



Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

State of West Virginia
Request for Quotation
32 - Reclamation

Proc Folder: 33901

Doc Description: Addendum #4 -Reclamation on mining operation ref: DEP16529

Proc Type: Central Purchase Order

Date Issued	Solicitation Closes	Solicitation No	Version
2014-11-07	2014-11-20 13:30:00	CRFQ 0313 DEP1500000017	5

BID RECEIVING LOCATION

BID CLERK
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
2019 WASHINGTON ST E
CHARLESTON WV 25305
US

VENDOR

Vendor Name, Address and Telephone Number: *EAGLE EXCAVATION INC.*
P.O. BOX 218
KENNA, W.V. 25248
(304) 372-4378

12/04/14 13:17:35
West Virginia Purchasing Division

FOR INFORMATION CONTACT THE BUYER

Beth Collins
(304) 558-2157
beth.a.collins@wv.gov

Signature X *Meik S. Freshour* FEIN # *35-0762758* DATE *11-20-2014*
All offers subject to all terms and conditions contained in this solicitation

INVOICE TO		SHIP TO	
ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301		ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301	
PHILIPPI	WV26416	PHILIPPI	WV 26416-9998
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Mobilization and Demobilization	1.00000	LS	1,000 ⁰⁰	1,000 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
71101501			

Extended Description :
Mobilization and Demobilization (Shall not exceed 5% of Total Bid)

INVOICE TO		SHIP TO	
ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301		ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301	
PHILIPPI	WV26416	PHILIPPI	WV 26416-9998
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
2	Site Preparation	1.00000	LS	15,000 ⁰⁰	15,000 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
71101501			

Extended Description :
Site Preparation (Shall not exceed 5% of Total Bid)

INVOICE TO		SHIP TO	
ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301		ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301	
PHILIPPI	WV26416	PHILIPPI	WV 26416-9998
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
3	Storm Water Management	500.00000	LF	1 ⁰⁰ LF	500 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
70171802			

Extended Description :
Storm water management

INVOICE TO	SHIP TO
ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301 PHILIPPI WV26416 US	ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301 PHILIPPI WV 26416-9998 US

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
4	Revegetation	2.00000	ACRE	1,000 ⁰⁰	2,000 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
10150000			

Extended Description :
Revegetation

INVOICE TO	SHIP TO
ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301 PHILIPPI WV26416 US	ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301 PHILIPPI WV 26416-9998 US

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
5	Incidental Stone	200.00000	TON	25 ⁰⁰	5000 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
11111600			

Extended Description :
Incidental Stone

INVOICE TO		SHIP TO	
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PHILIPPI	WV26416	PHILIPPI	WV 26416-9998
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
6	Grouted Limestone Rip-Rap V-Ditch #1	210.00000	LF	75 ⁰⁰	15,750 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
11111600			

Extended Description :
Grouted Limestone Rip-Rap V-Ditch #1

INVOICE TO		SHIP TO	
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PHILIPPI	WV26416	PHILIPPI	WV 26416-9998
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
7	Eliminate Alkalinity Cell #1, Construct Pond #4	1.00000	LS	26,115 ⁰⁰	26,115 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
72141212			

Extended Description :
Eliminate Alkalinity Cell #1, Construct Pond #4

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PHILIPPI	WV26416	PHILIPPI	WV 26416-9998
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
8	Install Dike and Pipe in Ditch 'A'	1.00000	LS	30,000 ⁰⁰	30,000 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
70171706			

Extended Description :
Install Dike and Pipe in Ditch 'A'

INVOICE TO		SHIP TO	
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
9	Access Road Extension	250.00000	LF	18 ⁰⁰	4,500 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
95111503			

Extended Description :
Access Road Extension

INVOICE TO		SHIP TO	
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
10	Cleanout/Repair Baffle Curtains in Pond #1	1.00000	LS	17,083 ⁰⁰	17,083 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
47101555			

Extended Description :
Cleanout/Repair Baffle Curtains in Pond #1

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US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
11	Cleanout/Repair Baffle Curtains in Pond #2	1.00000	LS	18,535 ⁰⁰	18,535 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
47101555			

Extended Description :
Cleanout/Repair Baffle Curtains in Pond #2

INVOICE TO:		SHIP TO:	
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PHILIPPI	WV26416	PHILIPPI	WV 26416-9998
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
12	Cleanout/Refill Alkalinity Cell #2	1.00000	LS	19,748 ⁰⁰	19,748 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
71101501			

Extended Description :
Cleanout/Refill Alkalinity Cell #2

INVOICE TO:		SHIP TO:	
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PHILIPPI	WV26416	PHILIPPI	WV 26416-9998
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
13	Limestone Rip-Rap V-Ditch #2	315.00000	LF	37 ⁰⁰	11,655 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
11111600			

Extended Description :
Limestone Rip-Rap V-Ditch #2

BUYER TO		SHIP TO	
ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301 PHILIPPI WV26416 US		ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301 PHILIPPI WV 26416-9998 US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
14	Construct Alkalinity Cell #3	1.00000	LS	2,1830 ⁰⁰	2,1830 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
71101501			

Extended Description :
Construct Alkalinity Cell #3

BUYER TO		SHIP TO	
ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301 PHILIPPI WV26416 US		ENVIRONMENTAL PROTECTION OFFICE OF SPECIAL RECLAMATION 47 SCHOOL ST, STE 301 PHILIPPI WV 26416-9998 US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
15	Install Ag lime in V-ditch #2 and ditch 'B'	150.00000	TON	50 ⁰⁰	7,500 ⁰⁰

Comm Code	Manufacturer	Specification	Model #
11111600			

Extended Description :
Install Ag lime in V-ditch #2 and ditch 'B'

	Document Phase	Document Description	Page 8 of 8
DEP1500000017	Final	Addendum #4 -Reclamation on mi ning operation ref: DEP16529	

ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions

BELLE CONTRACTING, INC.
PERMIT S-6020-87
BID SCHEDULE
DEP16529

VENDOR NAME: EAGLE EXCAVATION INC.

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

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1.0	Mobilization & Demobilization (Shall not exceed 5% of Total Bid)	1	LS	\$ 1,000 ⁰⁰	\$ 1,000 ⁰⁰
2.0	Site Preparation (Shall not exceed 5% of Total Bid)	1	LS	\$ 15,000	\$ 15,000 ⁰⁰
3.0	Stormwater Management	500	LF	\$ 1 ⁰⁰	\$ 500 ⁰⁰
4.0	Revegetation	2	AC	\$ 1,000 ⁰⁰	\$ 2,000 ⁰⁰
5.0	Incidental Stone	200	TN	\$ 25 ⁰⁰	\$ 5,000 ⁰⁰
6.0	Grouted Limestone Rip-Rap V-Ditch #1	210	LF	\$ 75 ⁰⁰	\$ 15,750 ⁰⁰
7.0	Eliminate Alkalinity Cell #1, Construct Pond #4	1	LS	\$ 26,115 ⁰⁰	\$ 26,115 ⁰⁰
8.0	Install Dike and Pipe in Ditch 'A'	1	LS	\$ 30,000 ⁰⁰	\$ 30,000 ⁰⁰
9.0	Access Road Extension	250	LF	\$ 18 ⁰⁰	\$ 4,500 ⁰⁰
10.0	Cleanout/Repair Baffle Curtains in Pond #1	1	LS	\$ 17,083 ⁰⁰	\$ 17,083 ⁰⁰
11.0	Cleanout/Repair Baffle Curtains in Pond #2	1	LS	\$ 18,535 ⁰⁰	\$ 18,535 ⁰⁰
12.0	Cleanout /Refill Alkalinity Cell #2	1	LS	\$ 19,748 ⁰⁰	\$ 19,748 ⁰⁰
13.0	Limestone Rip-Rap V-Ditch #2	315	LF	\$ 37 ⁰⁰	\$ 11,655 ⁰⁰
14.0	Construct Alkalinity Cell #3	1	LS	\$ 21,830 ⁰⁰	\$ 21,830 ⁰⁰
15.0	Install Ag Lime in V-Ditch #2 and Ditch 'B'	150	TN	\$ 50 ⁰⁰	\$ 7,500 ⁰⁰
TOTAL BID:					\$ 196,216⁰⁰

BIDDER'S AUTHORIZED SIGNATURE: Mark D Freshour DATE: 11-20-2014

SOLICITATION NUMBER: DEP1500000017
Addendum Number: 04

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:

This addendum is issued for the following reasons:

1. To delete the vendor preference documentation which was attached in error with the original solicitation. Vendor preference will not affect the award of this solicitation.
2. To correct the correct quantities listed on the commodity lines to match those listed on the pricing sheet.

The bid opening date will remain the same of November 20, 2014 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.

Revised 6/8/2012

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: 04

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

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

Addendum Numbers Received:

(Check the box next to each addendum received)

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

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

EAGLE EXCAVATION, INC.
Company

Mike S. Freshour
Authorized Signature

11-20-2014
Date

NOTE: This addendum acknowledgement should be submitted with the bid to expedite document processing.
 Revised 6/8/2012

ADDITIONAL TERMS AND CONDITIONS (Construction Contracts Only)

1. **CONTRACTOR'S LICENSE:** West Virginia Code § 21-11-2 requires that all persons desiring to perform contracting work in this state be licensed. The West Virginia Contractors Licensing Board is empowered to issue the contractor's license. Applications for a contractor's license may be made by contacting the West Virginia Division of Labor. West Virginia Code § 21-11-11 requires any prospective Vendor to include the contractor's license number on its bid. Failure to include a contractor's license number on the bid shall result in Vendor's bid being disqualified. Vendors should include a contractor's license number in the space provided below.

Contractor's Name: EAGLE EXCAVATION INC.

Contractor's License No. WV032594

The apparent successful Vendor must furnish a copy of its contractor's license prior to the issuance of a Award Document.

2. **DRUG-FREE WORKPLACE AFFIDAVIT:** W. Va. Code § 21-1D-5 provides that any solicitation for a public improvement contract requires each Vendor that submits a bid for the work to submit at the same time an affidavit that the Vendor has a written plan for a drug-free workplace policy. To comply with this law, Vendor must either complete the enclosed drug-free workplace affidavit and submit the same with its bid or complete a similar affidavit that fulfills all of the requirements of the applicable code. Failure to submit the signed and notarized drug-free workplace affidavit or a similar affidavit that fully complies with the requirements of the applicable code, with the bid shall result in disqualification of Vendor's bid. Pursuant to W. Va. Code 21-1D-2(b) and (k), this provision does not apply to public improvement contracts the value of which is \$100,000 or less or temporary or emergency repairs.
- 2.1. **DRUG-FREE WORKPLACE POLICY:** Pursuant to W. Va. Code § 21-1D-4, Vendor and its subcontractors must implement and maintain a written drug-free workplace policy that complies with said article. The awarding public authority shall cancel this contract if: (1) Vendor fails to implement and maintain a written drug-free workplace policy described in the preceding paragraph, (2) Vendor fails to provide information regarding implementation of its drug-free workplace policy at the request of the public authority; or (3) Vendor provides to the public authority false information regarding the contractor's drug-free workplace policy. Pursuant to W. Va. Code 21-1D-2(b) and (k), this provision does not apply to public improvement contracts the value of which is \$100,000 or less or temporary or emergency repairs.
3. **DRUG FREE WORKPLACE REPORT:** Pursuant to W. Va. Code § 21-1D-7b, no less than once per year, or upon completion of the project, every contractor shall provide a certified report to the public authority which let the contract. For contracts over \$25,000, the

CERTIFICATION AND SIGNATURE PAGE

By signing below, or submitting documentation through wvOASIS, 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, offer or proposal for review and consideration; that I am authorized by the vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

EAGLE EXCAVATION INC.
(Company)

Mike S Freshour PRESIDENT
(Authorized Signature) (Representative Name, Title)

(304) 372-4378 (304) 372-4378 11-6-2014
(Phone Number) (Fax Number) (Date)



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

STATE OF WEST VIRGINIA,
COUNTY OF JACKSON, TO-WIT:

I, DENNIS GEORGE FRESHOUR after being first duly sworn, depose and state as follows:

- 1. I am an employee of EAGLE EXCAVATION INC.; and,
(Company Name)
- 2. I do hereby attest that EAGLE EXCAVATION INC.
(Company Name)

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

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

By: DENNIS GEORGE FRESHOUR
 Title: FIELD MANAGER
 Company Name: EAGLE EXCAVATION INC.
 Date: 11-18-2014

Taken, subscribed and sworn to before me this 18 day of NOVEMBER, 2014.

By Commission expires 8/2/19

(Seal)



Linda Mahan
(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.

WV-75
Created 07/18/12



State of West Virginia
PURCHASING DIVISION
Construction Bid Submission Review Form

This list has been provided for informational purposes only and is not to be construed as a complete list of request for quotation or bidding requirements for any individual construction project. This list does not and cannot include every item, mistake or oversight that could cause a contractor's bid to be disqualified. Rather, this list is intended to draw attention to some of the most common problems that the Purchasing Division encounters in the bidding process for construction projects. All potential bidders must read the request for quotation, all additional documents, and all instructions relating thereto ("Bid Documents") in their entirety to identify the actual request for quotation and bidding requirements. Failure to read the Bid Documents in their entirety and comply with the stated requirements contained therein may result in bid disqualification.

Errors That Shall Be Reason for Immediate Bid Disqualification

1. Failure to attend a mandatory pre-bid meeting
2. Failure to sign the bid
3. Failure to supply West Virginia contractor's license # on bid
4. Failure to supply a signed drug free workplace affidavit with the bid
5. Failure to supply a valid bid bond or other surety approved by the State of West Virginia
6. Failure to meet any mandatory requirement of the RFQ
7. Failure to acknowledge receipt of Addenda (only if stipulated as mandatory)
8. Failure to submit bid prior to the bid opening date and time
9. Federal debarment
10. State of West Virginia debarment or suspension

**Errors that May Be Reason for Bid Disqualification
Before Contract Award**

1. Uncontested debt to the State exceeding \$1,000.00 (must be cured prior to award)
2. Workers' Compensation or Unemployment Compensation delinquency (must be cured prior to award)
3. Not registered as a vendor with the State (must be cured prior to award)
4. Failure to obtain required bonds and/or insurance
5. Failure to provide the sub-contractor listing within 1 business day of bid opening.
6. Failure to use the provided RFQ form (only if stipulated as mandatory).



AVS OFT Report - 3/4/2010 4:05:51 PM

All OFT's where the selected entity is listed as an entity or related entity

Entity Selected (150896) Eagle Excavation Inc

Parent Entity

(150896) Eagle Excavation Inc
(150896) Eagle Excavation Inc
(150896) Eagle Excavation Inc
(150896) Eagle Excavation Inc
(150896) Eagle Excavation Inc

Description

Director
President
Director
Secretary
Treasurer

Related Entity

(139730) Meike D Freshour
(139730) Meike D Freshour
(157116) Leslie Ann Roush
(157116) Leslie Ann Roush
(157116) Leslie Ann Roush

% Ownership

Begin Date

End Date

5/29/2001
5/29/2001
5/29/2001
5/29/2001
5/29/2001

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Eagle Excavation, Inc.
of Kenna, WV, as Principal, and Merchants National Bonding, Inc.
of Des Moines, IA, a corporation organized and existing under the laws of the State of
IA with its principal office in the City of Des Moines, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of Five Percent of Amount Bid (\$ 5%) 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
DEP16529 - Belle Contracting - According to Plans & Specifications

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
6th day of November, 2014

Principal Corporate Seal

Eagle Excavation, Inc.

(Name of Principal)

By: Meike D. Freshour

(Must be President or
Vice President)

Meike D. Freshour President

(Title)

Surety Corporate Seal

Merchants National Bonding, Inc.

(Name of Surety)

By: Patricia A. Moye

Patricia A. Moye, WV Resident Agent Attorney-in-Fact

IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Corporate seals must be affixed,
and a power of attorney must be attached.

MERCHANTS
BONDING COMPANY™
POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations duly organized under the laws of the State of Iowa (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint, individually,

Allan L McVey; Gregory T Gordon; Kimberly J Wilkinson; Patricia A Moye

of Charleston and State of West Virginia their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

EIGHT MILLION (\$8,000,000.00) DOLLARS

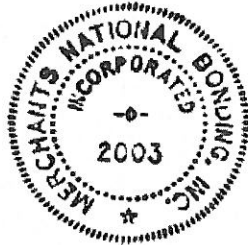
and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 13th day of August, 2014.



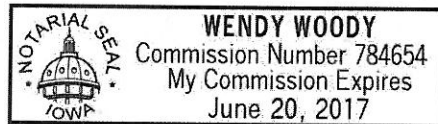
MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 13th day of August, 2014, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



Wendy Woody

Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 6th day of November, 2014.



William Warner Jr.
Secretary

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: 05

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

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

Addendum Numbers Received:

(Check the box next to each addendum received)

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

Eagle Excavation Inc.
Company

Mike S. Freshour
Authorized Signature

12-4-2014
Date

NOTE: This addendum acknowledgement should be submitted with the bid to expedite document processing.
Revised 5/8/2012

RFQ No. DEP150000017

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

MANDATE: Under W. Va. Code §5A-3-10a, no contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

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

DEFINITIONS:

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

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

"Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

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

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Name: EAGLE EXCAVATION INC.

Authorized Signature: Dennis George Freshour Date: 11-18-2014

State of WV

County of Kanawha, to-wit:

Taken, subscribed, and sworn to before me this 18 day of NOV, 2014.

My Commission expires 8/2/19, 20 .

NOTARY PUBLIC Linda Mahan

Purchasing Affidavit (Revised 07/01/2012)

