



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

\*709052839      304-296-7531  
**LAURITA EXCAVATING INC**  
~~PO BOX 760~~ **302 Dents Run Rd**  
**MORGANTOWN WV 26507 26501**

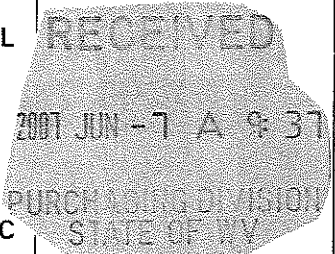
SHIP TO

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

DATE PRINTED <b>05/17/2007</b>	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		172,500.00
<p><b>TRUCK FOR CLEANING PONDS/SLUDGE REMOVAL</b></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>						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]*      TELEPHONE: **304-296-7531**      DATE: **6/2/07**

TITLE: *[Signature]*      FEIN: **53-0640963**      ADDRESS CHANGES TO BE NOTED ABOVE

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



State of West Virginia  
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**2**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
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**304-558-2157**

PURCHASER

\*709052839      304-296-7531  
**LAURITA EXCAVATING INC**  
~~PO BOX 760~~    **302 Dents Run Rd**  
**MORGANTOWN WV 26507 26501**

SHIP TO

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

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/17/2007				

BID OPENING DATE: **06/12/2007**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<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>[Signature]</i>	TELEPHONE <b>304-296-7531</b>	DATE <b>6/2/07</b>
TITLE <i>Secy/Proc VP</i>	FEIN <b>55-0640963</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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VENDOR

\*709052839      304-296-7531  
**LAURITA EXCAVATING INC**  
~~PO BOX 760~~    **302 Dents Run Rd**  
**MORGANTOWN WV 26507 26501**

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05/17/2007				
BID OPENING DATE: 06/12/2007		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR THE COUNTY IN WHICH THE WORK IS BEING PERFORMED, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. AND 42CRS7 RULES AND REGULATIONS FOR THE WV PREVAILING WAGE ACT. FOR PREVAILING WAGE RATES PLEASE REFER TO:</p> <p><a href="http://www.wvsos.org/adlaw/wagerates/building05.htm">HTTP://WWW.WVSOS.ORG/ADLAW/WAGERATES/BUILDING05.HTM</a></p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE UPON AWARD, AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE 304-296-7531	DATE 6/2/07
TITLE <i>[Signature]</i>	FEIN 55-0640963	ADDRESS CHANGES TO BE NOTED ABOVE

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**\*709052839 304-296-7531**  
**LAURITA EXCAVATING INC**  
~~PO BOX 760~~ **302 Dents Run Rd**  
**MORGANTOWN WV ~~26507~~ 26501**

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

DATE PRINTED <b>05/17/2007</b>	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
<p><b>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.</b></p> <p><b>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.)</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</b></p> <p><b>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT</b></p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE <b>304-296-7531</b>	DATE <b>6/21/07</b>
TITLE <b>SECRETARY VP</b>	ADDRESS CHANGES TO BE NOTED ABOVE	

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ADDRESS CORRESPONDENCE TO ATTENTION OF  
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**304-558-2157**

VENDOR

\*709052839      304-296-7531  
**LAURITA EXCAVATING INC**  
~~PO BOX 760~~ **302 Dents Run Rd**  
**MORGANTOWN WV 26507 26501**

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**PHILIPPI, WV**  
**26416-9998      304-457-3219**

DATE PRINTED <b>05/17/2007</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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<p>SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 04/11/2001</p> <p>EXHIBIT 6</p> <p>PRICE ADJUSTMENT PROVISION:            THE STATE OF WEST VIRGINIA WILL CONSIDER BIDS THAT CONTAIN PROVISIONS FOR PRICE ADJUSTMENTS PRIOR TO THE ORIGINAL EXPIRATION OF THE CONTRACT, PROVIDED THAT SUCH PRICE ADJUSTMENT COVERS BOTH UPWARD AND DOWNWARD MOVEMENT OF THE COMMODITY PRICE, AND THAT ADJUSTMENT IS BASED ON THE "PASS THROUGH" INCREASE OR DECREASE OF RA MATERIALS AND/OR LABOR, WHICH MAKE UP ALL OR A SUBSTANTIAL PART OF A PRODUCT. ADJUSTMENTS ARE TO BE BASED UPON AN ACTUAL DOLLAR FIGURE, NOT A PERCENTAGE. ALL PRICE ADJUSTMENT REQUESTS MUST BE SUBSTANTIATED IN A MANNER ACCEPTABLE TO THE DIRECTOR PURCHASING, E.G. GOVERNMENTAL BENCH MARKS, GENERAL MARKET INCREASE, PUBLISHED PRICE LISTS. SUCH REQUESTS FOR AND INCREASE SHOULD BE RECEIVED IN WRITING BY THE DIRECTOR OF PURCHASING AT LEAST 30 DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE INCREASE. ANY TIME THE VENDOR REQUESTS A PRICE ADJUSTMENT, THE PURCHASING DIVISION MAY EITHER ACCEPT THE PRICE ADJUSTMENT AND AMEND THE CONTRACT ACCORDINGLY OR REJECT THE ADJUSTMENT IN ITS ENTIRETY AND CANCEL THE CONTRACT.</p> <p>PREFERRED TERMS:            IT IS PREFERRED THAT THE PRICES ON THIS CONTRACT ARE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE <b>304-296-7531</b>	DATE <b>6/2/07</b>
TITLE <i>[Signature]</i>	FEIN <b>59-0640963</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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



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**6**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
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 304-558-2157**

VENDOR

\*709052839      304-296-7531  
**LAURITA EXCAVATING INC**  
~~PO BOX 760~~    *302 Dents Run Rd*  
**MORGANTOWN WV**    ~~26507~~    *26901*

SHIP TO

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 105 S. RAILROAD STREET  
 PHILIPPI, WV  
 26416-9998      304-457-3219**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/17/2007				

BID OPENING DATE: **06/12/2007**      **BID OPENING TIME 01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<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>(<input checked="" type="checkbox"/>) 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>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE <i>304-296-7531</i>	DATE <i>6/2/07</i>
TITLE <i>Secy Treas VP</i>	FERN <i>55-0640963</i>	ADDRESS CHANGES TO BE NOTED ABOVE

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CHUCK BOWMAN 304-558-2157

VENDOR	*709052839      304-296-7531
	LAURITA EXCAVATING INC <del>PO BOX 760</del> 302 Dents Run Rd
	MORGANTOWN WV <del>26507</del> 26901

SHIP TO	ENVIRONMENTAL PROTECTION DEPT. OF OFFICE OF SPECIAL RECLAMATION 105 S. RAILROAD STREET PHILIPPI, WV 26416-9998      304-457-3219
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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<p>FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION.</p> <p>B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>( ) BIDDER IS A RESIDENT VENDOR WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES WORKING ON THE PROJECT BEING BID ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID;</p> <p>OR</p> <p>( ) BIDDER IS A NONRESIDENT VENDOR EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS OR IS A NONRESIDENT VENDOR WITH AN AFFILIATE OR SUBSIDIARY WHICH MAINTAINS ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES OR BIDDERS' AFFILIATE'S OR SUBSIDIARY'S EMPLOYEES ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID.</p> <p>BIDDER UNDERSTANDS IF THE SECRETARY OF TAX &amp; REVENUE DETERMINES THAT A BIDDER RECEIVING PREFERENCE HAS FAILED TO CONTINUE TO MEET THE REQUIREMENTS FOR SUCH PREFERENCE, THE SECRETARY MAY ORDER THE DIRECTOR OF PURCHASING TO: (A) RESCIND THE CONTRACT OR PURCHASE ORDER ISSUED; OR (B) ASSESS A PENALTY AGAINST SUCH BIDDER IN AN AMOUNT NOT TO EXCEED 5% OF THE BID AMOUNT AND THAT SUCH PENALTY WILL BE PAID TO THE CONTRACTING AGENCY OR DEDUCTED FROM ANY UNPAID BALANCE ON THE CONTRACT OR PURCHASE ORDER.</p>						

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SIGNATURE	TELEPHONE	DATE
<i>[Signature]</i>	304-296-7531	6/12/07
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
Secy. Admin	590640963	

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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>LAURITA EXCAVATING INC.</u></p> <p>DATE: <u>5/22/07</u></p> <p>SIGNED: <u>[Signature]</u></p> <p>TITLE: <u>President</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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<u>[Signature]</u>	<u>304-296-7531</u>	<u>6/2/07</u>
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
<u>Secy Mgmt</u>	<u>550640963</u>	

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ADDRESS CORRESPONDENCE TO ATTENTION OF
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V E N D O R	*709052839	304-296-7531
	Laurita Excavating Inc	
	<del>PO BOX 760</del> 302 Dents Run Rd	
	MORGANTOWN WV <del>26507</del> 26501	

S H I P T O	ENVIRONMENTAL PROTECTION
	DEPT. OF
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	105 S. RAILROAD STREET PHILIPPI, WV 26416-9998 304-457-3219

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/17/2007				

BID OPENING DATE: **06/12/2007** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				NOTICE		
				AN ORIGINAL, SIGNED BID MUST BE SUBMITTED TO:		
				DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130		
				THE BID MUST CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BIDS MAY NOT BE CONSIDERED:		
				SEALED BID		
				BUYER: CB-23		
				RFQ. NO.: DEP13577		
				BID OPENING DATE: 06/12/2007		
				BID OPENING TIME: 1:30 PM		
				PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:		
				<u>304-292-4606</u>		
				CONTACT PERSON (PLEASE PRINT CLEARLY): Tom Laurita		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>[Signature]</i>	304-296-7531	6/2/07
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
Secy/Supervisor	55-0040963	

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



STATE OF WEST VIRGINIA  
Purchasing Division

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**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 exceeds five percent of the total contract amount.

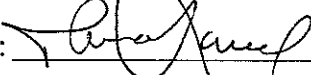
**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into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

**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](http://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: LAURITA EXCAVATING INC.

Authorized Signature:  Date: 5/22/07