



**Building & Utility Systems, LLC.**

RT 3 (Po Box 160), Jumping Branch, WV 25969

FAX

DATE: 10-11-12

<b>To</b> GUY NISBET	<b>From</b> John W. Whittaker
Fax: 304-558-3970 Tel.: 304-558-4115 E-Mail: Guy.L.Nisbet@wv.gov	Building & Utility Systems, LLC. Fax: 304-466-3746 Tel.: 304-466-3412 E-Mail: Buildingutility@yahoo.com
This fax consists of page. Please inform us if transmission errors occur.	

SUBJECT:

Buyer: Guy Nisbet, Senior buyer  
 Solicitation No: DEP15989  
 Bid opening Date: 10-11-12  
 Bid opening time: 1:30 pm  
 Fax No. 304-466-3746

RECEIVED  
 2012 OCT 11 AM 9:33  
 WV PURCHASING  
 DIVISION



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

Solicitation

NUMBER  
DEP15989

PAGE  
1

ADDRESS FOR CORRESPONDENCE TO ATTENTION OF:  
GUY NISBET  
304-558-8802

RFQ COPY  
TYPE NAME/ADDRESS HERE  
Vendor: Building and Utility Systems LLC.  
PO Box 1160  
Jumping Branch WV 25969

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

DATE PRINTED  
08/26/2012

BID OPENING DATE: 10/11/2012

BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	QTY. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73	\$148,568.54	148,568.54
<p>RECLAMATION: RESTORATION OF LAND &amp; OTHER PROPERTIES</p> <p>REQUEST FOR SOLICITATION</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS FOR THE RECLAMATION OF .5-ACRE ABANDONED MINE PROJECT KNOWN AS THE "SWISS PORTALS" PROJECT. THE SITE IS LOCATED NEAR SWISS, WEST VIRGINIA, (FAYETTE CO). PREBIDS WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER.</p> <p>DIRECTIONS TO PREBID:</p> <p>FROM I-79, TAKE EXIT 57 (BECKLEY) AND TAKE US RT. 19 SOUTH 27.6 MILES AND TURN RIGHT ON CR39 (ARBUCKLE ROAD) FOLLOW CR39 23.9 MILES AND TURN LEFT ON CR39/1 (BEECH GLEN ROAD) AND GO ACROSS BRIDGE. AT THE END OF THE BRIDGE, TURN LEFT ON RIVER FRONT ROAD AND GO 1.0 MILE AND THE PROJECT IS LOCATED ON THE RIGHT.</p> <p>CONTACT &amp; PHONE #: MIKE CUTRIGHT, 304-457-5271</p> <p>PLANS &amp; SPECS MAY BE OBTAINED BY THE FOLLOWING METHODS: 1) BY REQUEST, ON CD FROM THE WV DEPT. OF ENVIRONMENTA</p>						

SIGNATURE: *[Signature]* TELEPHONE: 304-466-3412 DATE: 10-9-12

TITLE: Sales member FEIN: 26-0473732 ADDRESS CHANGES TO BE NOTED ABOVE

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





State of West Virginia  
Department of Administration  
Purchasing Division  
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VENDOR

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STATE

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25304 304-926-0499

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>FINAL PAYMENT SHALL RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR NEGLIGENCE OR FAULTY MATERIALS; AND FOR DEFECTS APPEARING WITHIN THE GUARANTEE PERIOD SHALL BE REMEDIATED AT THE EXPENSE OF THE CONTRACTOR UPON WRITTEN NOTICE.</p> <p>(B) DURING THE ONE-YEAR GUARANTEE PERIOD, THE CONTRACTOR WILL MAINTAIN THE PROJECT TO THE CONDITIONS EXISTING AT THE DATE OF THE ACCEPTANCE OF THE WORK. ANY FAILURES DUE TO THE NEGLIGENCE OR WORKMANSHIP OF CONTRACTOR IN ANY OF THE WORK THAT DEVELOPS DURING THE GUARANTEE PERIOD SHALL BE CORRECTED BY THE CONTRACTOR AT ITS EXPENSE.</p> <p>(C) THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIME ALLOTTED FOR WORK UNDER THE CONTRACT.</p> <p>(D) GUARANTEES CONCERNING REVEGETATION MAY BE FURTHER DEFINED IN THE TECHNICAL SPECIFICATIONS CONTAINED HEREIN.</p> <p>(2) IT SHALL BE THE RESPONSIBILITY OF THE SUCCESSFUL VENDOR TO:</p> <p>(A) OBTAIN ALL NECESSARY DIVISION OF HIGHWAYS PERMITS FOR ALL TRANSPORTATION OF EQUIPMENT AND MATERIALS TO AND FROM THE JOB SITE.</p> <p>(B) OBTAIN ANY AND ALL REQUIRED CONSTRUCTION PERMITS OR RELATED JOB PERMITS.</p> <p>(3) TECHNICAL SPECIFICATIONS: ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "SWISS PORTALS" PROJECT. SAID PLANS &amp; SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 7 DRAWINGS AS PREPARED IN-HOUSE BY THE WEST VIRGINIA</p>						

SIGNATURE *[Signature]* TELEPHONE 304-466-3412 DATE 10-9-12  
 TITLE Sole Member FEIN 26-0473732 ADDRESS CHANGES TO BE NOTED ABOVE

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



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4

ADDRESS CORRESPONDENCE TO ATTENTION OF  
GUY NISBET  
304-558-8802

VENDOR

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PO Box 160  
Jumping Branch WV 25969

SUBMIT

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

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LINE	QUANTITY	UOP	QTY NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>DEPARTMENT OF ENVIRONMENTAL PROTECTION.  (4) PAYMENTS AND COMPLETION:  THE CONTRACTOR SHALL FURNISH TO DEP AN APPLICATION FOR PAYMENT WITH AN ITEMIZED SCHEDULE OF VALUES AS HEREIN BEFORE REQUESTED. THE FORM INCLUDED IN THE SPECIFICATIONS SHALL BE USED FOR APPLICATIONS OF PAYMENT. IT IS THE DEP'S INTENT THAT THE PAYMENT TO THE CONTRACTOR BE MADE WITHIN 60 DAYS AFTER RECEIPT OF APPLICATION FOR PAYMENT.</p> <p>(5) APPLICATION FOR PARTIAL PAYMENT:  THE CONTRACTOR MAY, ON A PERIODIC BASIS, SUBMIT FOR PARTIAL PAYMENT BASED ON THE AMOUNT OF WORK COMPLETED AT THE TIME OF THE SUBMITTAL. THE AMOUNT OF PAYMENT WILL BE DETERMINED FROM THE ACTUAL QUANTITY OF WORK COMPLETED IF BASED UPON UNIT MEASURES OR THE PERCENT COMPLETED IF BASED UPON A LUMP SUM.</p>						
***** THIS IS THE END OF RFQ DEP15989 ***** TOTAL:						\$148,568.54

SIGNATURE: *[Signature]* TELEPHONE: 304-466-3412 DATE: 10-9-12  
TITLE: 3016 member FERT: 26-0473732 ADDRESS CHANGES TO BE NOTED ABOVE

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

# Swiss Portals

## DEP15989

### Contractor's Bid Sheet

Company Name: Building and Utility Systems LLC.

Address: PO Box 1160

Jumping Branch WSV 259169

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

ITEM NO.	Qty	Unit	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	1	LS	Mobilization and Demobilization (Limited to 10% of Total Bid)	LS	11,000. <sup>00</sup>
2.0	1	LS	Construction Layout (Limited to 5% of Total Bid)	LS	5,500. <sup>00</sup>
3.0	1	LS	Quality Control (Limited to 3% of Total Bid)	LS	3,300. <sup>00</sup>
4.0	1	LS	Site Preparation (Limited to 10% of Total Bid)	LS	11,000. <sup>00</sup>
4.1	50	TN	Access Road Stone	<del>134.45</del>	6,722. <sup>48</sup>
5.0	225	LF	Silt Fence Sediment Control	6.57	1,478. <sup>32</sup>
5.1	365	LF	12" Straw Wattles Erosion Control	25.94	9,468. <sup>32</sup>
5.2	25	TN	Stone Construction Entrance (70' x 12' Width)	153. <sup>02</sup>	3,825. <sup>08</sup>
6.0	1	LS	Revegetation	8,350. <sup>40</sup>	8,350. <sup>40</sup>
7.0	1	EA	Splash Pad	1,000. <sup>00</sup>	1,000. <sup>00</sup>
7.1	150	LF	6' Grouted Riprap Channel (Channel "A")	95. <sup>00</sup>	14,250. <sup>00</sup>
7.2	420	LF	6' Grouted Riprap Channel (Channel "B" and "C")	95. <sup>00</sup>	39,900. <sup>00</sup>
8.0	1	LS	Unclassified Excavation	7,258. <sup>32</sup>	7,258. <sup>32</sup>
8.1	170	TN	12" Shot Rock Fill	66. <sup>00</sup>	11,220. <sup>00</sup>
9.1	1	EA	Bate Gate/Mine Seal	4,934. <sup>65</sup>	4,934. <sup>65</sup>
9.2	30	LF	Mine Seal Conveyance Pipe (12" PVC SDR-35)	132. <sup>01</sup>	3,960. <sup>31</sup>
9.4	10	EA	Soda Ash Briquettes (50 LB Bags)	100. <sup>00</sup>	1,000. <sup>00</sup>
9.5	50	LF	3' x 3' Underdrain	64. <sup>00</sup>	3,200. <sup>00</sup>
11.1	20	LF	Underdrain Conveyance Pipe	60. <sup>00</sup>	1,200. <sup>00</sup>
11.2					
<b>TOTAL</b>					<b>148,568.<sup>54</sup></b>





Part D.

Contractor's Business Name: Building and Utility Systems LLC.

If the current Entity OFT information for your business is incomplete or incorrect in AVS, or if there is no information in AVS for your business, you must provide all of the following information as it applies to your business. Please make as many copies of this page as you require.

- Every officer (President, Vice President, Secretary, Treasurer, etc.);
- All Directors;
- All persons performing a function similar to a Director;
- Every person or business that owns 10% or more of the voting stock in your business;
- Every partner, if your business is a partnership;
- Every member and manager, if your business is a limited liability company; and
- Any other person(s) who has the ability to determine the manner in which the AML reclamation project is being conducted.

Name	<u>John W. Whittaker</u>	Position/Title	<u>Sole Member</u>
Address		Telephone #	
Begin Date:	<u>August 2007</u>	% of Ownership	<u>100%</u>
		Ending Date:	
Name	_____	Position/Title	_____
Address	_____	Telephone #	_____
Begin Date:	_____	% of Ownership	_____
		Ending Date:	_____
Name	_____	Position/Title	_____
Address	_____	Telephone #	_____
Begin Date:	_____	% of Ownership	_____
		Ending Date:	_____
Name	_____	Position/Title	_____
Address	_____	Telephone #	_____
Begin Date:	_____	% of Ownership	_____
		Ending Date:	_____

PAPERWORK REDUCTION STATEMENT

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501) requires us to inform you that: Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This information is necessary for all successful bidders prior to the distribution of AML funds, and is required to obtain a benefit.

Public reporting burden for this form is estimated to range from 15 minutes to 1 hour, with an average of 22 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Room 202 SIB, Constitution Ave., NW, Washington, D.C. 20210.



Agency WVDEP  
REQ.P.# DEP15989

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Building and Utility Systems LLC,  
of Jumping Branch West Virginia, as Principal, and Western Surety Company  
of Sioux Falls, South Dakota, a corporation organized and existing under the laws of the State of South Dakota  
with its principal office in the City of Sioux Falls, as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligee, in the penal sum of 5% (\$ 7428.43) for the payment of which,  
well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the Purchasing Section of the  
Department of Administration a certain bid or proposal, attached hereto and made a part hereof, to enter into a contract in writing for  
Reclamation: Restoration of land and other properties

NOW THEREFORE,

(a) If said bid shall be rejected, or  
(b) If said bid shall be accepted and the Principal shall enter into a contract in accordance with the bid or proposal attached  
hereto and shall furnish any other bonds and insurance required by the bid or proposal, and shall in all other respects perform the  
agreement created by the acceptance of said bid, then this obligation shall be null and void, otherwise this obligation shall remain in full  
force and effect. It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event,  
exceed the penal amount of this obligation as herein stated

The Surety, for the value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no  
way impaired or affected by any extension of the time within which the Obligee may accept such bid, and said Surety does hereby  
waive notice of any such extension

IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are corporations  
have caused their corporate seals to be affixed hereunto and these presents to be signed by their proper officers, this  
11 day of OCTOBER, 2012.

Principal Corporate Seal

Building and Utility Systems LLC.  
(Name of Principal)

By Joh W. [Signature]  
(Must be President or Vice President)

Sole Member  
(Title)

Western Surety Company  
(Name of Surety)

Surety Corporate Seal

Michael L. Kemlock  
Attorney-in-Fact



IMPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised corporate seals must be affixed; a power of attorney must be attached.

**BID BOND**  
(Percentage)

Bond No. 61487283

KNOW ALL PERSONS BY THESE PRESENTS, That we Building and Utility Systems, LLC  
of 171 Pleasant St., Hinton, WV 25951  
\_\_\_\_\_, hereinafter referred to as the Principal, and  
WESTERN SURETY COMPANY

as Surety, are held and firmly bound unto State of WV Department of Environmental Protection-  
AML&R

of \_\_\_\_\_, hereinafter referred to as the Oblige, in the amount of  
Five Percent of the Amount Bid  
( 5% ), for the payment of which we bind ourselves, our legal representatives,  
successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted or is about to submit a proposal to Oblige on a contract for \_\_\_\_\_  
Swiss Portals DEP 15989

NOW, THEREFORE, if the said contract be awarded to Principal and Principal shall, within such time as may be  
specified, enter into the contract in writing and give such bond or bonds as may be specified in the bidding or  
contract documents with surety acceptable to Oblige; or if Principal shall fail to do so, pay to Oblige the  
damages which Oblige may suffer by reason of such failure not exceeding the penalty of this bond, then this  
obligation shall be void; otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED this 11th day of October, 2012.

Principal

Building and Utility Systems, LLC

BY: *John Campbell*

Surety

WESTERN SURETY COMPANY

BY: *Michael Lee Kenlock*  
Michael Lee Kenlock, Attorney-in-Fact



# Western Surety Company

## POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 61487283

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint Michael Lee Kemlock

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: Building and Utility Systems, LLC

Obligee: State of WV Department of Environmental Protection- AML&R

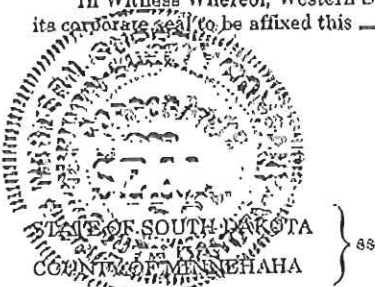
Amount: \$500,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Senior Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

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

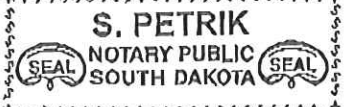
All authority hereby conferred shall expire and terminate, without notice, unless used before midnight of January 9th, 2013, but until such time shall be irrevocable and in full force and effect.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Vice President, Paul T. Bruflat, and its corporate seal to be affixed this 11th day of October, 2012.



WESTERN SURETY COMPANY  
Paul T. Bruflat  
Paul T. Bruflat, Vice President

On this 11th day of October, in the year 2012, before me, a notary public, personally appeared Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



S. Petrik  
Notary Public - South Dakota

My Commission Expires August 11, 2016  
I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 11th day of October, 2012.

WESTERN SURETY COMPANY  
Paul T. Bruflat  
Paul T. Bruflat, Vice President

ACKNOWLEDGMENT OF SURETY

STATE OF West Virginia  
COUNTY OF Raleigh

} ss

(Attorney-in-Fact)

Bond No. 61487283

On this 8 day of October, 2012, before me, a notary public in and for said County, personally appeared Michael Lee Kemlock to me personally known and being by me duly sworn, did say, that he is the Attorney-in-Fact of WESTERN SURETY COMPANY, a corporation of Sioux Falls, South Dakota, created, organized and existing under and by virtue of the laws of the State of South Dakota, that the said instrument was executed on behalf of the said corporation by authority of its Board of Directors and that the said Michael Lee Kemlock acknowledges said instrument to be the free act and deed of said corporation and that he has authority to sign said instrument without affixing the corporate seal of said corporation.

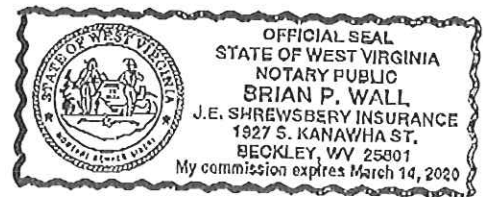
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Beckley, WV, the day and year last above written.

My commission expires 3-14, 2020

*Brian P. Wall*

Notary Public

Form 106-4-2000





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

STATE OF West Virginia  
COUNTY OF Summers, TO-WIT:

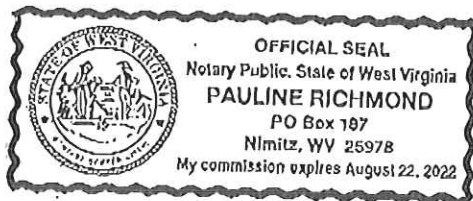
I, John W. Whitaker, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Building and Utility Systems U.C.; and,  
(Company Name)
- 2. I do hereby attest that Building and Utility Systems U.C.  
(Company Name)

maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code §21-1D-5**.

The above statements are sworn to under the penalty of perjury.

Building and Utility Systems U.C.  
(Company Name)



By: John Whitaker

Title: Sole Member

Date: 10-10-12

Taken, subscribed and sworn to before me this 10 day of October.

By Commission expires Aug 22, 2022

(Seal)

Pauline Richmond  
(Notary Public)

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

RFQ No. DEP 15989

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

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

**DEFINITIONS:**

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

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

**WITNESS THE FOLLOWING SIGNATURE**

Vendor's Name: Building and Utility Systems LLC

Authorized Signature: [Signature] Date: 10-10-12

State of West Virginia

County of Summers, to-wit:

Taken, subscribed, and sworn to before me this 10 day of October, 2012

My Commission expires Aug 22, 2022

AFFIX SEAL HERE


NOTARY PUBLIC Pauline Richmond



CERTIFICATION AND SIGNATURE PAGE

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

Building and Utility Systems LLC.  
(Company)

  
(Representative Name, Title)

304-446-3412  
(Contact Phone/Fax Number)

10-10-12  
(Date)

**ADDENDUM ACKNOWLEDGEMENT FORM**  
**SOLICITATION NO.:** DEP15989

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

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

**Addendum Numbers Received:**

(Check the box next to each addendum received)

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

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

Building and Utility Systems LLC.  
Company

  
Authorized Signature

10-10-12  
Date

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





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

NUMBER	NO. 650	P. 17
DEP15989		1
ADDRESS CORRESPONDENCE TO ATTENTION OF:		
GUY NISBET 304-558-8802		

VENDOR

\*307130749 304-466-3412  
 BUILDING & UTILITY SYSTEMS LLC  
 PO BOX 160  
 JUMPING BRANCH WV 25969

SHIP TO

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

DATE PRINTED  
 09/24/2012  
 BID OPENING DATE:

10/11/2012 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 01						
ADDENDUM FOR THE RECLAMATION OF THE "SWISS PORTALS" PROJECT LOCATED IN FAYETTE COUNTY, WV. ISSUED TO PUBLISH THE INFORMATION AS ATTACHED.						
0001	1	JB		962-73	148,568.54	148,568.54
						RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES
***** THIS IS THE END OF RFQ DEP15989 ***** TOTAL:						148,568.54

SIGNATURE <i>Guy Nisbet</i>	TELEPHONE 304-466-3412	DATE 10/10/12
TITLE Sole member	FEIN 26-0473732	ADDRESS CHANGES TO BE NOTED ABOVE

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

**SOLICITATION NUMBER:** DEP15989  
**Addendum Number:** No. 01

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The purpose of this addendum is to modify the solicitation identified as ("Solicitation") to reflect the change(s) identified and described below.

**Applicable Addendum Category:**

- Modify bid opening date and time
- Modify specifications of product or service being sought
- Attachment of vendor questions and responses
- Attachment of pre-bid sign-in sheet
- Correction of error
- Other

**Description of Modification to Solicitation:**

The addendum for the "Swiss Portals" project issued to distribute the following information.

1. Comment, questions and answers from the Pre-Bid meeting held: 09/18/2012.
2. Revised Contractor Bid Sheet.
3. Pre-Bid meeting sign in sheet

\* Project Bid Opening date remains unchanged: 10/11/2012 at 1:30 PM. EST.

**Additional Documentation:** Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

**Terms and Conditions:**

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.

# Swiss Portals

DEP15989

Revised Contractor's Bid Sheet

Company Name: Building and Utility Systems LLC.

Address: PO Box 1160

Jumping Branch WV 25969

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

ITEM NO.	Qty	Unit	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	1	LS	Mobilization and Demobilization (Limited to 10% of Total Bid)	LS	11,000. <sup>00</sup>
2.0	1	LS	Construction Layout (Limited to 5% of Total Bid)	LS	5,500. <sup>00</sup>
3.0	1	LS	Quality Control (Limited to 3% of Total Bid)	LS	3,300. <sup>00</sup>
4.0	1	LS	Site Preparation (Limited to 10% of Total Bid)	LS	11,000. <sup>00</sup>
4.1	50	TN	Access Road Stone	134.45	6,722.48
5.0	225	LF	Silt Fence Sediment Control	6.57	1,478.32
5.1	365	LF	12" Straw Wattles Erosion Control	25.94	9,468.32
5.2	25	TN	Stone Construction Entrance (70' x 12' Width)	153.03	3,825.68
6.0	1	LS	Revegetation	8,350. <sup>40</sup>	8,350.40
7.0	1	EA	Splash Pad	1,000. <sup>00</sup>	1,000. <sup>00</sup>
7.1	150	LF	6' Grouted Riprap Channel (Channel "A")	95. <sup>00</sup>	14,250. <sup>00</sup>
7.2	420	LF	6' Grouted Riprap Channel (Channel "B" and "C")	95. <sup>00</sup>	39,900. <sup>00</sup>
8.0	1	LS	Unclassified Excavation	7,258. <sup>32</sup>	7,258.32
8.1	170	TN	12" Shot Rock Fill	66. <sup>00</sup>	11,220. <sup>00</sup>
9.1	1	EA	Bate Gate/Mine Seal	49,346. <sup>65</sup>	49,346.65
9.2	30	LF	Mine Seal Conveyance Pipe (12" PVC SDR-35)	1,320. <sup>91</sup>	39,603.7
9.3	10	EA	Soda Ash Briquettes (50 LB Bags)	100. <sup>00</sup>	1,000. <sup>00</sup>
11.1	50	LF	3' x 3' Underdrain	64. <sup>00</sup>	3,200. <sup>00</sup>
11.2	20	LF	Underdrain Conveyance Pipe	60. <sup>00</sup>	1,200. <sup>00</sup>
<b>TOTAL</b>					148,568.54