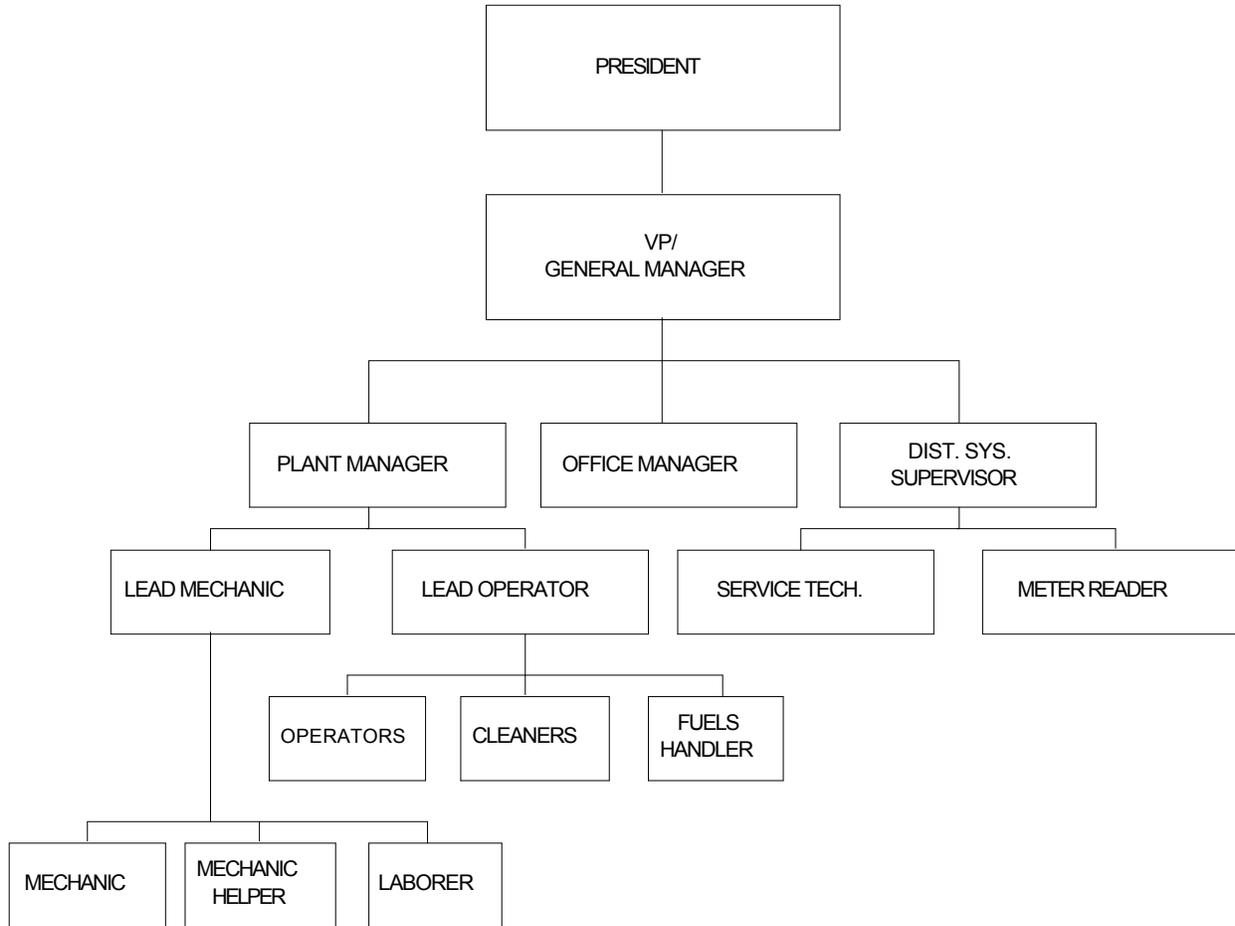


FLOW CHART



Concord Steam Casualty or Operational Constraint Protocol

Definitions:

Minor incidents: Minor incidents are described as those incidents of equipment or system failures that have little or no effect on the plants ability to meet its operational commitments. Specifically failure of an auxiliary piece of equipment (i.e. feed-pump) or system (i.e. low pressure steam) for which there is sufficient back-up equipment/systems available to provide for continuous operation.

Major incidents: Major incidents are described as those incidents of equipment or system failures may have an effect on the plants ability to meet its operational commitments. Specifically a failure of a major piece of equipment, component or system of the plant (i.e boiler, wood system, low voltage transformer etc.) for which there are limited options to provide alternate operational alignments to remain at 100 percent operational capacity but where the plant is able to continue to meet it's immediate load requirements.

Catastrophic incidents: Catastrophic incidents are described as those incidents of equipment or system failures have an immediate effect on the plants ability to meet its operational commitments. Specifically a failure of a major piece of equipment, component or system of the plant, fire, flood or other natural disaster for which there are limited options to provide alternate operational alignments to allow the plant able to continue to meet it's immediate load requirements without interruption.

In-Plant Casualties or Operational Constraints:

Minor incidents: During normal business hours the Lead Operator is notified immediately and will effect all necessary actions. After hours, the operator on watch will make the necessary plant realignments, note the equipment failure in the daily smooth log and immediately notify the Lead Operator of the incident (in his/her absence the Plant Manager will be notified of the incident). The Lead Operator will determine if the Lead Mechanic or mechanic on call should be notified and if so determined will notify Lead Mechanic or mechanic on call to report to the plant to effect the necessary repairs to the equipment. The Plant Manager in all cases is notified of the incident by the next business day.

Major incidents: During normal business hours the Plant Manager, Lead Operator and Lead Mechanic are all notified immediately and will effect all

necessary actions. The operator on watch makes note of the incident in the daily smooth log. After hours, the operator on watch notes the equipment failure in the daily smooth log and immediately notifies the Lead Operator and Lead Mechanic of the incident (in their absence the Plant Manager will be notified of the incident). The Lead Operator and Lead Mechanic report to the plant as soon as possible (within 30 minutes). The Lead Operator determines if the Plant Manager should be notified and, if so determined, notifies Plant Manager to report to the plant to determine and oversee the necessary repairs to the equipment (or in his/her absence notify and request the General Manager to arrive on site). The General Manager in all cases is notified of the incident by the next business day.

Catastrophic incidents: During normal business hours the General Manager, Plant Manager, Lead Operator and Lead Mechanic are all notified immediately and will determine, oversee and effect all necessary actions. The operator on watch notes the equipment failure in the daily smooth log. After hours, the operator on watch notes the equipment failure in the daily smooth log and immediately notifies the Plant Manager, Lead Operator, Lead Mechanic and General Manager of the incident (in the absence the General Manager the President will be notified of the incident). The General Manager, Plant Manager, Lead Operator and Lead Mechanic will report to the plant as soon as possible (within 30 minutes). The General Manager shall determine if the President should be notified and, if so determined, shall notify President to report to the plant to determine and oversee the necessary repairs to the equipment. The President in all cases is notified of the incident by the next business day.

Steam Distribution Systems Casualties or Operational Constraints:

Minor incidents: During normal business hours the person receiving the report of interrupted service or incident report insures that the Distribution System Supervisor is notified immediately and he/her will effect all necessary actions. A service report is completed by the Distribution Supervisor. After hours, the operator on watch notes the report of interrupted service or incident report in the daily smooth log and immediately notifies the Service Technician on call of the incident (in his/her absence the Distribution Supervisor will be notified of the incident). The Service Technician on call will determine if the Distribution Supervisor should be notified and, if so determined, notifies Distribution Supervisor to report to the affected area. In most cases the Service Technician will complete the necessary repairs to restore service in the affected area. The Distribution Supervisor shall oversee the necessary repairs to the system and or equipment if called in. The Distribution Supervisor in all cases shall be notified of the incident by the next business day.

Major incidents: During normal business hours the person receiving the report of interrupted service or incident report insures that the Distribution System

Supervisor is notified immediately and he/she will effect all necessary actions. A service report is completed by the Distribution Supervisor.

After hours, the operator on watch will note the report of interrupted service or incident report in the daily smooth log and immediately notify the Distribution System Supervisor on call of the incident (in his/her absence the Plant Manager will be notified of the incident). The Distribution System Supervisor will determine if the General Manager should be notified and, if so determined, notifies General Manager to report to the affected area. The General Manager shall oversee the necessary repairs to the system and or equipment if called in. The General Manager in all cases shall be notified of the incident by the next business day.

Catastrophic incidents: During normal business hours the General Manager, Plant Manager, Distribution Supervisor and Lead Mechanic are all notified immediately and will determine, oversee and effect all necessary actions. After hours, the operator on watch notes the system failure in the daily smooth log and immediately notifies the General Manager, Plant Manager, Distribution Supervisor and Lead Mechanic of the incident (in the absence the General Manager the President will be notified of the incident). The General Manager, Plant Manager, Lead Operator and Lead Mechanic will report to the affected area as soon as possible (within 30 minutes). The General Manager will determine if the President should be notified and, if so determined, will notify President to report to the plant to determine and oversee the necessary repairs to the system. The President in all cases shall be notified of the incident by the next business day.

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JOB DESCRIPTIONS: The job descriptions listed are not all inclusive and additional duties may be required from time to time and may be changed at the pleasure of the immediate supervisor.

Administrative Assistant

Full time salaried position

Normal hours- 8 hours per day 5 days per week. Schedule determined by the General Manager.

Reports directly to the General Manager .

The Administrative Assistant is fully responsible for the coordination of all administrative services to meet CSC day to day obligations. The Administrative Assistant has direct oversight responsibility for billing, accounts payable/receivable, payroll, receiving and issuing service calls and is responsible for all other day to day office management duties.

Performs all administrative functions of the business. Performs assigned specialized clerical and related duties requiring a thorough and comprehensive knowledge of methods, policies, and accounting procedures employed CSC. Requires the exercise of sound judgment, independent analysis of applicable company and government publications and directives. Produces financial reports and historical records for submission to company management and the government.

QUALIFICATION REQUIREMENTS: Applicants must as a minimum meet the following educational and technical experience requirements.

- Have at least a High School diploma.
- Have at least five years experience in administrative or clerical positions requiring operation of personal computers.
- Have detailed knowledge through demonstrated experience or technical schools of office management and accounting procedures.
- Be proficient in the use of a personal computer using Microsoft Office Suite and billing/accounting/payroll software as well as other common office machines such as calculators, copiers and facsimile machines.
- Be able to interrelate with co-workers and customers.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.

DUTIES AND RESPONSIBILITIES

Billing, central mail distribution, publications ordering, blank forms management, personnel management (records), control of time and date stamps material, payroll information, postage meter control.

Plans, directs, and coordinates office management activities to ensure that goals and objectives are accomplished to meet day-to-day business obligations.

This list is not intended to be all inclusive of the responsibilities of the Administrative Assistant but does emphasize important areas that require oversight.

Plant Manager

Full time salaried position

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the General Manager.

Reports directly to the General Manager.

The Plant Manager is fully responsible for the coordination of all services to meet CSC day-to-day obligations. The Plant Manager has direct oversight responsibility for Plant Operations, Quality Control and Safety, and is responsible for the coordination, direction, and evaluation of all services provided. He a senior manager and as such ensures that all work is of high quality, performed both on time and within budget.

QUALIFICATION REQUIREMENTS Applicants must as a minimum meet the following educational and technical experience requirements.

- Have a baccalaureate degree from an accredited college or university preferably in an engineering or business discipline.
- Have at least ten years experience in operating central steam plants similar in complexity to that required on this steam plant, three of which were in a management position.
- Have demonstrated through previous employment history the ability to independently manage activities with equal or greater responsibilities than those anticipated for managing this steam plant.

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- Provide evidence of a general knowledge of labor relations including anti-discrimination laws.
- Provide evidence through past experience of the ability to make independent decisions in situations where requirements are not well defined.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs.

DUTIES AND RESPONSIBILITIES

The Plant Manager's duties and responsibilities include but are not limited to:

- Entering into subcontracts for supplies and services needed for contract performance up to the monetary level established in the approved operating budget;
- Accomplishing all personnel actions such as hiring, promotion, and termination within the policies established by federal, state, and local law and as delineated in company standard operating procedures;
- Administering disciplinary action in compliance with company policy;
- Establishing work schedules consistent with company policy and past practice;
- Establishing policies and procedures in accordance with company policy;
- Implementing operational changes within guidelines established by the General Manager;
- Approving overtime work;
- Receiving and responding to deficiency reports;
- Increasing/decreasing staff levels to meet personnel requirements within constraints imposed by the approved operating budget;
- Performing quality control inspections and reviews;
- Recommending incentive awards and performance bonuses for the staff;
- Planning and scheduling to meet maintenance and repair requirements;
- Defining, interpreting, and monitoring NHDES compliance;
- Enforcing company policies on: drugs and alcohol in the workplace, equal employment opportunity and affirmative action, sexual harassment, and employee standards;
- Preparing and submitting periodic reports to both the General Manager, State and Federal agencies.

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- Establishing and maintaining a work/operating procedures manual.
- Ensuring scheduled work is properly completed;
- Conducting quality control inspections in compliance with the QC inspection schedule;
- Monitoring subcontract services to ensure they conform to contract specifications;
- Ensuring all CSC employees are qualified for the work assigned and meet the minimum qualifications specified; and
- Reporting project status to the General Manager on a regular basis and immediately informing him of problems which adversely affect the ability to meet day to day obligations.

This list is not intended to be all inclusive of the responsibilities of the Plant Manager but does emphasize important areas that require oversight.

Operations Personnel:

Lead Operator

Full time hourly position

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the Plant Manager.

Reports directly to the Plant Manager.

Provides open shift coverage.

Provides vacation and personal (well-time) shift relief coverage.

Coordinates schedules for all operators.

Must have a comprehensive knowledge with all aspects operating and maintaining boiler plant equipment as well as steam turbine generator equipment.

Provides hands on training to all operators. Schedules regular training sessions that include operations of plant equipment as well as safety training.

Required to schedule equipment repair, removal and replacement and coordinate those schedules with the maintenance department. Order and maintain spare and replacement parts inventory.

Schedule daily, weekly and monthly planned maintenance on equipment throughout the plant. Requires an understanding of computerized planned maintenance programs.

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Must be capable of operating the backhoe, fork-truck and wheel-barrel.

Required to be on-call for plant emergencies. Must be within one hour of the plant and is responsible for providing communication contacts with the operator.

Performs a variety of other tasks and duties as assigned by the Plant Manager.

QUALIFICATION REQUIREMENTS Applicants must as a minimum meet the following educational and technical experience requirements.

- Have a high school education or equivalent and sufficient technical education to have achieved proficiency in the operation maintenance and repair of steam boilers of the size and complexity as that used in the CSC steam plant.
- Have at least three years (within the last five years) experience in supervising personnel in the operation and maintenance of steam boilers and distributions systems in facilities similar in size and complexity to that required at this steam plant,
- Have, or be able to obtain prior to beginning work, a current license as an operating engineer issued by the appropriate licensing body if required by law.
- Provide evidence of a general knowledge of labor relations including anti-discrimination laws.
- Provide evidence through past experience of the ability to make independent decisions in situations where requirements are not well defined.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs.

DUTIES AND RESPONSIBILITIES

The Lead Operator is responsible for operations, maintenance, and repair of the boilers and peripheral operating equipment in the steam plant. In this position he will:

- Administer the preventive maintenance program in order to maintain the equipment in peak operating condition so as to reduce maintenance costs and downtime.
- Assure timely response to service calls to perform unscheduled or emergency work;

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- Direct and coordinate implementation of environmental management and energy conservation programs;
- Develop and implement standard operating procedures and emergency operating procedures for the maintenance and repair of all plant equipment;
- Direct and coordinate work performed by subcontractors employed to perform any functions on plant equipment;
- Make work assignments and ensure they are completed satisfactorily and on time;
- Ensure that work schedules are adhered to;
- Make frequent observations of work practices and make on-the-spot corrections;
- Report hazardous conditions which require assistance to correct;
- Conduct quality control inspections and ensure that action is taken to correct discrepancies;
- Train employees in accepted work practices and in the proper use of equipment;
- Conduct an orientation briefing for all new employees before they begin work;
- Ensure employees wear the proper safety equipment for the job being performed;
- Recommend or initiate personnel actions regarding promotions, discharges, and disciplinary measures.

This list is not intended to be all inclusive of the responsibilities of the Lead Operator but does emphasize important areas that require oversight.

Boiler Operator

Full time hourly position

Normal hours- 24 hours per day 7 days per week 365 days per year. Shift schedule determined by the Lead Operator.

Reports directly to the Lead Operator.

Must have a comprehensive knowledge with all aspects of boiler plant operations as well as steam turbine generator operations.

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Operates and maintains central heating plant equipment and distribution systems that provide steam at various locations. Duties involve: observing and interpreting readings on gauges, meters and charts which register various aspects of the system's operation; adjusting controls to ensure safe and efficient operation of the systems and to meet demands for the service provided; recording in logs various aspects of the systems operation; keeping the machinery and equipment of the systems in good working order; and directing and coordinating the activities of other workers, who are not operators, in performing tasks directly related to operating and maintaining the systems.

Monitor plant operating conditions.

Start and stop boilers and related machinery as required by operating conditions.

Tour all levels of the plant recording readings on the various operating logs. Visually inspecting each area and level of the plant while on tour.

Test and treat the boilers and other related systems as required. This requires knowledge of boiler and system testing and treating. Boiler/system testing will be performed at least twice per day as scheduled by the Plant Manager.

Responsible of removing and disposing of all boiler ash and soot. Heavy lifting and physical exertion may be required to accomplish these tasks.

Operators must be capable of operating the backhoe, fork-truck and wheel-barrel. Operators are required to receive formal training from qualified persons concerning proper operation on each of these pieces of equipment.

Monitor fuel storage levels.

Tour the wood handling system. Requires occasional inspection of the system at the top of the silos at heights over 75 feet.

Responsible for cleaning assigned areas.

Perform daily plant evolutions as set forth by the Lead operator and listed in the plant operating guide. (including but not limited to duties listed below)

QUALIFICATION REQUIREMENTS Applicants must as a minimum meet the following educational and technical experience requirements.

- Have at least a high school diploma or equivalent with additional trade school instruction in the operation and maintenance of central heating plant equipment similar in size and complexity at that in the CSC steam plant.

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- Have at least one year of recent (within the last three years) experience in operating, maintaining and repairing solid fuel boilers and peripheral equipment similar in size and complexity at that in the CSC steam plant.
- Have, or be able to obtain prior to beginning work, a current license as an operating engineer issued by the appropriate licensing body if required by law.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs

DUTIES AND RESPONSIBILITIES

- Operates boilers and peripheral equipment according to a predetermined schedule using either automated or manual control devices.
- Conducts periodic tours of the operating equipment in compliance with a schedule provided by the Lead Operator. Makes minor adjustments to equipment to optimize operation. Notes any unusual operating conditions and reports such to the Lead Operator.
- Performs preventive maintenance services on in accordance with work order instructions and/or manufacturer's service manuals.
- Makes repairs to equipment to return it to operating condition. Uses manufacturer's service manuals as a guide to troubleshooting and performing repairs.

Performs other duties assigned by the Lead Operator.

Fuels Handler

Full time hourly position

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the Lead Operator.

Reports directly to the Lead Operator.

Responsible for owning and maintaining individual hand tools.

Attachment A

Must be familiar with all aspects repairing and maintaining solid fuel handling equipment.

General structural and minor carpentry maintenance and repair.

Will perform daily, weekly and monthly planned maintenance on equipment throughout the fuels handling system. This includes equipment at all levels of the plant with some of the equipment at heights of over 75 ft.

Performs a variety of other tasks and duties as assigned by and under the direction of the Lead Operator.

Fuels Handlers must be capable of operating the backhoe, fork-truck and wheel-barrel. Fuels Handlers are required to receive formal training from qualified persons concerning proper operation on each of these pieces of equipment.

Required to be on-call for emergency repairs from time to time as directed by the Plant Manager. When placed on call Fuels Handlers must be within one hour of the plant and are responsible for providing communication contacts with the operator.

QUALIFICATION REQUIREMENTS Applicants must as a minimum meet the following educational and technical experience requirements.

- Have a high school diploma or equivalent, and
- Have at least three years experience as a solid fuels handler or heavy equipment operator in an industrial establishment with equipment similar to that used at the steam plant.
- Have or be able to obtain any licenses or permits required by federal, state, or local regulatory agencies to perform position duties.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs.

DUTIES AND RESPONSIBILITIES

- Coordinates and receives all fuels into the facility.
- Performs preventive maintenance services on fuel handling system and related equipment in accordance with work order instructions and/or manufacturer's service manuals.

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- Makes repairs to equipment to return it to operating condition. Uses manufacturer's service manuals as a guide to troubleshooting and performing repairs.

Performs other duties assigned by the Lead Operator.

Truck Driver

Full time hourly position

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the Lead Operator.

Reports directly to the Lead Operator.

Responsible for owning and maintaining individual hand tools.

Must be familiar with all aspects operating, repairing and maintaining tractor-trailer rigs and heavy equipment.

General structural and minor carpentry maintenance and repair.

Will perform daily, weekly and monthly planned maintenance on CSC owned tractor-trailer and heavy equipment used to move and transport solid fuels.

Performs a variety of other tasks and duties as assigned by and under the direction of the Lead Operator.

Truck Drivers must be capable of operating a front-end loader, backhoe, fork-truck, skid-steer, plow truck and wheel-barrel. Truck Drivers are required to receive formal training from qualified persons concerning proper operation on each of these pieces of equipment.

Required to be on-call for to meet emergency fuel supply requirements from time to time as directed by the Plant Manager. When placed on call Truck Drivers must be within one hour of the plant and are responsible for providing communication contacts with the operator.

QUALIFICATION REQUIREMENTS: Applicants must as a minimum meet the following educational and technical experience requirements.

- Have a high school diploma or equivalent, and
- Have at least five years experience as a tractor-trailer operator or heavy equipment operator in an industrial establishment with equipment similar to that used at the wood-yard.

Attachment A

- Have or be able to obtain any CDL licenses or heavy equipment operating permits required by federal, state, or local regulatory agencies to perform position duties.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs

DUTIES AND RESPONSIBILITIES

- Coordinates the receiving and delivery of all fuels at the wood-yard.
- Performs preventive maintenance services on fuel handling and delivery equipment at the wood-yard in accordance with work order instructions and/or manufacturer's service manuals.
- Makes repairs to all wood-yard equipment to return it to operating condition. Uses manufacturer's service manuals as a guide to troubleshooting and performing repairs.

Performs other duties assigned by the Lead Operator.

Plant Cleaner

Temporary hourly position. (position filled as required by the Lead operator)

Normal shift hours are from 11:00 PM to 7:00 AM Monday thru Friday and 12:00 midnight thru 12:00 noon on weekends.

Reports directly to the operator on shift and the Lead operator.

Responsible for cleaning the plant as instructed by the Lead operator or the operator on shift. Duties will include cleaning, scrubbing, disposing of materials/trash and other types of manual work.

Assist the plant operator when required for the purpose of accomplishing various plant evolutions.

Perform manual snow removal duties during snowstorms.

QUALIFICATION REQUIREMENTS: Applicants must as a minimum meet the following educational and experience requirements.

- Have at least a high school diploma.
- Be able to read, write, and speak English.

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- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs.

DUTIES AND RESPONSIBILITIES

- Performs duties assigned by the Plant Manager or Lead Mechanic.

Maintenance Personnel:

Lead Mechanic

Full time hourly position

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the Plant Manager.

Reports directly to the Plant Manager.

Responsible for owning and maintaining individual hand tools.

Must be capable of welding both pipe and structural.

Must have a comprehensive knowledge with all aspects repairing and maintaining boiler plant equipment as well as steam turbine generator equipment.

Required to perform equipment repair, removal and replacement. This will require an understanding of specialty tools use and application (i.e. dial indicators, pullers, alignment tools, balancing analyzers, etc.) as well as require an ability to rig equipment using chain falls, come-alongs, pulleys and other types of heavy lifting devices.

Will perform daily, weekly and monthly planned maintenance on equipment throughout the plant. This includes equipment at all levels of the plant with some of the equipment at heights of over 75 ft.

Performs a variety of other tasks and duties as assigned by the Plant Manager.

Mechanics must be capable of operating the backhoe, fork-truck and wheel-barrel. Mechanics are required to receive formal training from qualified persons concerning proper operation on each of these pieces of equipment.

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Required to be on-call for emergency repairs from time to time as directed by the plant manager. When placed on call plant maintenance personnel must be within one hour of the plant and are responsible for providing communication contacts with the operator.

QUALIFICATION REQUIREMENTS Applicants must as a minimum meet the following educational and technical experience requirements.

- Have a high school education or equivalent and sufficient technical education to have achieved proficiency in the maintenance and repair of steam boilers and distribution systems of the size and complexity as that used in the CSC steam plant.
- Have at least three years (within the last five years) experience in supervising personnel in the maintenance and repair of steam boilers and distributions systems in facilities similar in size and complexity to that required at this facility,
- Provide evidence through past experience of the ability to make independent decisions in situations where requirements are not well defined.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs.

DUTIES AND RESPONSIBILITIES

The Lead Mechanic is responsible for maintenance and repair of the boilers and peripheral operating equipment in the steam plant. In this position he will:

- Assist in administering the preventive maintenance program in order to maintain the equipment in peak operating condition so as to reduce maintenance costs and downtime.
- Assure timely response to service calls to perform unscheduled or emergency work;
- Develop and implement standard maintenance procedures and emergency repair procedures for the maintenance and repair of all plant equipment;
- Assist in directing and coordinating work performed by subcontractors employed to perform any functions on plant equipment;
- Make work assignments and ensure they are completed satisfactorily and on time;
- Ensure that work schedules are adhered to;

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- Make frequent observations of work practices and make on-the-spot corrections;
- Report hazardous conditions which require assistance to correct;
- Review maintenance actions and ensure that steps are taken to correct discrepancies;
- Train employees in accepted work practices and in the proper use of equipment;
- Conduct an orientation briefing for all new employees before they begin work;
- Ensure employees wear the proper safety equipment for the job being performed.

Mechanic

Full time hourly position

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the Plant Manager.

Reports directly to the Plant Manager and is also under the direction of the Lead Mechanic.

Responsible for owning and maintaining individual hand tools.

Must be capable of welding both pipe and structural.

Must be familiar with all aspects repairing and maintaining boiler plant equipment as well as steam turbine generator equipment.

General structural and minor carpentry maintenance and repair.

Will perform daily, weekly and monthly planned maintenance on equipment throughout the plant. This includes equipment at all levels of the plant with some of the equipment at heights of over 75 ft.

Performs a variety of other tasks and duties as assigned by and under the direction of the Lead Mechanic.

Mechanics must be capable of operating the backhoe, fork-truck and wheel-barrel. Mechanics are required to receive formal training from qualified persons concerning proper operation on each of these pieces of equipment.

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Required to be on-call for emergency repairs from time to time as directed by the plant manager. When placed on call plant maintenance personnel must be within one hour of the plant and are responsible for providing communication contacts with the operator.

QUALIFICATION REQUIREMENTS Applicants must as a minimum meet the following educational and technical experience requirements.

- Have a high school diploma or equivalent, and have sufficient technical education through an accredited technical school or through an approved apprentice program to qualify as a journeyman maintenance mechanic.
- Have at least three years experience as a maintenance mechanic in a commercial or industrial establishment with equipment similar to that installed at the steam plant.
- Have or be able to obtain any licenses or permits required by federal, state, or local regulatory agencies to perform position duties.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs

DUTIES AND RESPONSIBILITIES

- Conducts maintenance and repair of equipment in compliance with a schedule provided by the Lead Mechanic or Plant Manager. Performs periodic lubrication to equipment to optimize operation. Notes any unusual operating conditions and reports such to the Lead Mechanic or Plant Manager.
- Performs preventive maintenance services on boilers and related equipment in accordance with work order instructions and/or manufacturer's service manuals.
- Makes repairs to equipment to return it to operating condition. Uses manufacturer's service manuals as a guide to troubleshooting and performing repairs.

Performs other duties assigned by the Lead Mechanic or Plant Manager.

Electrician, Maintenance

Full time hourly position

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the Plant Manager.

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Reports directly to the Plant Manager and is also under the direction of the Lead Mechanic.

Performs operation and maintenance of low-voltage electrical power systems beginning at the service entrance of buildings and structures, and maintains complete wiring systems, conduit systems, cable systems, conductors, switches, receptacles, outlets, device plates, and grounds and light fixtures. Operates and maintains power generation equipment and emergency generating devices.

Repairs electrical equipment; disassembles electrical units such as generators, motors, voltage regulators, and electrical appliances; locates sources of malfunction; and accomplishes required repairs by splicing or replacing wiring, rewinding armatures and field coils, replacing commutators, and replacing damaged parts. Uses common hand tools, tubing and conduit benders, hand-and-motor- operated conduit-threading machines, soldering irons, and hand drills.

Ensures that all replacements are of the same kind, equal or better type, style, quality, grade, or class to obtain specific operating characteristics or to match other items already in place. Ensures that all work conforms to the National Electric Code.

Installs, repairs, maintains, and adjusts indicating, recording, telemetering, and controlling instruments used to measure and control variables, such as pressure, flow, temperature, motion, force, and chemical composition, using hand tools and precision instruments. Disassembles malfunctioning instruments, and examines and tests mechanism and circuitry for defects. Troubleshoots equipment in or out of control system and replaces or repairs defective parts. Reassembles instrument and tests assembly for conformance with specifications, using instruments, such as potentiometer, resistance bridge, manometer, and pressure gauge. Inspects instruments periodically and makes minor calibration adjustments to insure functioning within specified standards. May adjust and repair final control mechanisms, such as automatically controlled valves or positioners. May calibrate instruments according to established standards

QUALIFICATION REQUIREMENTS Applicants must as a minimum meet the following educational and technical experience requirements.

- Have a high school diploma or equivalent.
- Have at least five years experience as an exterior and interior electrician, with electro - pneumatic control experience in a commercial or industrial building having the same or similar electrical systems as those installed at the steam plant.
- Have sufficient technical education through an accredited technical school or through and approved apprentice program to qualify as a journeyman electrician.
- Have or be able to obtain any licenses or permits required by federal, state, or local regulatory agencies to perform position duties.

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- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs.

DUTIES AND RESPONSIBILITIES

- Performs maintenance on the electrical systems and/or equipment as directed by the Plant Manager.
- Conducts periodic tours of the operating equipment in compliance with a schedule provided by the Plant Manager. Makes minor adjustments to equipment to optimize operation. Notes any unusual operating conditions and reports such to the Plant Manager.
- Performs preventive maintenance services on in accordance with work order instructions and/or manufacturer's service manuals.
- Makes repairs to equipment to return it to operating condition. Uses manufacturer's service manuals as a guide to troubleshooting and performing repairs.

Performs other duties assigned by the Plant Manager.

Mechanics Helper

Full time hourly position

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the Plant Manager.

Reports directly to the Plant Manager and is also under the direction of the Lead Mechanic.

Responsible for owning and maintaining individual hand tools.

Will perform daily, weekly and monthly planned maintenance on equipment throughout the plant under the supervision of a mechanic. This includes equipment at all levels of the plant with some of the equipment at heights of over 75 ft.

Performs a variety of other tasks and duties as assigned by and under the direction of the Lead Mechanic or other plant mechanics.

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Will be required from time to time to assist the Fuels Handler with receiving and storing all types of fuels used at the facility. The mechanics helper may also be required to act in the place of the fuel handler when fuel-receiving hours are extended during winter operations.

May be required by the Plant Manager to fill in as a Plant Cleaner during the winter operation depending on operational needs.

Mechanics helpers must be capable of operating the backhoe, fork-truck and wheel-barrel. Mechanics helpers are required to receive formal training from qualified persons concerning proper operation on each of these pieces of equipment.

QUALIFICATION REQUIREMENTS: Applicants must as a minimum meet the following educational and experience requirements.

- Have at least a high school diploma.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs.

DUTIES AND RESPONSIBILITIES

- Performs duties assigned by the Plant Manager or Lead Mechanic.

General Laborer

Temporary hourly position. (position filled as required by the Plant Manager)

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the Plant Manager.

Reports directly to the Plant Manager and is also under the direction of the Lead Mechanic, the Lead operator and the Distribution System Supervisor.

Responsible for manual labor in the plant and the distribution system as instructed by the Plant Manager and other immediate supervisors.

Duties will include cleaning, scrubbing, disposing of materials/trash, digging and other types of manual excavation work

Assist the plant operator when required for the purpose of accomplishing various plant evolutions.

Attachment A

Perform manual snow removal duties during snowstorms.

QUALIFICATION REQUIREMENTS Applicants must as a minimum meet the following educational and experience requirements.

- Have at least a high school diploma.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs.

DUTIES AND RESPONSIBILITIES

- Performs duties assigned by the Plant Manager or Lead Mechanic.

Distribution System Personnel:

Distribution System Supervisor

Full time salaried position

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the General Manager.

Reports directly to the General Manager.

Responsible for owning and maintaining individual hand tools.

Provides direct supervision and oversight for the management of the steam distribution system.

Responsible for establishing customer service policies and ensuring that they are strictly enforced.

Provides quotes for service work to be performed on customer systems.

Interfaces with customers to schedule and coordinate outages for providing service work.

QUALIFICATION REQUIREMENTS Applicants must as a minimum meet the

Attachment A

following educational and technical experience requirements.

- Have a high school education or equivalent and sufficient technical education to have achieved proficiency in the operation maintenance and repair of steam distribution systems of the size and complexity as that used in the CSC steam system.
- Have at least three years (within the last five years) experience in supervising personnel in the operation and maintenance of distributions systems,
- Have, or be able to obtain prior to beginning work, a current license as master plumber issued by the appropriate licensing body if required by law and,
- Demonstrate the ability to perform both piping and structural welding techniques and obtain the proper certifications.
- Provide evidence of a general knowledge of labor relations including anti-discrimination laws.
- Provide evidence through past experience of the ability to make independent decisions in situations where requirements are not well defined.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs.

DUTIES AND RESPONSIBILITIES

The Distribution System Supervisor is responsible for operations, maintenance, and repair of the distribution system. In this position he will:

- Administer the preventive maintenance program in order to maintain the system meters in peak operating condition so as to maximize revenues and reduce maintenance costs and downtime.
- Assure timely response to service calls to perform unscheduled or emergency work;
- Develop and implement standard operating procedures and emergency operating procedures for the maintenance and repair of all distribution system equipment;
- Direct and coordinate work performed by subcontractors employed to perform any functions on distribution system equipment;

Attachment A

- Make work assignments and ensure they are completed satisfactorily and on time;
- Ensure that work schedules are adhered to;
- Make frequent observations of work practices and make on-the-spot corrections;
- Report hazardous conditions which require assistance to correct;
- Conduct quality control inspections and ensure that action is taken to correct discrepancies;
- Train employees in accepted work practices and in the proper use of equipment;
- Conduct an orientation briefing for all new employees before they begin work;
- Ensure employees wear the proper safety equipment for the job being performed;
- Recommend or initiate personnel actions regarding promotions, discharges, and disciplinary measures; and

This list is not intended to be all inclusive of the responsibilities of the Distribution System Supervisor but does emphasize important areas that require oversight.

Service Technician/Meter Reader

Full time position

Normal hours- 8 hours per day 5 days per week. Schedules are determined by the Distribution System Supervisor.

Reports directly to the Distribution System Supervisor.

Must be physically capable of lifting 100 lbs

Responsible for owning and maintaining individual hand tools.

Inspects, tests, troubleshoots and services installed distribution system equipment such as pressure reduction valves, controls, pumps, heat exchangers, air handlers, and electrical and pneumatic controls. Inspects piping, equipment and corrects minor leaks and malfunctions, replacing gaskets, washers, and other expendable items. Performs minor repairs of inoperable or sluggish equipment and replaces minor components. Inspects distribution system components and tightens, lubricates, aligns, adjusts, or otherwise corrects minor deficiencies.

Attachment A

Read and record all steam/condensate meters at customers buildings monthly. Performs testing, maintenance, replacement and repair of all steam/condensate metering components within the distribution system.

Technicians must be capable of operating the backhoe, fork-truck and wheel-barrel. Technicians are required to receive formal training from qualified persons concerning proper operation on each of these pieces of equipment.

Required to be on-call for emergency repairs from time to time as directed by the Distribution System Supervisor. When placed on call technicians must be within one hour of the plant and are responsible for providing communication contacts with the operator.

QUALIFICATION REQUIREMENTS: Applicants must as a minimum meet the following educational and technical experience requirements.

- Have a high school diploma or equivalent, and have sufficient technical education through an accredited technical school or through an approved apprentice program to qualify as a journeyman plumber/mechanic.
- Have at least three years experience as a maintenance mechanic/plumber in a commercial or industrial establishment with equipment similar to that installed in the distribution system.
- Have or be able to obtain any licenses or permits required by federal, state, or local regulatory agencies to perform position duties.
- Be able to read, write, and speak English.
- Be a legal resident of The United States.
- Must be physically capable of lifting 100 lbs

DUTIES AND RESPONSIBILITIES

- Performs maintenance on the distribution systems and/or equipment as directed by the Distribution System Supervisor.
- Conducts periodic tours of the distribution system in compliance with a schedule provided by the Distribution System Supervisor. Notes any unusual operating conditions and reports such to the Distribution System Supervisor.
- Performs preventive maintenance services on in accordance with work order instructions and/or manufacturer's service manuals.
- Makes repairs to equipment to return it to operating condition. Uses manufacturer's service manuals as a guide to troubleshooting and performing repairs.

Performs other duties assigned by the Distribution System Supervisor.

Attachment A



October 1, 2014

Concord Steam Corporation
P. O. Box 2520
Concord, NH 03302

Attention: Mark Saltsman

Subject: Rental Equipment

Reference: IPE Quotation No: QU00023264

Dear Mark,

It was a pleasure speaking with you regarding your contingency plan for a rental boiler. We are sending you a quotation based upon your steam requirement.

In addition, we are sending you information on our I-MAP which explains what is necessary to have a rental boiler in place at your facility. Please look this plan over and if you need additional information, please don't hesitate to call or e-mail me.

INDECK POWER EQUIPMENT COMPANY PROPOSES TO FURNISH THE FOLLOWING:

60,000 PPH Rental Boiler (Item No. 0007118):

One (1) 60,000 Indeck trailer-mounted watertube steam boiler designed, built and stamped to the ASME Code for 350 PSIG design pressure with an operating pressure range of 125 – 325 PSIG. The unit is arranged for fire either natural gas or No. 2 fuel oil with either fuel requiring a gas pilot. The unit is complete with the manufacturer's standard boiler trim, burner and controls including a pneumatic feedwater control valve, electric single point positioning combustion controls and an IRI approved burner management system. Main electrical power is 480 volts, 3 phase, 60 Hertz. An integrally mounted and wired transformer is provided in the boiler control panel for single phase control voltage. The following is a list of accessories which are shipped loose with the unit for field mounting by others.

- a. Stub stack and transition piece with rain cap
- b. 8", 300 psig flanged steam non-return valve
- c. Tandem bottom blowdown valves
- d. ASME safety relief valves set at 350 and 355 psig

This boiler is mounted on a specially designed 52' long low-boy trailer with air-ride suspension and remains on the trailer during operation.

Based on a minimum one (1) month rental period, the monthly rental rate for the above-described equipment is **\$22,500.00/month.**

This equipment is offered EXWORKS, Shipping Point. Pricing is valid for thirty (30) days and does not include any freight charges to job site, any taxes, permits, fees, duties, etc. (if any) which may be applicable.



Concord Steam Corporation
October 1, 2014
Page 2

Terms:

After the equipment has been properly installed by the customer and is ready for operation, we do require that Indeck Power Service Technician supervise the initial start-up by your operators and training your operating personnel. These services will be billed at \$1,200.00 per 8-hour work day (straight time) plus travel and expenses for the Technician on a portal to portal basis.

Depending upon your emission requirements, you may require a burner technician to adjust the burner at sometime during startup procedure. The charges for this man will be billed at cost plus 15% handling fee.

Lessee is responsible for:

- A. Returning defective part(s) within 30 days of shipment of warranty part(s).
- B. Indeck Power Equipment Company requires that ABMA guidelines are maintained during boiler operation, hot stand-by or lay-up conditions.
- C. Proper care and maintenance of the equipment.
- D. Providing duly trained and qualified operators
- E. A temporary shelter to protect the controls from the environment. The shelter must be substantial enough to protect from rain and freezing temperatures. If necessary, a heater needs to be supplied to keep the controls above 32° F. Some areas of the country may require a complete shelter depending upon your location.

All units are made available on a first come, first serve basis and are subject to prior rental contracts. A verbal purchase order will not be accepted to reserve this unit for your required ship date. To secure a unit for your specific required ship date, a signed lease agreement, a formal purchase order, insurance certificates, a security deposit and a first month's rental fee must be forwarded to Indeck Power Equipment Company.

Please refer to the attached specification sheets and customer connection drawings for all required utility information, customer connection sizes, types, locations, and other useful technical information.

Thank you for the opportunity of quoting our equipment and should you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

INDECK POWER EQUIPMENT COMPANY

Jack P. Muscia

Jack P. Muscia
Manager – Rental Business Development

Enclosures

60,000 PPH RENTAL BOILER SPECIFICATIONS

(Trailers 76L, 79L, 80L, 81L, 93L)

General Information:

One (1) packaged watertube boiler, capable of generating 60,000 pounds per hour of saturated steam, constructed in accordance with the ASME Code, 350 psig design, arranged for natural gas or #2 oil firing, complete with manufacturer's standard boiler trim, burner and combustion controls. (Without economizer)

Boiler Information:

Design Pressure 350 PSIG
Operating Pressure (min - max.) 125 - 325 PSIG

Gas Fired Requirements:

Gas Consumption (at MCR) 82,313 SCFH
Gas Supply Pressure Required at Connection, (Regulator Not Included) 8 - 12 PSIG (Constant)

Oil Fired Requirements: (#2 Oil Only)

Oil Consumption (at MCR) 560 GPH
Oil Supply Pressure at Oil Pump Connection (min. - max.) Positive - 30 PSIG
Pilot Gas Pressure Required for Oil Start-up (min. - max.) 8 - 12 PSIG (Constant)

Oil Atomization: (Steam or Air)

Oil Atomization - Steam Pressure 125 PSIG
Oil Atomization - Air Consumption 36 SCFM
Oil Atomization - Air Pressure (min. - max.) 80 - 120 PSIG

Instrument Air:

Instrument Air Required at Fuel Train & Feedwater Valve 60 - 100 PSIG

Feedwater Requirements:

Feedwater Pressure 60-100 PSIG Above Operating Steam Drum Pressure
Minimum Feedwater Temperature 227°F (Deaerated)

Electrical Requirements - Single Point Connection:

Main Power Supply Required 480 VAC/ 3 PH/ 60 HZ
Electrical Amps - Gas Fired 110 AMPS
Electrical Amps - Oil Fired 125 AMPS
F.D. Fan 60 HP
Oil Pump (#2 Oil Only) 2 HP
FD Fan & Oil Pump Motor Starters Included
Control Power Transformer (480 VAC to 120 VAC) Included

Auxiliary Equipment to be Field Mounted by Others:

(1) Stack & Transition Assembly
(1) 8" Steam Non-Return Valve
(2) Tandem Blowdown Valves
(1) Blowdown Valve Spool Piece
(2) ASME Safety Relief Valves

Dimensional Information:

Boiler Width 10'-10"
Trailer Length 50'-0"
Boiler Height with Trailer 14'-3"
Shipping Weight 85,700 LBS
Operating Weight 100,400 LBS

* Emissions Information

Upon Request

For further information, see customer connection drawing or contact our office.

Indeck Power Equipment Company * 1111 Willis Avenue, Wheeling, IL 60090 * (847)-541-8300

INDECK



Mr. Peter Bloomfield
Concord Steam Corp.
105 1/2 Pleasant Street
Concord, NH 03301
Phone: 603-224-1461
E-mail: peter@concordsteam.com

Wednesday, January 20, 2016

Dear Mr. Bloomfield,

Here is the rental quote and specifications you requested for a generator to be run as prime double-shift power; on-site in Concord, NH. Based upon your requirements, I have a 500 kW mobile generator available. This unit is rated for an estimated load of no more than 753 A at 480 V. Please note that this quote is only valid until Thursday, February 4, 2016.

This quote includes the weekly rental of a 500 kW mobile generator, 18 cables, 18 pigtailed, and towing charges for both to and from the site. The total for the first week of rental is \$5,628.00. Since towing charges do not reoccur, any additional weeks would be \$3,758.00 each.

Please note that the generator will not arrive with a full tank of fuel, and that it is the renter's responsibility to arrange for fuel delivery. The fuel capacity of this generator is 550 gallons, and has a consumption of approximately 26 gallons per hour; at a load of 75 percent.

All connections must be completed by a licensed electrical contractor. The site is required to provide a shore power-source for the block heater and battery charger, and must be rated for 60 A at 240 V. Maintenance service is required for every 250 hours of operation, and must be performed by a certified Cummins technician.

If you decide to proceed with this rental, I will require the following completed documentation before any equipment may be released:

- Purchase Order
- Signed copy of the attached Terms and Conditions
- Credit approval, credit card information (Visa, MasterCard, or Amex), or payment in full
- Certificate of Insurance with a Valuation of \$257,843.00, and the Loss Payee listed as:

Cummins Northeast, LLC
30 Braintree Hill Park - Suite 101
Braintree, MA 02184

Please allow a minimum of three days to prepare the generator for delivery, subject to availability. Thank you for considering Cummins Northeast for your power generation needs. Please feel free to call with any questions.

Sincerely,

Paola Moore
Rental Coordinator
Cummins Northeast, LLC
Phone: 781-801-1757
Fax: 781-326-7368
E-mail: paola.moore@cummins.com

Cummins Northeast, LLC
100 Allied Drive
Dedham, MA 02026
Phone: 781-329-1750
Fax: 781-329-2460
northeast.cummins.com

Service Locations: Dedham & Springfield – MA; Scarborough – ME
Albany, Syracuse, & Buffalo – NY

3W21-133830



Mr. Peter Bloomfield
 Concord Steam Corp.
 105 1/2 Pleasant Street
 Concord, NH 03301
 Phone: 603-224-1461
 E-mail: peter@concordsteam.com

Quote Number: 160120-1306
Date Quoted: Wednesday, January 20, 2016
Expiration: Thursday, February 4, 2016

Dear Mr. Bloomfield,

Here is an itemized listing of all charges for the weekly rental of a 500 kW mobile generator; to be run as prime double-shift power on-site in Concord, NH. Please feel free to call if you have any questions.

500 kW Mobile Generator (277/480 V Wye, 753 A Max. Load)	Additional Days	Weekly	Monthly (28 days)	Total
Standby	\$625.00	\$1,875.00	\$5,624.00	\$0.00
Prime Single-Shift	\$735.00	\$2,205.00	\$6,615.00	\$0.00
Prime Double-Shift	\$1,103.00	\$3,308.00 *	\$9,923.00	\$3,308.00
Prime Continuous	\$1,470.00	\$4,410.00	\$13,230.00	\$0.00
100 feet of 4/0 400 A cable (18 cables and 18 pigtails):				\$450.00
Technician Labor (Regular Rate):				\$0.00
Transport to and from Concord, NH:				\$1,870.00
Other:				\$0.00
Quote Total:				\$5,628.00

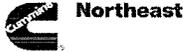
* **Prime Double-Shift:** Less than 16 hours per day, 112 hours per week, or 448 hours per month.

Notes

- All equipment rental is subsequent to credit approval, credit card information (Visa, MasterCard, or Amex), or payment in full. Credit payment terms are Net 30 days.
- The generator will not arrive with a full tank of fuel, and it is the renter's responsibility to arrange for fuel delivery. The fuel capacity of this generator is 550 gallons, and has a consumption of approximately 26 gallons per hour; at a load of 75 percent. The generator will arrive with between 1/8 and 1/4 of a tank of fuel. The customer is responsible for any additional fueling. The generator must return with the same level of fuel in the tank as when it was delivered.
- All connections must be completed by a licensed electrical contractor.
- The site is required to provide a shore power source for the block heater and battery charger, and must be rated for 60 A at 240 V.
- Maintenance service is required for every 250 hours of operation, at a rate of \$1298.00, plus \$128.00 per hour travelled & \$2.00 per mile. All service must be performed by a certified Cummins technician. Quoted rate is for services during normal business hours.
- Technician regular hourly rates are valid for weekdays from 7:00 A.M. to 4:00 P.M.; not including holidays. The regular hourly rate for a technician is \$140.00 per hour, while overtime and holidays are \$170.00 per hour. Time spent waiting at the site, for transport, will be billed at \$140.00 per hour. If applicable, all taxes are extra. Generator hook-up is not included.
- All cables & pigtails have cam-lok ends. Rates include 3-foot pigtails for connection to the customer-side lugs. Any cable or pigtails returned with damaged or missing cam-loks will be charged \$95.00 per cam-lok. Any missing cables will be charged at \$386.00.
- Any extra usage hours will be charged at \$75.00 per hour.
- Cummins Northeast is not responsible for any servicing or payment of fees for permits, licenses, certificates, inspections, registration, et al. which may be required by the state, city, town government, or regulatory agency, or may be required in any way for the installation and operation of such equipment.

Cummins Northeast, LLC
 100 Allied Drive
 Dedham, MA 02026
 Phone: 781-329-1750
 Fax: 781-329-2460
 northeast.cummins.com

Service Locations: Dedham & Springfield – MA; Scarborough – ME
 Albany, Syracuse, & Buffalo – NY



Rental Terms and Conditions Agreement

1. This Master Rental Agreement ("Agreement") is made as of _____, 20__ by and between Cummins Northeast, LLC ("Owner"), a Massachusetts Limited Liability Company with principal offices located at 30 Braintree Hill Office Park, Suite 101, Braintree, MA 02184 and _____, a _____, with principal offices located at _____.
2. The parties agree that this Agreement is the entire agreement between Owner and Renter. Agreement terms and conditions are a final and complete expression of the agreement between the parties; any different, conflicting, or additional terms in any purchase order document, verbal or the like provided by Renter are hereby expressly rejected and superseded and may be amended or modified only in a written amendment to this agreement and signed by both parties. The terms of this agreement shall control over any conflicting terms in any referenced agreement or document.
3. The rental period shall begin from the "Rental Date" specified in this Agreement and shall continue until the equipment covered by this Agreement ("Equipment") is returned to Owner's yard or any such other point as the Owner shall specify in writing. The Renter shall pay for the rental period on each piece of equipment named in this agreement at the stated rate. All rental payments due under this Agreement are payable to the Owner at the address designated on this Agreement prior to the delivery of the Equipment unless otherwise specified in writing by Owner. Renter's signature on the Rental Agreement indicates Renter's acceptance of all the terms and conditions contained herein.
4. The Owner warrants that the Equipment is free of any known faults which would affect its safe operation under normal usage and is in good working condition. EXCEPT FOR THE FOREGOING, OWNER MAKES NO WARRANTY OF ANY KIND WHETHER EXPRESS, IMPLIED OR BY COURSE OF DEALING, USAGE, OR TRADE, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR APPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE OR ANY IMPLIED WARRANTY ARISING WITH RESPECT TO EQUIPMENT RENTED UNDER THIS CONTRACT.
5. The Renter agrees to use the equipment in a safe manner by trained and licensed operators within the manufacturer's rated capacities and to maintain the Equipment in good repair. The Renter further agrees not to use the Equipment in a negligent manner or for any illegal purpose. Owner, or Owner's representative ("Owner"), retains the right to inspect equipment rented hereunder at all reasonable times as requested by Owner.
6. By signing the Rental Agreement, Renter agrees that a) the equipment will be inspected by Renter at the time of delivery to ensure that the Equipment was received as listed and is in good working condition, and will notify Owner immediately of any discrepancies, b) Renter has selected the appropriate equipment for their intended use, and c) Renter is aware of the hazards inherent in the use of the equipment and has been provided with warnings and risks associated with the use and misuse of the Equipment, and Renter is hereby accepting full responsibility for the rented Equipment and its use thereof.
7. If it becomes necessary, for any reason, to substitute one piece of Equipment for another, or to add to, subtract from, or in any way modify the list of specific Equipment provided to Renter during the term of this Rental Agreement, Renter agrees that these terms and conditions apply and are in full force and effect as respects to any and all Equipment rented by the Renter during this rental period whether such Equipment is specifically itemized herein or not.
8. Renter shall visually inspect and maintain the equipment daily, checking the oil and coolant levels, checking the battery levels, and adding fluids as necessary. Renter is also responsible for all maintenance as required by manufacturer of the equipment, including fuel, oil, lubricants, and filters, and for repairs resulting from misuse, negligence, or accident. Trailer, tire, and enclosure liability is included. Renter agrees that in the event any of the Equipment becomes unsafe or in a state of disrepair, Renter will immediately discontinue use and promptly return it to Owner.
9. Only trained, competent and qualified persons may operate Equipment. All maintenance must be performed by manufacturer trained and certified technicians.
10. Renter agrees to comply with all applicable federal, state and local laws and will defend and hold the Owner harmless from any consequences of violating such laws. Unless otherwise specified, Renter is responsible for acquiring all required permits.
11. Equipment is to be returned in the same condition in which it was received, normal wear and tear excepted. Furthermore, Equipment will be returned promptly upon termination of this Agreement. Any change to the termination date must be agreed to by both parties, in writing. Renter agrees to pay any outstanding amounts due upon return, including any additional amounts that may be due pursuant to the terms of this Agreement.
12. Payment terms are pre-payment, credit card, or Net 30 days from date of invoice on approved credit. Should it be necessary to refer the account balance to a licensed collection agency or attorney for legal action, applicant agrees to pay a 25% collection fee and reasonable attorney fees plus court costs. Owner will require credit information and may request financial statements.
13. THE RENTER AGREES TO FULLY INDEMNIFY, PROTECT, DEFEND AND HOLD HARMLESS THE OWNER, ITS AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL LOSSES, THEFTS, DAMAGES, INJURIES, CLAIMS AND ALL EXPENSES, LEGAL OR OTHERWISE (INCLUDING REASONABLE ATTORNEY'S FEES), INCLUDING THIRD PARTY CLAIMS, ARISING FROM THE OPERATION, TRANSPORT, OR HANDLING OF THE EQUIPMENT DURING THE TERMS OF THIS AGREEMENT. FURTHER, RENTER ASSUMES FULL LIABILITY FOR EQUIPMENT AND AGREES TO INDEMNIFY OWNER AGAINST ANY DAMAGE, LOSS, THEFT, OR DESTRUCTION OF THE EQUIPMENT, WHETHER PARTIAL OR COMPLETE, FROM WHATSOEVER SOURCE AND TO MAINTAIN THE NECESSARY INSURANCES INCLUDING BUT NOT LIMITED TO GENERAL LIABILITY INSURANCE, AUTOMOBILE AND TRANSPORTATION INSURANCE, AND OTHER INSURANCES SPECIFIED IN EXHIBIT A.
14. The Owner shall not be liable for any injury, loss, or damage, whether actual, indirect, special, or consequential, caused by any use of the Equipment. The sole remedy for loss is refund of all or part of the rental fees.
15. Renter will give Owner immediate notice of any levy (such as a tax or fine) on Equipment, or if Equipment from any cause may be seized, and agrees to indemnify Owner against all loss and damages caused by such, including reasonable attorney's fees and expenses.
16. The Renter may not assign or transfer any rights under this Agreement to any other person, nor allow the Equipment to be used by any other person, without the prior written consent of Owner.