

JL Pretzel Contracting LLC
 9 Belgian Estates
 Bruceton Mills, WV 26525

| | | |
|----------------------------------------------------------------------------------------------|-------------|-----------------------------|
| BUYER CB-23 | PAGE 013 | REQ. OR PO NO. DEP 14145 |
| SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION | | |

WV-36a STATE OF WEST VIRGINIA
 Rev. 9/13/07 PURCHASING CONTINUATION SHEET
 VENDOR:

| ITEM NO. | QUANTITY | DESCRIPTION | UNIT PRICE | AMOUNT |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------------|-------------------------|--------------|
| BID SCHEDULE | | | | |
| PERMIT NAME: West Virginia Energy, Inc. | | | | |
| PERMIT NUMBER(S): S-1012-87 | | | | |
| <p>The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable. Pursuant to Legislative Rule 148-CSR1, 6.4.2. The Director may accept or reject, in whole or in part, any bid when the Director feels it to be in the best interest of the State. If any bid is rejected, the Director shall place a written explanation in the purchase order file.</p> | | | | |
| 1.0 | LUMP SUM | MOBILIZATION/DEMOBILIZATION/PROJECT SIGN (5% Total Bid Maximum for this permit) | LUMP SUM | \$ 6,500.00 |
| 2.0 | LUMP SUM | SPILL CONTAINMENT AREA (S.C.A.) (\$1,000.00 Maximum Bid for this permit) | LUMP SUM | \$1,000.00 |
| 3.0 | 2000 LF | HAULROAD/ACCESS ROAD UPGRADE | \$ 15.05 PER LF | \$ 30,100.00 |
| 4.0 | 150 TON | INCIDENTAL #1 STONE FOR ROAD UPGRADE | \$ 19.50 PER TON | \$ 2,925.00 |
| 5.0 | 22.0 AC | REGRAIDING AND TOPSOILING | \$ 2,180.00 PER ACRE | \$47,960.00 |
| 6.0 | REVEGETATION | | | |
| 6.1 | 22.0 AC | AGRICULTURAL LIME | \$ 500.00 PER ACRE | \$ 11,000.00 |
| 6.2 | 22.0 AC | FERTILIZER | \$ 500.00 PER ACRE | \$ 11,000.00 |
| 6.3 | 22.0 AC | MULCH | \$ 900.00 PER ACRE | \$19,800.00 |
| 6.4 | 22.0 AC | VEGETATIVE SPECIES | \$ 100.00 PER ACRE | \$2,200.00 |
| 7.0 | 600 LF | RIPRAP DITCH | \$ 22.00 PER LF | \$ 13,200.00 |

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| BUYER CB-23 | PAGE <u>4</u> | REQ. OR PO NO. DEP 14145 |
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WV-36a STATE OF WEST VIRGINIA
 Rev. 9/13/07 PURCHASING CONTINUATION SHEET
 VENDOR:

| | | | | |
|--------------------------------------|-----------------|----------------------------------------------|--------------------------|---------------------|
| 8.0 | NO BID ITEM | <u>UTILITIES</u> | NO BID ITEM | |
| 9.0 | LUMP SUM | <u>CLEAR AND GRUB</u> | LUMP SUM | <u>\$4,400.00</u> |
| 10.0 | <u>3,900</u> LF | <u>HAYBALE DIKE (Max. Bid \$5.00 Per LF)</u> | <u>\$ 4.25</u> PER LF | <u>\$16,575.00</u> |
| TOTAL PERMIT <u>S-1012-87</u> | | | | <u>\$166,660.00</u> |

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| BUYER CB-23 | PAGE 019 | REQ. OR PO NO. DEP 14145 |
| SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION | | |

WV-36a STATE OF WEST VIRGINIA
 Rev. 9/13/07 PURCHASING CONTINUATION SHEET
 VENDOR:

| ITEM NO. | QUANTITY | DESCRIPTION | UNIT PRICE | AMOUNT |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------|--------------------------------|---------------------|
| BID SCHEDULE | | | | |
| PERMIT NAME: <u>West Virginia Energy, Inc.</u> | | | | |
| PERMIT NUMBER(S): <u>S-20-83</u> | | | | |
| <p>The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable. Pursuant to Legislative Rule 148-CSR1, 6.4.2. The Director may accept or reject, in whole or in part, any bid when the Director feels it to be in the best interest of the State. If any bid is rejected, the Director shall place a written explanation in the purchase order file.</p> | | | | |
| 11.0 | <u>4.0 AC</u> | <u>REGRAIDING AND TOPSOILING</u> | <u>\$ 2,180.00</u> PER ACRE | <u>\$ 8,720.00</u> |
| 12.0 | | <u>REVEGETATION</u> | | |
| 12.1 | <u>4.0 AC</u> | <u>AGRICULTURAL LIME</u> | <u>\$ 500.00</u> PER ACRE | <u>\$ 2,000.00</u> |
| 12.2 | <u>4.0 AC</u> | <u>FERTILIZER</u> | <u>\$ 500.00</u> PER ACRE | <u>\$ 2,000.00</u> |
| 12.3 | <u>4.0 AC</u> | <u>MULCH</u> | <u>\$ 900.00</u> PER ACRE | <u>\$ 3,600.00</u> |
| 12.4 | <u>4.0 AC</u> | <u>VEGETATIVE SPECIES</u> | <u>\$ 100.00</u> PER ACRE | <u>\$ 400.00</u> |
| 13.0 | <u>600 LF</u> | <u>RIPRAP DITCH</u> | <u>\$ 22.10</u> PER LF | <u>\$13,260.00</u> |
| 14.0 | <u>450 LF</u> | <u>HAYBALE DIKE (Max. Bid \$5.00 Per LF)</u> | <u>\$ 4.25</u> PER LF | <u>\$ 1,912.50</u> |
| 15.0 | LUMP SUM | <u>CLEAR AND GRUB</u> | LUMP SUM | <u>\$ 3,000.00</u> |
| 16.0 | <u>20 LF</u> | <u>HDPE CULVERT 24" DIAMETER</u> | <u>\$ 50.00</u> PER LF | <u>\$ 1,000.00</u> |
| <u>TOTAL PERMIT S-20-83</u> | | | | <u>\$35,892.50</u> |
| <u>TOTAL PERMIT S-1012-87</u> | | | | <u>\$166,660.00</u> |
| <u>GRAND TOTAL</u> | | | | <u>\$202,552.50</u> |



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
DEP14145

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

RFQ COPY
TYPE NAME/ADDRESS HERE

JL Pretzel Contracting LLC
 9 Belgian Estates
 Bruceton Mills, WV 26525

 20-8097120
 WV 042529 Contractors Lic.

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 |
|--------------|---------------|----------|-----|---------------|
| 11/29/2007 | | | | |

BID OPENING DATE: **01/16/2008** BID OPENING TIME **01:30PM**

| LINE | QUANTITY | UQP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|--------|-------------|------------|--------|
| 0001 | 1 | JB | | 962-73 | | |
| <p>RECLAMATION: RESTORATION OF LAND</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS TO PERFORM RECLAMATION ON THE MINING OPERATION OF WEST VIRGINIA ENERGY, INC., NOW UNDER REVOKED PERMIT NUMBER(S) S-1012-87 & S-20-83. THIS SITE CONSISTS OF APPROXIMATELY 26 ACRES AND IS LOCATED NEAR CLEARVIEW, WV, IN BROOKE AND OHIO COUNTY.</p> <p>THE RECLAMATION SHALL BE PERFORMED UNDER THE GUIDANCE AND GENERAL SUPERVISION OF THE AGENT ASSIGNED TO THE PROJECT FOR THE STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION.</p> <p>A MANDATORY ON-SITE PREBID CONFERENCE SHALL BE HELD ON 12/19/2007 @ 10:00 AM. FAILURE TO ATTEND THE PREBID CONFERENCE WILL RESULT IN BID DISQUALIFICATION.</p> <p>DIRECTIONS TO PREBID: FROM WHEELING, TRAVEL NORTH ON ROUTE 2. FOLLOW AIRPORT SIGNS. TURN EAST ONTO STATE RT. 1. TURN LEFT ONTO COUNTY RT 2/2. TURN RIGHT INTO THE AIRPORT PARKING LOT FOR ACCESS TO SITE 1.</p> <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, DIVISION OF</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | |
|-----------------------------------|----------------------------|-----------------------------------|
| SIGNATURE <i>Jamie L. Poff</i> | TELEPHONE (304)288-2825 | DATE 1/22/2008 |
| TITLE MGR | FEIN @0-8097120 | 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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 PHILIPPI, WV
 26416-9998 304-457-3219

| DATE PRINTED | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
|--------------|---------------|----------|-----|---------------|
| 11/29/2007 | | | | |

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| | | | | | | |
| <p>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: CONTRACTORS NAME - J.L.Pretzel Contracting, LLC CONTRACTORS LICENSE NO. - WV 042529</p> <p>THE SUCCESSFUL BIDDER IS 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 RULES 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> <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> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | |
|-----------------------------------|-----------------------------|-----------------------------------|
| SIGNATURE <i>James L. Huff</i> | TELEPHONE (304) 288-2825 | DATE 1/22/2008 |
| TITLE MGR | FEIN 20-8097120 | ADDRESS CHANGES TO BE NOTED ABOVE |

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| | | | | | | |
| <p>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 ALL BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION. 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>DEP14145</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> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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| SIGNATURE <i>Jamie L. Pratt</i> | TELEPHONE <i>(304) 288-2825</i> | DATE <i>1/22/2008</i> |
| TITLE <i>Mgr</i> | FEIN <i>20-8097120</i> | 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
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 Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER:
DEP14145

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

**RFQ COPY
 TYPE NAME/ADDRESS HERE**

JL Pretzel Contracting LLC
 9 Belgian Estates
 Bruceton Mills, WV 26525

**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 |
|--------------|---------------|----------|-----|---------------|
| 11/29/2007 | | | | |

BID OPENING DATE: 01/16/2008 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
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| ADDENDUM NOS.: | | | | | | |
| NO. 1 | | | | | | |
| NO. 2 | | | | | | |
| NO. 3 | | | | | | |
| NO. 4 | | | | | | |
| NO. 5 | | | | | | |
| <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.</p> <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>.....<i>James L. Pretzel</i>.....SIGNATURE <i>J.L. Pretzel Contracting LLC</i>.....COMPANY <i>Jan. 22, 2008</i>.....DATE</p> | | | | | | |
| REV. 11/96 | | | | | | |
| NOTICE | | | | | | |
| A SIGNED BID MUST BE SUBMITTED TO: | | | | | | |

| | | | |
|-------------------------------------------|------------------------------------|-----------------------------------|--|
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS | | | |
| SIGNATURE <i>James L. Pretzel</i> | TELEPHONE <i>(304) 288-2825</i> | DATE <i>1/22/2008</i> | |
| TITLE <i>mgr.</i> | FAX <i>20-8097120</i> | ADDRESS CHANGES TO BE NOTED ABOVE | |

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| RFQ NUMBER DEP14145 |
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| PAGE 1 |
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| ADDRESS CORRESPONDENCE TO ATTENTION OF: CHUCK BOWMAN 304-558-2157 |
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JL Pretzel Contracting LLC
 Attention: Jamie Pretzel
 Box 9 Belgian Est.
 Bruceton Mills, WV 26525

SHIP TO

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

| | | | | |
|------------------------------|---------------|--------------------------|-----|---------------|
| DATE PRINTED 01/08/2008 | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
| BID OPENING DATE: 01/23/2008 | | BID OPENING TIME 01:30PM | | |

| LINE | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|----------|-------------|------------|--------|
| ***** ADDENDUM NO. 1 ***** | | | | | | |
| ADDENDUM ISSUED FOR THE WV ENERGY, INC. RECLAMATION PROJECT IN BROOKE & OHIO COUNTIES, TO DISTRIBUTE THE PRE-BID SIGN-IN SHEET FROM THE 12/19/07 MEETING AND THE QUESTIONS/ANSWERS RESULTING FROM THAT MANDATORY CONFERENCE. | | | | | | |
| BID DATE AND OPENING TIME HAS BEEN EXTENDED TO 01/23/08 AT 1:30 PM. | | | | | | |
| ***** NO OTHER CHANGES ***** | | | | | | |
| 0001 | 1 | JB | | 962-73 | | |
| RECLAMATION: RESTORATION OF LAND | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | |
|--------------------------------------|---------------------------|-----------------------------------|
| SIGNATURE <i>Jamie L. Pretzel</i> | TELEPHONE <i>(304)</i> | DATE <i>1/22/08</i> |
| TITLE <i>Mgr</i> | FEIN <i>20-8097120</i> | ADDRESS CHANGES TO BE NOTED ABOVE |

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| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|--------|-------------|------------|--------|
| DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID BUYER: CB-23 REQ. NO.: DEP14145 BID OPENING DATE: 01/16/2008 BID OPENING TIME: 1:30 P.M. PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- (304) 379-7789 ----- PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE: ----- Jamie Pretzel ----- | | | | | | |

| | | | |
|-------------------------------------------|-----------------------------|-----------------------------------|--|
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS | | | |
| SIGNATURE <i>Jamie L. Pretzel</i> | TELEPHONE (304) 288-2825 | DATE 1/22/2008 | |
| TITLE <i>Mgr.</i> | FAX 20-8097120 | ADDRESS CHANGES TO BE NOTED ABOVE | |

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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 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: JL Pretzel Contracting LLC

Authorized Signature: Garnie L Pretzel Date: 1/22/2008

BID BOND

BOND #261046-00

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, J L PRETZEL CONTRACTING, LLC

of BRUCETON MILLS WEST VIRGINIA, as Principal, and AMERICAN CONTRACTORS INDEMNITY CO
of LOS ANAGELES CA, a corporation organized and existing under the laws of the State of CA
with its principal office in the City of LOS ANAGELES, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of TEN THOUS ONE TWENTY EIGHT \$10,128.00 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
RESTORING OF LAND

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

23RD day of JANUARY, 20 08.

Principal Corporate Seal

J L PRETZEL
CONTRACTING LLC

J L PRETZEL CONTRACTING, LLC

(Name of Principal)

By

Jamie L. Poff
(Must be President or Vice President)

Mg.

(Title)

Surety Corporate Seal

AMERICAN CONTRACTORS INDEMNITY COMPANY

(Name of Surety)

Brandis B. Poff
Attorney-in-Fact

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

American Contractors Indemnity Company

9841 Airport Blvd., 9th Floor Los Angeles, California 90045



POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That American Contractors Indemnity Company of the State of California, a California corporation, does hereby appoint, **Charles W. Manning or Brenda G. Poff of Huntington, West Virginia**

its true and lawful Attorney(s)-in-Fact, with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an Amount not to exceed \$ *** 1,000,000.00 ***. This Power of Attorney shall expire without further action on June 29, 2009.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of AMERICAN CONTRACTORS INDEMNITY COMPANY at a meeting duly called and held on the 6th day of December, 1990.

"RESOLVED that the Chief Executive Officer, President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have the power and authority

1. To appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
2. To remove, at any time, any such Attorney-in-Fact and revoke the authority given.

RESOLVED FURTHER, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN WITNESS WHEREOF, American Contractors Indemnity Company has caused its seal to be affixed hereto and executed by its Executive Vice President on the 9th day of January, 2007.



AMERICAN CONTRACTORS INDEMNITY COMPANY

By:

Adam S. Pessin

Adam S. Pessin, Executive Vice President

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

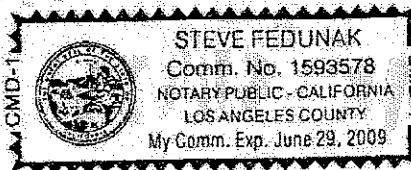
On this 9th day of January, 2007, before me, Steve Fedunak, a notary public, personally appeared Adam S. Pessin, Executive Vice President of American Contractors Indemnity Company, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Steve Fedunak

Signature of Notary

My Commission expires June 29, 2009



I, Jeannie J. Kim, Corporate Secretary of American Contractors Indemnity Company, do hereby certify that the Power of Attorney and the resolution adopted by the Board of Directors of said Company as set forth above, are true and correct transcripts thereof and that neither the said Power of Attorney nor the resolution have been revoked and they are now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 23RD day of JANUARY, 2008

Jeannie J. Kim

Jeannie J. Kim, Corporate Secretary

Bond No. 261046-00

Agency No. 9130