



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

Request for Quotation

RFQ NUMBER
 DEP13577

PAGE
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF
 CHUCK BOWMAN
 304-558-2157

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

TEN-A-COAL COMPANY
 RT. 4, BOX 253
 CLARKSBURG, WV 26301

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219

DATE PRINTED 05/17/2007	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: 06/12/2007 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$105.00/HR
<p>TRUCK FOR CLEANING PONDS/SLUDGE REMOVAL</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S OFFICE OF SPECIAL RECLAMATION, IS SOLICITING BIDS FOR AN OPEN-END CONTRACT TO PROVIDE TRUCKS FOR THE REMOVAL OF SLUDGE AND/OR POND CLEANINGS ON THE FORFEITED SITES IN THE COAL PRODUCING COUNTIES NOTED BELOW.</p> <p>THOSE COUNTIES IN PARENTHESIS INDICATE WHERE MOST OF THE WORK REQUIRED IN THIS CONTRACT IS TO BE PERFORMED.</p> <p>(BARBOUR), (BRAXTON), (BROOKE), DODDRIDGE, (GILMER), (GRANT), (HANCOCK), (HARRISON), (LEWIS), (MARION), MARSHALL, (MINERAL), (MONONGALIA), (OHIO), PENDLETON, PLEASANTS, POCAHONTAS, (PRESTON), (RANDOLPH), RITCHIE, (TAYLOR), (TUCKER), TYLER, (UPSHUR), (WEBSTER), WETZEL, AND WOOD COUNTIES.</p> <p>THE TRUCKS UTILIZED IN THIS HOURLY-RATE CONTRACT WILL BE TRI-AXLE DUMP TRUCKS USING QUALIFIED DRIVERS TO HAUL SLUDGE AND POND SEDIMENT RESULTING FROM THE OPERATION OF AN ACID MINE DRAINAGE TREATMENT FACILITY TO DESIGNATED DISPOSAL SITES.</p> <p>TRUCKS MUST MEET OSHA REQUIREMENTS, HAVE WATER TIGHT TAILGATES, AND HAVE A MINIMUM BED CAPACITY OF 16 CUBIC YARDS.</p> <p>TRUCKS WILL BE FULLY OPERATIONAL AND OPERATED IN A SAF</p>						

RECEIVED
 MAY 30 10 09 AM '07
 OFFICE OF SPECIAL RECLAMATION
 DEPT. OF ENVIRONMENTAL PROTECTION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>Patrick A Cunningham</i>	TELEPHONE 304-783-5484	DATE 5/29/07	
TITLE PARTNER	FEIN 55-051-6915	ADDRESS CHANGES TO BE NOTED ABOVE	

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



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<p>AN REASONABLE MANNER. VENDOR TO PROVIDE A MINIMUM OF ONE TRUCK AND UP TO EIGHT TRUCKS ON AN 'AS REQUIRED BY WVDEP' BASIS WITHIN 72 HOURS NOTICE. THE HOURLY PAY RATE STARTS AT THE SLUDGE/POND CLEANING SITES AND ENDS AT THE DISPOSAL SITE. THE NORMAL WORK SCHEDULE WILL BE 8 HOURS PER DAY, MONDAY THROUGH FRIDAY UNLESS OTHERWISE SPECIFIED BY THE WVDEP. ACCESS TO THE TREATMENT SITES AND DISPOSAL SITE WILL REQUIRE OFF ROAD OPERATIONS. TRUCKS WILL BE UTILIZED DEPENDENT UPON THE OPERATION OF SLUDGE/POND CLEANING REMOVAL EQUIPMENT.</p> <p>THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYING AND/OR SECURING ALL TAXES, PERMITS, FEES, INSURANCE LIABILITY, COMPENSATIONS, AND ANY OTHER ITEMS NECESSARY TO RENDER THE OWNER FREE AND HARMLESS FROM ALL CLAIMS ARISING FROM SERVICES PERFORMED UNDER THIS CONTRACT. THE CONTRACTOR SHALL TAKE STEPS REQUIRED TO ENSURE EQUAL OPPORTUNITY FOR EMPLOYMENT IN ACCORDANCE WITH POLICIES PROMULGATED BY THE PRESIDENTS COMMITTEE ON EQUAL OPPORTUNITY. PRIOR TO AWARD, CONTRACTOR MUST PROVIDE COPY OF COMMERCIAL LIABILITY AND VEHICLE INSURANCE CERTIFICATES TO THE WEST VIRGINIA PURCHASING DIVISION.</p> <p>THE STATE SHALL BE RESPONSIBLE FOR OBTAINING ALL RIGHT OF ENTRY FOR EACH PROJECT NEEDED.</p> <p>THE WORK AND SERVICES TO BE PERFORMED UNDER THIS CONTRACT SHALL BE SUBJECT TO CONTINUAL MONITORING AND INSPECTION BY THE STATE'S AUTHORIZED REPRESENTATIVE.</p> <p>IN ACCOMPLISHMENT OF SERVICES TO FULFILL THE REQUIREMENTS OF CONTRACT, NEITHER CONTRACTOR OR SUBCONTRACTOR SHALL CAUSE ANY ADVERSE ENVIRONMENTAL EFFECTS AND SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE LOCAL STATE, AND FEDERAL ENVIRONMENTAL AND OCCUPATIONAL HEALTH AND SAFETY REGULATIONS PERTINENT TO THE WORK.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	<i>Patrick H. Cunningham</i>	TELEPHONE	304-783-5484	DATE	5/29/07
TITLE	PARTNER	FEIN	35-051-6915	ADDRESS CHANGES TO BE NOTED ABOVE	

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<p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT</p>						

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TITLE	PARTNER	FEIN	055-051-6915	ADDRESS CHANGES TO BE NOTED ABOVE	

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<p>FIRM FOR LIFE OF THE CONTRACT, AS INDICATED IN THE LIFE OF CONTRACT CLAUSE CONTAINED HEREIN, NOT TO EXCEED ONE (1) YEAR.</p> <p>VENDOR PREFERENCE CERTIFICATE</p> <p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE, 5A-3-37 (DOES NOT APPLY TO CONSTRUCTION CONTRACTS).</p> <p>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>() BIDDER IS AN INDIVIDUAL RESIDENT VENDOR AND HAS RESIDED CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</p> <p>(X) BIDDER IS A PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR AND HAS MAINTAINED ITS HEAD-QUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR 80% OF THE OWNERSHIP INTEREST OF BIDDER IS HELD BY ANOTHER INDIVIDUAL, PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR WHO HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</p> <p>() BIDDER IS A CORPORATION NONRESIDENT VENDOR WHICH HAS AN AFFILIATE OR SUBSIDIARY WHICH EMPLOYS A MINIMUM OF ONE HUNDRED STATE RESIDENTS AND WHICH HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA CONTINUOUSLY FOR THE</p>						

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SIGNATURE	TELEPHONE	DATE
<i>Patricia H. Cunningham</i>	304-783-5484	5/29/07
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
PARTNER	55-051-6915	

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<p>BY SUBMISSION OF THIS CERTIFICATE, BIDDER AGREES TO DISCLOSE ANY REASONABLY REQUESTED INFORMATION TO THE PURCHASING DIVISION AND AUTHORIZES THE DEPARTMENT OF TAX AND REVENUE TO DISCLOSE TO THE DIRECTOR OF PURCHASING APPROPRIATE INFORMATION VERIFYING THAT BIDDER HAS PAID THE REQUIRED BUSINESS TAXES, PROVIDED THAT SUCH INFORMATION DOES NOT CONTAIN THE AMOUNTS OF TAXES PAID NOR ANY OTHER INFORMATION DEEMED BY THE TAX COMMISSIONER TO BE CONFIDENTIAL.</p> <p>UNDER PENALTY OF LAW FOR FALSE SWEARING (WEST VIRGINIA CODE 61-5-3), BIDDER HEREBY CERTIFIES THAT THIS CERTIFICATE IS TRUE AND ACCURATE IN ALL RESPECTS; AND THAT IF A CONTRACT IS ISSUED TO BIDDER AND IF ANYTHING CONTAINED WITHIN THIS CERTIFICATE CHANGES DURING THE TERM OF THE CONTRACT, BIDDER WILL NOTIFY THE PURCHASING DIVISION IN WRITING IMMEDIATELY.</p> <p>BIDDER: <u>TEN-A-COAL COMPANY</u></p> <p>DATE: <u>MAY 29, 2007</u></p> <p>SIGNED: <u><i>Patricia H. Cunningham</i></u></p> <p>TITLE: <u>PARTNER</u></p> <p>* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU ARE ENTITLED TO RECEIVE. YOU MAY REQUEST UP TO THE MAXIMUM 5% PREFERENCE FOR BOTH "A" AND "B". (REV. 12/00)</p>						

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SIGNATURE <u><i>Patricia H. Cunningham</i></u>	TELEPHONE <u>304-783-5484</u>	DATE <u>5/29/07</u>
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STATE OF WEST VIRGINIA
Purchasing Division

011

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 owned 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 exceed 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.

LICENSING: Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

CONFIDENTIALITY: The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendors should visit www.state.wv.us/admin/purchase/privacy for the Notice of Agency Confidentiality Policies.

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

Vendor's Name: TEN-A-COAL COMPANYAuthorized Signature: *Patricia H. Cunningham* Date: 5/29/07