
| Topsoil Salvage 3A CY            | 0.00     | \$1.85      | \$0.00                    | 1600.00          | \$2,960.00          | \$1.85                | 160000.00%    |
| Topsoil Salvage 3B (respread) CY | 0.00     | \$1.25      | \$0.00                    | 0.00             | \$0.00              | \$25,060.00           | 0.00%         |
| Dirt Work CY                     | 28460.36 | \$0.96      | \$27,321.95               | 211339.36        | \$202,885.79        | \$791,602.56          | 25.63%        |
| Culvert FT                       | 0.00     | \$85.00     | \$0.00                    | 0.00             | \$0.00              | \$20,400.00           | 0.00%         |
| Fert/Seed/Mulch AC               | 0.00     | \$420.00    | \$0.00                    | 0.00             | \$0.00              | \$63,000.00           | 0.00%         |
| Wattles FT                       | 0.00     | \$2.67      | \$0.00                    | 0.00             | \$0.00              | \$32,040.00           | 0.00%         |
| Force Account LS                 | 0.00     | \$80,000.00 | \$0.00                    | 0.00             | \$0.00              | \$80,000.00           | 0.00%         |
| Clean Up LS                      | 0.00     | \$3,360.00  | \$0.00                    | 0.00             | \$0.00              | \$3,360.00            | 0.00%         |
| <b>Total This Invoice</b>        |          |             | <b><u>\$27,321.95</u></b> |                  | <b>\$272,491.39</b> | <b>\$1,099,896.41</b> | <b>24.77%</b> |

\* With this invoice, Surety will have paid its total amount under the tender agreement.

**Pay 7: For Commission Payment 8-8-11**  
 Dates of Service: July 25-August 6, 2011

| Item                             | Units    | Unit Price  | Total                     | Cumulative Units | Cumulative \$\$     | Bid Price             | %             |
|----------------------------------|----------|-------------|---------------------------|------------------|---------------------|-----------------------|---------------|
| Mobilization LS                  | 0.00     | \$75,432.00 | \$0.00                    | 0.80             | \$60,345.60         | \$75,432.00           | 80.00%        |
| Water Management LS              | 0.00     | \$9,000.00  | \$0.00                    | 0.70             | \$6,300.00          | \$9,000.00            | 70.00%        |
| Topsoil Salvage 3A CY            | 0.00     | \$1.85      | \$0.00                    | 1600.00          | \$2,960.00          | \$1.85                | 160000.00%    |
| Topsoil Salvage 3B (respread) CY | 0.00     | \$1.25      | \$0.00                    | 0.00             | \$0.00              | \$25,060.00           | 0.00%         |
| Dirt Work CY                     | 78589.64 | \$0.96      | \$75,446.05               | 289929.00        | \$278,331.84        | \$791,602.56          | 35.16%        |
| Culvert FT                       | 0.00     | \$85.00     | \$0.00                    | 0.00             | \$0.00              | \$20,400.00           | 0.00%         |
| Fert/Seed/Mulch AC               | 0.00     | \$420.00    | \$0.00                    | 0.00             | \$0.00              | \$63,000.00           | 0.00%         |
| Wattles FT                       | 0.00     | \$2.67      | \$0.00                    | 0.00             | \$0.00              | \$32,040.00           | 0.00%         |
| Force Account LS                 | 0.00     | \$80,000.00 | \$0.00                    | 0.00             | \$0.00              | \$80,000.00           | 0.00%         |
| Clean Up LS                      | 0.00     | \$3,360.00  | \$0.00                    | 0.00             | \$0.00              | \$3,360.00            | 0.00%         |
| <b>Total This Invoice</b>        |          |             | <b><u>\$75,446.05</u></b> |                  | <b>\$347,937.44</b> | <b>\$1,099,896.41</b> | <b>31.63%</b> |