



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
 DEP13951

PAGE
 1

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

RFQ COPY

TYPE NAME/ADDRESS HERE

VENDOR

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

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPARTMENT OF
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED 10/01/2007	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
BID OPENING DATE: 11/14/2007	BID OPENING TIME			01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
<p>LEACHATE COLLECTION SYSTEM MAINTENANCE</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S OFFICE OF ENVIRONMENTAL REMEDIATION, IS SEEKING BIDS TO PROVIDE CLEANING OF LEACHATE COLLECTION AND TRANSPORTATION LINES AT TWENTY-TWO (22) LANDFILL FACILITIES MANAGED WITHIN THE LANDFILL CLOSURE ASSISTANCE PROGRAM (LCAP) IN WEST VIRGINIA, PER THE ATTACHED SPECIFICATIONS, SCOPE OF WORK, BID REQUIREMENTS, TERMS & CONDITIONS, AND THE BID SCHEDULES AS ATTACHED.</p> <p>A MANDATORY PRE-BID IS SCHEDULED FOR TUESDAY, 10/23/07 AT 10:00 AM AT THE WVDEP HEADQUARTERS AT 601 57TH ST. CHARLESTON, WV 25304. (304.926.0499) FAILURE TO ATTEND THIS MANDATORY MEETING WILL RESULT IN BID DISQUALIFICATION.</p> <p>INCLUDED ATTACHMENTS INDICATE ESTIMATED LINE FOOTAGES NEEDING CLEANED AT EACH OF THE LANDFILLS. MAPS OF THE LANDFILLS WILL BE PROVIDED AT THE PRE-BID MEETING AND INCLUDED BY OFFICIAL ADDENDUM ALONG WITH ANY QUESTIONS OR CLARIFICATIONS RESULTING FROM THE PRE-BID MEETING.</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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Patrick H. Cunningham</i>	TELEPHONE 304-783-5484	DATE 11/9/07
TITLE PARTNER	FERN 55-091-6915	ADDRESS CHANGES TO BE NOTED ABOVE

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

**GENERAL TERMS & CONDITIONS
REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)**

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125.00 registration fee.
5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contract, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this Contract may be deemed null and void, and terminated without further order.
14. **HIPAA Business Associate Addendum** - The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in cases of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications.

SIGNED BID TO:

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

RECEIVED

2007 NOV 13 A 9:28

PURCHASING DIVISION



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

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VENDOR

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

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPARTMENT OF
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
10/01/2007				
BID OPENING DATE: 11/14/2007		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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> <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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Patrick H. Cunningham</i>	TELEPHONE 304-783-5484	DATE 11/9/07
TITLE PARTNER	FEIN 55-056915	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
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 Charleston, WV 25305-0130

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RFQ NUMBER
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ADDRESS CORRESPONDENCE TO ATTENTION OF:
 CHUCK BOWMAN
 304-558-2157

RFQ COPY
 TYPE NAME/ADDRESS HERE

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

ENVIRONMENTAL PROTECTION
 DEPARTMENT OF
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED 10/01/2007	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
BID OPENING DATE: 11/14/2007	BID OPENING TIME		01:30PM	

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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>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 10</p> <p>REQUISITION NO.: DEP13951</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 X</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: *Patrick H. Cunningham* TELEPHONE: 304-783-5484 DATE: 11/9/07

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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ADDRESS CORRESPONDENCE TO ATTENTION OF:
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RFQ COPY
 TYPE NAME/ADDRESS HERE

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

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ENVIRONMENTAL PROTECTION
 DEPARTMENT OF
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DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
10/01/2007				

BID OPENING DATE: 11/14/2007 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;"><i>Patricia H. Cunningham</i> SIGNATURE</p> <p style="text-align: center;">... TEN-A-COAL COMPANY ... COMPANY</p> <p style="text-align: center;">... NOVEMBER 9, 2007 ... DATE</p> <p>REV. 11/96</p> <p>AN ORIGINAL, 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>SEALED BID</p> <p>BUYER: CB-23</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	<i>Patricia H. Cunningham</i>	TELEPHONE	304-783-5484	DATE	11/9/07
TITLE	PARTNER	FEIN	55-851-6915	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
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Request for Quotation

RFQ NUMBER
DEP13951

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

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TYPE NAME/ADDRESS HERE

PURCHASING

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

SHIP TO

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 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED 10/01/2007	TERMS OF SALE 11/14/2007	SHIP VIA	F.O.B.	FREIGHT TERMS BID OPENING TIME 01:30PM
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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				DEP13951		
				BID OPENING DATE:		11/14/2007
				BID OPENING TIME:		1:30 PM
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- 304-783-5514 ----- CONTACT PERSON (PLEASE PRINT CLEARLY): ----- PATRICK H. CUNNINGHAM -----						
***** THIS IS THE END OF RFQ DEP13951 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Patrick H. Cunningham</i>	TELEPHONE 304-783-5484	DATE 11/9/07
TITLE PARTNER	FEIN 55-051-0015	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ INSERT NAME AND ADDRESS IN SPACE ABOVE I AM THE VENDOR



State of West Virginia
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 Charleston, WV 25305-0130

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1

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

VENDOR

*709042248 304-783-5484
TEN A COAL COMPANY
RT 4 BOX 253

CLARKSBURG WV 26301

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VARIOUS LOCALES AS INDICATED
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DATE PRINTED 10/28/2007	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **11/14/2007** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>***** ADDENDUM NO. 1 *****</p> <p>ADDENDUM ISSUED FOR THE LEACHATE COLLECTION AND TRANSPORT FOR 22 LANDFILLS IN WV AS A RESULT OF THE MANDATORY PRE-BID MEETING OF 10/23/2007.</p> <p>ATTACHED ARE THE PRE-BID SIGN-IN SHEETS AND THE Q/A FROM THE MEETING.</p> <p>BID DATE AND OPENING TIME REMAIN 11/14/07 AT 1:30 PM.</p> <p>***** NO OTHER CHANGES *****</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Patricia H. Cunningham</i>	TELEPHONE 304-783-5484	DATE 11/9/07
TITLE PARTNER	FEIN 55-056915	ADDRESS CHANGES TO BE NOTED ABOVE

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**RFQ# DEP13951
Bid Sheet**

Department of Environmental Protection
Office of Environmental Remediation
Landfill Closure Assistance Program

LCAP Leachate Collection System Maintenance Region One

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Amount</u>
1.	City of Buckhannon Landfill	LS	\$ 3,268.91
2.	Clarksburg Landfill	LS	\$ 2,997.50
3.	Marion County Landfill	LS	\$ 9,360.92
4.	Monongalia County Landfill	LS	\$ 4,792.73
5.	City of Morgantown Landfill	LS	\$ 3,345.21
6.	Preston County / Rehe Landfill	LS	\$ 4,418.86
7.	Wheeling Landfill	LS	\$ 2,997.50

Total Project Cost = \$ 31,181.63

Company Name TEN-A-COAL COMPANY

Name (printed) PATRICK H. CUNNINGHAM Title PARTNER

Address: RT. 4, BOX 253, CLARKSBURG, WV 26301

Signature *Patrick H. Cunningham* Date 11/9/07

RFQ# DEP13951

Bid Sheet

Department of Environmental Protection
Office of Environmental Remediation
Landfill Closure Assistance Program

LCAP Leachate Collection System Maintenance Region Two

Item No.	Description	Unit	Amount
1.	Berkeley County Landfill	LS	\$ 10,758.80
2.	Fayette County Landfill	LS	\$ 2,167.10
3.	Grant County / Petersburg Landfill	LS	\$ 3,289.00
4.	Hampshire County Landfill	LS	\$ 1,713.40
5.	Jefferson County Landfill	LS	\$ 2,930.20
6.	McDowell County Landfill	LS	\$ 7,369.70
7.	City of Montgomery Landfill	LS	\$ 2,687.10
8.	Wyoming County Landfill	LS	\$ 4,329.00

Total Project Cost = \$ 35,244.30

Company Name TEN-A-COAL COMPANY

Address: RT. 4, BOX 253, CLARKSBURG, WV 26301

Name (printed) PATRICK H. CUNNINGHAM Title PARTNER

Signature *Patrick H. Cunningham* Date 11/9/07

RFQ# DEP13951
Bid Sheet
 Department of Environmental Protection
 Office of Environmental Remediation
 Landfill Closure Assistance Program

LCAP Leachate Collection System Maintenance Region Three

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Amount</u>
1.	Central WV Refuse Landfill	LS	\$ 4,702.80
2.	Don's Disposal Landfill	LS	\$ 8,760.00
3.	ERO Landfill	LS	\$ 11,598.00
4.	Fleming Landfill	LS	\$ 10,368.00
5.	Jackson County Landfill	LS	\$ 17,760.00
6.	Kanawha Western Landfill	LS	\$ 7,749.60
7.	Mingo County Landfill	LS	\$ 5,522.40
Total Project Cost			\$ 66,460.80

Company Name TEN-A-COAL COMPANY

Address: RT. 4, BOX 253, CLARKSBURG, WV 26301

Name (printed) PATRICK H. CUNNINGHAM Title PARTNER

Signature *Patrick H. Cunningham* Date 11/9/07

Attachment A

STATE OF WEST VIRGINIA
Purchasing Division**PURCHASING AFFIDAVIT**

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

DEFINITIONS:

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

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

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

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 COMPANY

Authorized Signature: *Patricia H. Cunningham* Date: 11/9/07