



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

Request for Quotation

| |
|------------|
| RFO NUMBER |
| DEP13717 |

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| PAGE |
| 1 |

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

*709063722 01 304-414-0255
 EASTERN ARROW CORP INC
 PO BOX 4108

CHARLESTON WV 25364

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

| DATE PRINTED | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
|------------------------------|---------------|--------------------------|-----|---------------|
| 11/13/2007 | | | | |
| BID OPENING DATE: 11/29/2007 | | BID OPENING TIME 01:30PM | | |

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|------|----------|-------|--------|---|------------|--------|
| | ***** | ***** | | ADDENDUM NO. 1 ***** | ***** | |
| | | | | ADDENDUM ISSUED FOR THE RECLAMATION OF THE LAYLAND COAL COMPANY PROJECT TO DELAY THE BID OPENING WHILE WAITING FOR THE RECEIPT OF PRE-BID INFORMATION FROM DEP. | | |
| | | | | ADDENDUM NO. 2 WITH THIS INFORMATION WILL BE ISSUED SHORTLY. | | |
| | | | | BID OPENING AND TIME ARE DELAYED FROM 11/15/07 TO 11/29/07 AT 1:30 PM. | | |
| | | | | ***** NO OTHER CHANGES ***** | | |
| 0001 | 1 | JB | | 962-73 | | |
| | | | | RECLAMATION: RESTORATION OF LAND | | |

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|---|--------------|-----------------------------------|--|
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS | | | |
| SIGNATURE | TELEPHONE | DATE | |
| | 304-414-0255 | 11-27-06 | |
| TITLE | FEIN | ADDRESS CHANGES TO BE NOTED ABOVE | |
| PRESIDENT | 55-073491 | | |

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



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| 11/14/2007 | | | | |

BID OPENING DATE: **11/29/2007** BID OPENING TIME **01:30PM**

| LINE | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|------|----------|-----|----------|--|--------------|------------------------------|
| | | | | <p>***** ADDENDUM NO. 2 *****</p> <p>ADDENDUM ISSUED TO THE LAYLAND COAL CO RECLAMATION JOB TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS AND THE Q/A AS A RESULT OF THE 10/18/07 PRE-BID MEETING.</p> <p>PLEASE SEE THE ATTACHED THREE (3) PAGES.</p> <p>BID DATE AND OPENING TIME REMAIN 11/29/07 AT 1:30 PM.</p> <p>***** NO OTHER CHANGES *****</p> | | |
| 0001 | 1 | JB | | 962-73 | | |
| | | | | | TOTAL | \$ 40664⁰⁰ |
| | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE:  TELEPHONE: **304-414-0255** DATE: **11-26-07**

TITLE: **PRESIDENT** FEIN: **55-0754491** ADDRESS CHANGES TO BE NOTED ABOVE

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MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

PAGE 1 OF 2

RFQ #: DEP13717
 Project: Layland Coal

Bid Date: 11/15/07 002
 Pre-Bid Date: 10/18/07

Name : ROBERT BERCHTOLD
 Company: ASBUILT CONSTRUCTION INC.
 Address: ROUTE ONE, 128
MEADOW BRIDGE, WV
25976

Phone #: 304 392-8828
 Fax # : 392 8828
 Email : rpberchtold@frontier.net.net

Name : Kenneth Martin
 Company: McCourt + Son Construction
 Address: 2790 Centria Rd
Sutton W.V. 26601

Phone #: 304 765-5284
 Fax # : 765 5293
 Email : McCourtandson@wirefire.com

Name : TRIP SHOWNEN
 Company: BASE ENV. GROUP, LLC
 Address: A200 FIRST AVE.
SUITE 104
NITRO, WV 25143

Phone #: 304 204 2500
 Fax # : 304 204 2520
 Email : TRIP@BASEENV.COM

Name : Bob Carlsberg
 Company: Hydro Tech Reclamation
 Address: 9011 Pine Grove Rd.
Sumner W. WV 25367
Em.

Phone #: 304 673-9388
 Fax # : 255-1533
 Email : @Schultz Lumber AOL
Com

Name : B B Transit
 Company: Maner Buckles
 Address: PO Box 720
REV. R. WVA 25813

Phone #: 304 255 2505
 Fax # : 253 4533
 Email : bbtransit
VIIZON.NET

Name : SCOTT QUEENER
 Company: Muddley Trading Co
 Address: 10 Scenic Hwy
Summersville, WV 26651

Phone #: 872-5588
 Fax # : 872-4647
 Email : MTC@wirefire.com

Name : Doug Vincent
 Company: Breakaway Inc.
 Address: 1075 Old Turnpike Rd
Sutton, WV 26601

Phone #: 765-5317
 Fax # : 765-5389
 Email : BREAKAWAY-INC@NETCOM.NET

Name : Kevin Bradford
 Company: Pineville Paving + Excavating Inc.
 Address: P.O. Box 1290
Pineville WV 24874

Phone #: 304-732-8303
 Fax # : 304-732-7855
 Email : KDBPPI@AOL.COM

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET 003

PAGE 2 OF 2

RFQ #: DEP13717
Project: Layland Coal

Bid Date: 11/15/07
Pre-Bid Date: 10/18/07

Name : Ann Wardwell
Company: TEASTERN ARIZONA
Address: P.O. BOX 4108
CHARLESTON WV
Phone #: 304-414-0255
Fax #: 304-414-0256
Email : easternarazoc@hotmail.com

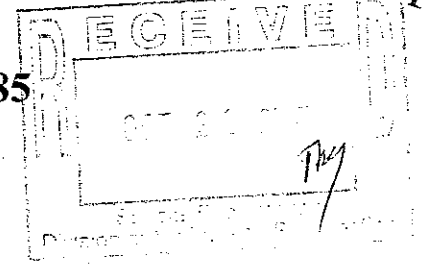
Name : DAVID H. Bowman
Company: GREEN MOUNTAIN COMPANY
Address: 511 50th STREET
CHARLESTON WV
25304
Phone #: 304 925 0255
Fax #: 304 925 9250
Email : jdymage@aol.com

Name : GEORGE FRESHOUR
Company: EAGLE EXCAVATION INC
Address: P.O. BOX 218
KENNA, W.V. 25248
Phone #: (304) 372-4378
Fax #: (304) 372-4378
Email : (NONE)

Name : Randy Carpenter
Company: Carpenter Reclamation
Address: PO BX 13015
Sissonville, WV
25360
Phone #: 304-984-1115
Fax #: 984-2770
Email : RCarpem103@aol.com

Name : _____
Company: _____
Address: _____
Phone #: _____
Fax #: _____
Email : _____
Name : _____
Company: _____
Address: _____
Phone #: _____
Fax #: _____
Email : _____
Name : _____
Company: _____
Address: _____
Phone #: _____
Fax #: _____
Email : _____
Name : _____
Company: _____
Address: _____
Phone #: _____
Fax #: _____
Email : _____

Layland Coal Company O-20-85
DEP13717
Addendum No. 1



Q1. Do we have to put any rock or anything back in there (area of washed out haulroad pipe)?

A1. We will just open it up and regrade the slopes back, you need to pull them back more than they are now.

Q2. Do you have a (specified) sized pipe on that (temporary pipe on the haulroad)?

A2. We did not specify, just adequate to carry the flow.

Q3. If you got in here this winter, I saw the specs. You can't topdress after September 15, if we demobilize, do we take the crossing out?

A3. We will wave that topdressing (deadline), if you get in here. I would highly doubt you would get in here this year since this is the 18th of October and this is not a site you would want to work when it is wet.

Q4. The rest of the slopes that don't have the black (material), you don't mess with it?

A4. No, we're not going to mess with it. There are a few areas that are bare that you'll need to do something with, but if it's got vegetation on it we're just going to topdress it. Don't disturb the vegetation, tree, or shrubs anymore than you have to.

Q5. In your topdressing you have black locust, you're not going to put it in there (area or site currently mowed by landowner) are you?

A5. We are going to plant it, it is a permit requirement.

Q6. Does the borrow area go above the road up around the top of that (slope)?

A6. There is really no road up around the top of it. Above the top of it they took some material off previously, there is a flat area up there. The borrow area goes into the timber, it's undisturbed area.

NOTE: Discussed with prospective contractors that there was a typo on the front page of the RFQ now reads Layland Coal Company, permit number O-25-85. The front page of the RFQ should read Layland Coal Company, permit number O-20-85.



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| 0001 | 1 | JB | | 962-73 | | |
| <p>RECLAMATION: RESTORATION OF LAND</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 TO AWARD A CONTRACT TO PERFORM LAND RECLAMATION ON THE MINING OPERATION OF LAYLAND COAL COMPANY, NOW UNDER REVOKED PERMIT NUMBER(S) 0-25-85, PER THE FOLLOWING DRAWINGS, SPECIFICATIONS, SCOPE OF WORK, BID REQUIREMENTS, TERMS & CONDITIONS, AND THE BID SCHEDULE AS ATTACHED.</p> <p>A MANDATORY ON-SITE PRE-BID CONFERENCE SHALL BE HELD 10/18/07 @ 10:00 AM. FAILURE TO ATTEND THE PRE-BID WILL RESULT IN BID DISQUALIFICATION.</p> <p>SITE DIRECTIONS: FROM THE JUNCTION OF STATE ROUTE 20 AND STATE ROUTE 31 IN THE TOWN OF MEADOW BRIDGE, TAKE ST RT 31 TOWARD DANESH FOR 1.7 MILES & TURN RIGHT ONTO THE HAULROAD.</p> <p>THE RECLAMATION SHALL BE PERFORMED UNDER THE GUIDANCE AND GENERAL SUPERVISION OF THE AGENCY ASSIGNED TO THE PROJECT FOR THE STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION.</p> <p>THE CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, EQUIPMENT AND OTHER NECESSARY SERVICES SO AS TO ACCOMPLISH THE ITEMS AS SPECIFIED IN THIS CONTRACT. PROJECT IS LOCATED NEAR MEADOW BRIDGE, WV, FAYETTE COUNTY AND CONSISTS OF APPROXIMATELY 5.0 ACRES.</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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|-----------|----------|-----------|--------------|-----------------------------------|----------|
| SIGNATURE | | TELEPHONE | 304-414-0255 | DATE | 11-27-07 |
| TITLE | PURSORNT | FEIN | 55-0754491 | ADDRESS CHANGES TO BE NOTED ABOVE | |

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RFQ COPY
 TYPE NAME/ADDRESS HERE

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| <p>ALL WORK MUST BE COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PURCHASE ORDER ISSUED BY THE DEPARTMENT OF ADMINISTRATION, PURCHASING DIVISION.</p> <p>EXHIBIT 5</p> <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 365 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE THE BID AND CONTRACT HEREIN.</p> <p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR FAYETTE COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ.</p> <p>ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED.</p> <p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</p> <p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT</p> | | | | | | |

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| <p>PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR CAPITOL COMPLEX, BUILDING 3, ROOM 319, CHARLESTON, WV 25305. TELEPHONE: (304) 558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.</p> <p>BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME - <i>EASTERN ARROW CORP INC dba Bowman Const.</i></p> <p>CONTRACTORS LICENSE NO. <i>WV 022303</i></p> <p>THE SUCCESSFUL BIDDER WILL REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.</p> <p>APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULE AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE  TELEPHONE *304-44-0255* DATE *11.27.07*

TITLE *PURCHASER* FEIN *55-0754491* ADDRESS CHANGES TO BE NOTED ABOVE

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| <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>EXHIBIT 7</p> <p>DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS</p> <p>IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND, IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF STEEL ARE REQUIRED, THE STATE WILL ACCEPT ONLY ALUMINUM GLASS, OR STEEL PRODUCTS PRODUCED IN THE UNITED STATES IN ADDITION, ITEMS OF MACHINERY OR EQUIPMENT PURCHASED FOR USE AT THE SITE OF PUBLIC WORKS SHALL BE MADE OF DOMESTIC ALUMINUM, GLASS OR STEEL, UNLESS THE COST OF THE PRODUCT IS LESS THAN \$50,000 OR LESS THAN 10,000 POUNDS OF STEEL ARE USED IN PUBLIC WORKS PROJECTS.</p> <p>FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND TO BE UNREASONABLE. SUCH COST IS UNREASONABLE IF IT IS %20 OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE PRODUCTS. IF THE DOMESTIC ALUMINUM, GLASS OR STEEL PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED ONLY IF DOMESTIC PRODUCTS ARE %30 OR MORE HIGHER IN PRICE THAN THE FOREIGN MADE PRODUCTS.</p> <p>IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE</p> | | | | | | |

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| <p>PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID FOR DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA</p> <p>THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:</p> <p>(1) THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM AND A LIST OF ALL PARTIES THAT HAVE PROCURED DRAWINGS AND SPECIFICATIONS FOR THE PROJECT. THE ADDENDUM AND LIST SHALL BE FORWARDED TO THE BUYER IN THE STATE PURCHASING DIVISION. THE ARCHITECT/ENGINEER SHALL ALSO SEND A COPY OF THE ADDENDUM TO THE STATE AGENCY FOR WHICH THE CONTRACT IS ISSUED.</p> <p>(2) THE BUYER SHALL SEND THE ADDENDUM TO ALL INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID OPENING DATE. ANY ADDENDUM SHOULD BE RECEIVED BY THE BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID OPENING DATE.</p> <p>(3) ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY AL</p> | | | | | | |

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| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|--------|-------------|------------|--------|
| <p>BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION AND THE STATE AUDITOR'S OFFICE. THE SAME RULES AND REGULATIONS THAT APPLY TO THE ORIGINAL BIDDING DOCUMENT SHALL ALSO APPLY TO AN ADDENDUM DOCUMENT. THE ONLY EXCEPTION MAY BE FOR AN ADDENDUM THAT IS ISSUED FOR THE SOLE PURPOSE OF CHANGING A BID OPENING TIME AND/OR DATE.</p> <p>REV. 11/96</p> <p>EXHIBIT 10</p> <p style="text-align: right;">REQUISITION NO.: DEP. 13717</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p> <p>NO. 1 ✓</p> <p>NO. 2 ✓</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | | |
|-----------|------|-----------------------------------|------|
| SIGNATURE | | TELEPHONE | DATE |
| TITLE | FEIN | ADDRESS CHANGES TO BE NOTED ABOVE | |

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



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
 DEP13717

PAGE
 8

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


RFQ COPY
 TYPE NAME/ADDRESS HERE


VENDOR

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPT. OF
 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 |
|------------------------------|---------------|--------------------------|--------|---------------|
| 09/28/2007 | | | | |
| BID OPENING DATE: 11/15/2007 | | BID OPENING TIME 01:30PM | | |

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|--------|-------------|------------|--------|
| <p>VENDOR MUST CLEARLY 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.</p> <p style="text-align: center;">  SIGNATURE EASTERN ARROW CORP INC dba PIONEER CONST. COMPANY 11.27.07 DATE </p> <p>REV. 11/96</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;"> DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 </p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> | | | | | | |

| | | | |
|---|--------------|-----------------------------------|--|
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS | | | |
| SIGNATURE | TELEPHONE | DATE | |
|  | 304-414-0255 | 11-27-07 | |
| TITLE | FEIN | ADDRESS CHANGES TO BE NOTED ABOVE | |
| PRESIDENT | 55-0754491 | | |

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



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
 DEP13717

PAGE
 9

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

RFQ COPY
 TYPE NAME/ADDRESS HERE

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

| DATE PRINTED | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
|------------------------------|---------------|--------------------------|-----|---------------|
| 09/28/2007 | | | | |
| BID OPENING DATE: 11/15/2007 | | BID OPENING TIME 01:30PM | | |

| LINE | QUANTITY | LOF | CAT. NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|---------|-------------|------------|----------------------|
| SEALED BID | | | | | | |
| BUYER: | | | | CB-23 | | |
| RFQ. NO.: | | | | DEP13717 | | |
| BID OPENING DATE: | | | | 11/15/2007 | | |
| BID OPENING TIME: | | | | 1:30 PM | | |
| PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: | | | | | | |
| 304.414.0256 | | | | | | |
| CONTACT PERSON (PLEASE PRINT CLEARLY): | | | | | | |
| ANN WAZO WILLL | | | | | | |
| ***** THIS IS THE END OF RFQ DEP13717 ***** TOTAL: | | | | | | 40,664 ⁰⁰ |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE  TELEPHONE 304.414.0255 DATE 11.27.07

TITLE PRES. ORNT FEIN 55.0754491 ADDRESS CHANGES TO BE NOTED ABOVE

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

| | | |
|--|------|----------------|
| BUYER | PAGE | REQ. OR PO NO. |
| CB-23 | 070 | DEP13717 |
| SPENDING UNIT | | |
| WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION | | |

WV-36 STATE OF WEST VIRGINIA
REV. 1/29/02 PURCHASING CONTINUATION SHEET
VENDOR:

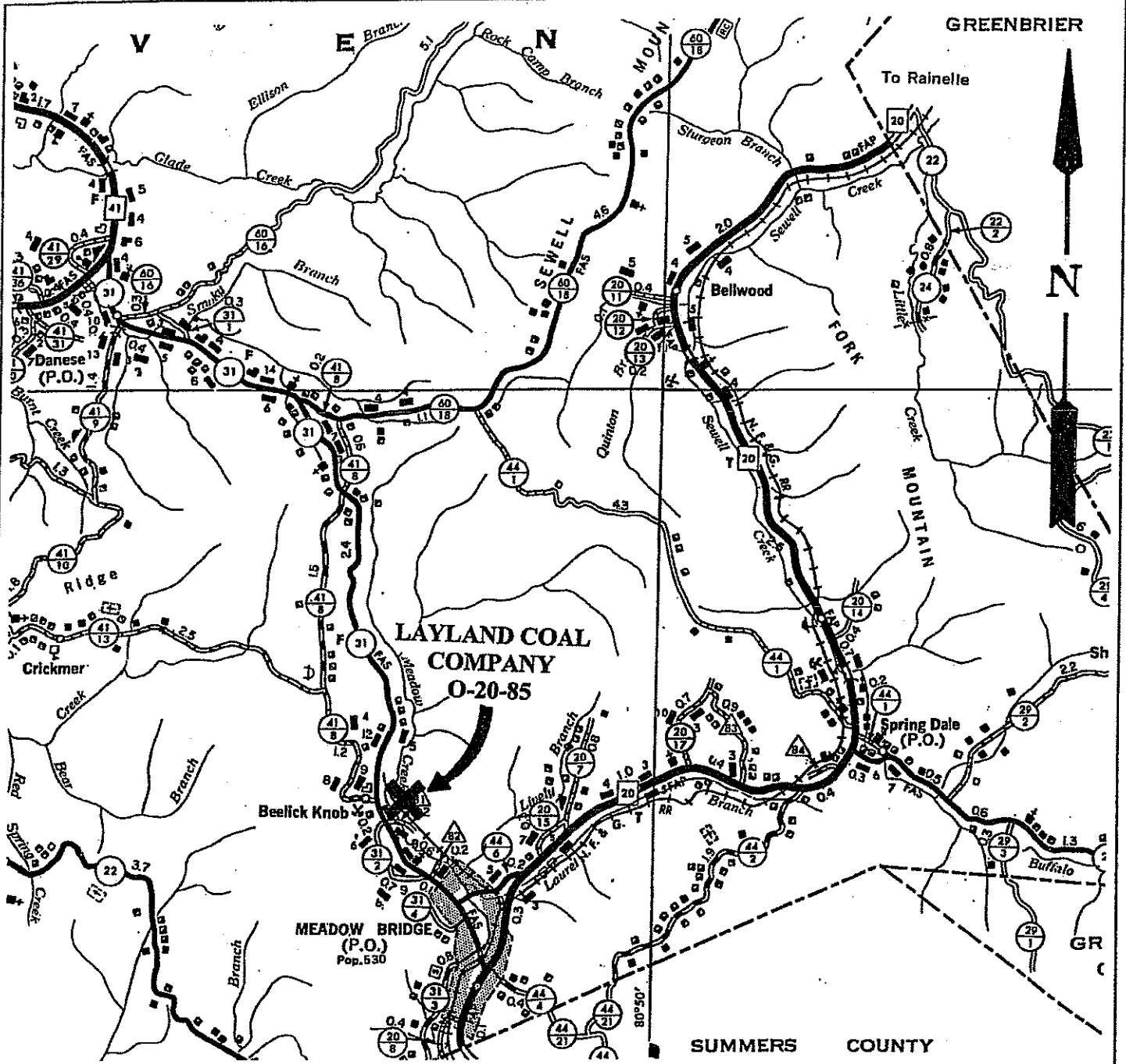
DIRECTIONS

FROM THE JUNCTION OF STATE ROUTE 20 AND STATE ROUTE 31 IN THE TOWN OF MEADOW BRIDGE. TAKE STATE ROUTE 31, TOWARD DANESE FOR 1.7 MILES AND TURN RIGHT ONTO THE HAULROAD.

| | |
|---------------------------------|--------------|
| SPECIAL RECLAMATION | |
| LAYLAND COAL COMPANY O-20-85 | |
| SCALE: N/A | DRAWN BY: |
| DATE: | PROJECT NO.: |

SPENDING UNIT
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL
PROTECTION/SPECIAL RECLAMATION

WV-36 STATE OF WEST VIRGINIA
REV. 1/29/02 PURCHASING CONTINUATION SHEET
VENDOR:



LOCATION MAP

| | |
|---------------------------------|--------------|
| SPECIAL RECLAMATION | |
| LAYLAND COAL COMPANY O-20-85 | |
| SCALE: N/A | DRAWN BY: |
| DATE: | PROJECT NO.: |

| | | |
|--|-------------|----------------------------|
| BUYER CB-23 | PAGE 012 | REQ. OR PO NO. DEP13717 |
| SPENDING UNIT | | |
| WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/ OFFICE OF SPECIAL RECLAMATION | | |

WV-36 STATE OF WEST VIRGINIA
 REV. 1/29/02 PURCHASING CONTINUATION SHEET
 VENDOR:

| ITEM NO. | QUANTITY | DESCRIPTION | UNIT PRICE | AMOUNT |
|---|-------------|--|------------------------------------|------------------------------|
| BID SCHEDULE | | | | |
| PERMIT NAME: <u>Layland Coal Company</u> | | | | |
| PERMIT NUMBER(S): <u>O-20-85</u> | | | | |
| 1.0 | LUMP SUM | <u>MOBILIZATION/DEMOBILIZATION</u> (5% Total Bid Maximum for this permit) | LUMP SUM | \$ <u>2000</u> ⁻ |
| 2.0 | LUMP SUM | <u>SPILL CONTAINMENT AREA</u> (S.C.A.)(\$1,000.00 Maximum Bid for this permit) | LUMP SUM | \$ <u>1000</u> ⁻ |
| 3.0 | LUMP SUM | <u>HAULROAD/ACCESS ROAD</u> (5% Total Bid Maximum for this permit) | LUMP SUM | \$ <u>1000</u> ⁻ |
| 4.0 | LUMP SUM | <u>REGRADING AND TOPSOILING</u> | LUMP SUM | \$ <u>7616</u> ⁻ |
| 5.0 | | <u>REVEGETATION</u> | | |
| 5.1 | LUMP SUM | <u>AGRICULTURAL LIME</u> | LUMP SUM | \$ <u>1000</u> ⁻ |
| 5.2 | LUMP SUM | <u>FERTILIZER</u> | LUMP SUM | \$ <u>1000</u> ⁻ |
| 5.3 | LUMP SUM | <u>MULCH</u> | LUMP SUM | \$ <u>1000</u> ⁻ |
| 5.4 | LUMP SUM | <u>VEGETATIVE SPECIES</u> | LUMP SUM | \$ <u>1000</u> ⁻ |
| 6.0 | LUMP SUM | <u>CONSTRUCTION STAKEOUT</u> (Limited to 5% Total Bid For This Permit) | LUMP SUM | \$ <u>1000</u> ⁻ |
| 7.0 | | <u>EXISTING SEDIMENT CONTROL STRUCTURES</u> | | |
| 7.1 | LUMP SUM | <u>ELIMINATE POND 1</u> | LUMP SUM | \$ <u>7300</u> ⁻ |
| 7.2 | LUMP SUM | <u>ELIMINATE POND 2</u> | LUMP SUM | \$ <u>7300</u> ⁻ |
| 7.3 | LUMP SUM | <u>ELIMINATE SUMPS</u> | LUMP SUM | \$ <u>7248</u> ⁻ |
| 8.0 | 200 LF | <u>HAYBALE DIKE</u> (Max. Bid \$5.00 Per LF) | \$ <u>1</u> ⁻ PER LF | \$ <u>200</u> ⁻ |
| 9.0 | LUMP SUM | <u>STRUCTURE AND/OR DEBRIS REMOVAL</u> | LUMP SUM | \$ <u>1000</u> ⁻ |
| 10.0 | NO BID ITEM | <u>UTILITIES</u> | NO BID ITEM | |
| 11.0 | LUMP SUM | <u>TOPDRESSING</u> | LUMP SUM | \$ <u>1000</u> ⁻ |
| TOTAL FOR PERMIT <u>O-20-85</u> | | | | \$ <u>40664</u> ⁻ |

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

1155

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 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: EASTERN ARROW CORP INC dba PIONEER CONST.

Authorized Signature:  Date: 11-27-07

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Eastern Arrow Corporation DBA Pioneer Construction
of PO Box 4108, Charleston, West Virginia 25364, as Principal, and Ohio Farmers Insurance Company
of PO Box 5001 Westfield Center Ohio, 44251, a corporation organized and existing under the laws of the State of
Ohio with its principal office in the City of Westfield Center, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of 5% of bid amount (\$ 5% of bid amount) 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
DEP13717, Layland Coal Company, according to plans and 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
19th day of October, 2007.

Principal Corporate Seal

Eastern Arrow Corporation DBA Pioneer Construction

(Name of Principal)

By 

(Must be President or
Vice President)

Ann Wardwell, President

(Title)

Surety Corporate Seal

Ohio Farmers Insurance Company

(Name of Surety)


Attorney-in-Fact
Ross Johnson, 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.

General
Power
of Attorney

Westfield Insurance Co.
Westfield National Insurance Co.
Ohio Farmers Insurance Co.
Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint
ROSS E. JOHNSON, PATRICIA C. BAIRE, JOINTLY OR SEVERALLY

of **CHARLESTON** and State of **WV** its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, undertakings, and recognizances; provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed FIVE MILLION DOLLARS AND NO CENTS (\$5,000,000)---**

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact, may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their **Senior Executive** and their corporate seals to be hereto affixed this **10th** day of **DECEMBER** A.D., **2004**.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

Richard L. Kinnaird, Jr.
By: **Richard L. Kinnaird, Jr., Senior Executive**

State of Ohio
County of Medina ss.:

On this **10th** day of **DECEMBER** A.D., **2004**, before me personally came **Richard L. Kinnaird, Jr.** to me known, who, being by me duly sworn, did depose and say, that he resides in **Medina, Ohio**; that he is **Senior Executive** of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



William J. Kahelin
William J. Kahelin, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio
County of Medina ss.:

I, **Frank A. Carrino**, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this **19th** day of **October** 2007.D.,



Frank A. Carrino
Frank A. Carrino, Secretary