



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
DEPI4148

PAGE
1

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

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KB Fast Foods LLC
1768 Mileground Rd
Morgantown, WV 26505-3753

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 05/15/2008 | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
| BID OPENING DATE: 06/17/2008 BID OPENING TIME 01:30PM | | | | |

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
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| 0001 | 1 | EA | | 335-18 | | |
| <p>ANHYDROUS AMMONIA</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S OFFICE OF OF SPECIAL RECLAMATION, IS SOLICITING BIDS FROM QUALIFIED VENDOR'S TO PROVIDE AND DELIVER ANHYDROUS AMMONIA TO SPECIAL RECLAMATION FORFEITED SITES AS LISTED HEREIN, PER THE FOLLOWING SPECIFICATIONS, BID REQUIREMENTS, TERMS & CONDITIONS, AND THE ESTIMATED QUANTITIES NOTED ON THE BID SCHEDULE, PER THE ATTACHED.</p> <p>THE SUPPLIED ANHYDROUS AMMONIA IS TO BE DELIVERED TO THE WV DEP OFFICE OF SPECIAL RECLAMATION PROJECTS LISTED BELOW: PLEASE CONTACT MIKE REESE @ 304.457.3219 FOR SITE LOCATION ADDRESS, DIRECTIONS, CONTACT PERSONNEL, AND PHONE NUMBERS.</p> <ol style="list-style-type: none"> 1. F&M-- TUNNELTON, WV 2. OMEGA-- MORGANTOWN, WV 3. T&T - ALBRIGHT, WV 4. BUFFALO MINING - VICINITY OF MT. STORM, WV 5. VARIOUS LOCATIONS IN WEST VIRGINIA. <p>BECAUSE OF THE ACIDIC NATURE OF THE MINE SOILS ON THESE PROPERTIES, IT IS NECESSARY TO MAINTAIN A TREATMENT FACILITY. THE FACILITY UTILIZES ANHYDROUS AMMONIA WHICH IS STORED IN BULK TANKS. AS ON-SITE SUPPLIES OF THE CHEMICAL ARE DEPLETED, IT IS NECESSARY TO ORDER AND RECEIVE ADDITIONAL QUANTITIES TO MAINTAIN AN ADEQUATE</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *Margaret Bump* TELEPHONE **(304) 291-6980** DATE **6/13/08**
 TITLE *President* FEIN **55-068-6394** ADDRESS CHANGES TO BE NOTED ABOVE

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



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| <p>SUPPLY ON THE SITES AT ALL TIMES. STORAGE TANK CAPACITIES ARE AS FOLLOWS:</p> <p>F&M 1-10,000 GALLON TANK 1-12,000 GALLON TANK</p> <p>OMEGA 1- 1,000 GALLON TANK 1-10,000 GALLON TANK</p> <p>T&T 1-12,000 GALLON TANK</p> <p>BUFFALO 6- 1,000 GALLON TANK 1-10,000 GALLON TANK</p> <p>TANKS LISTED ARE SCATTERED THROUGHOUT THE PROJECTS.</p> <p>THE VENDOR IS RESPONSIBLE FOR MAKING DELIVERIES OF THE CHEMICAL TO THE SITES. DELIVERY WILL BE MADE IN A TRI-AXLE TANKER TRUCK OR TRACTOR TRAILER, AT THE AGENCY'S DISCRETION, EQUIPPED TO SAFELY TRANSPORT AND TRANSFER THIS CHEMICAL TO THE TREATMENT SITE STORAGE TANKS. TANKER TRUCK MUST HAVE A 23,000 LB (11.5 TON) DELIVERY CAPACITY. THESE SITES ARE LOCATED IN REMOTE AREAS. THE ROAD IS PASSABLE BUT DURING INCLEMENT WEATHER, SOMETIMES PASSAGE IS DIFFICULT. DELIVERY WILL BE REQUIRED DURING ALL WEATHER CONDITIONS AND ON 24 TO 48 HOUR NOTICE. SOME ROAD MAINTENANCE EQUIPMENT AND OPERATORS WILL BE AVAILABLE, AND PERSONNEL WILL BE ON HAND TO DIRECT AND SUPERVISE THE FILLING OF THE STORAGE TANK(S).</p> <p>THE ACQUISITION AND UTILIZATION OF ALL REASONABLE AND NECESSARY EQUIPMENT, LICENSES, PERMITS, SPECIALIZED EQUIPMENT, WILL BE THE RESPONSIBILITY OF THE VENDOR.</p> <p>THE CONTRACT IS INTENDED TO SERVICE THE AFORMENTIONED PROPERTIES; HOWEVER, THE OFFICE OF SPECIAL RECLAMATION RESERVES THE RIGHT TO SPECIFY DELIVERY ON FORTY-EIGHT (48) HOURS NOTICE TO ANY SITE WITHIN THE STATE OF WEST VIRGINIA WHEN AN UNFORSEEN AND URGENT NEED FOR</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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|-----------------------------------|------------------------------------|-----------------------------------|
| SIGNATURE <i>Margaree Bump</i> | TELEPHONE <i>(304) 291-6980</i> | DATE <i>6/13/08</i> |
| TITLE <i>President</i> | FEIN <i>55-068-6394</i> | ADDRESS CHANGES TO BE NOTED ABOVE |

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PURCHASER

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| <p>ANHYDROUS AMMONIA DEVELOPS.</p> <p>THE TANKS THE DEPARTMENT OF ENVIRONMENTAL PROTECTION NOW HAVE NEED TO BE SERVICED, CLEANED, AND REPAIRED OCCASIONALLY AT THE QUOTED HOURLY RATE INCLUSIVE OF ALL TRAVEL EXPENSES.</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> <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 SERVICE</p> | | | | | | |

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| SIGNATURE <i>Maureen Bowen</i> | TELEPHONE <i>(304) 291-6980</i> | DATE <i>6/13/08</i> |
| TITLE <i>Asst. Dir.</i> | FEIN <i>55-068-6394</i> | ADDRESS CHANGES TO BE NOTED ABOVE |

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

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|-----------------------------------|-----------------------------|-----------------------------------|
| SIGNATURE <i>Maneese Bunge</i> | TELEPHONE (304) 291-6980 | DATE 5/13/08 |
| TITLE President | FEIN 55-068-6394 | ADDRESS CHANGES TO BE NOTED ABOVE |

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| <p>AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 04/11/2001</p> <p><i>EXHIBIT 6 Bruceston As services may make price adjustments to this bid in a manner compliant with the provisions below.</i></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 RAW 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 RATE 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>PRICES ON THIS CONTRACT ARE FIRM FOR SIX(6) MONTHS / (180)DAYS FROM THE CONTRACT AWARD DATE. REQUESTED PRICE REVISIONS SUBJECT TO THE PROVISION LANGUAGE NOTED ABOVE.</p> | | | | | | |

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| SIGNATURE <i>Marcene Bump</i> | TELEPHONE <i>(304) 291-6990</i> | DATE <i>6/13/08</i> |
| TITLE <i>President</i> | FEBIN <i>55-068-6394</i> | ADDRESS CHANGES TO BE NOTED ABOVE |

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| <p>VENDOR PREFERENCE CERTIFICATE</p> <p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE, 5A-3-37 (DOES NOT APPLY TO CONSTRUCTION CONTRACTS).</p> <p>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>() BIDDER IS AN INDIVIDUAL RESIDENT VENDOR AND HAS RESIDED CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</p> <p>(X) BIDDER IS A PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR AND HAS MAINTAINED ITS HEAD-QUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY I 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 HEAQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA CONTINUOUSLY FOR THE FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION.</p> <p>B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE</p> | | | | | | |

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| SIGNATURE Maraecee Bueep | TELEPHONE (304) 291-6980 | DATE 6/13/08 |
| TITLE President | FEIN 55-068-6394 | ADDRESS CHANGES TO BE NOTED ABOVE |

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| <p>REASON CHECKED:</p> <p><input checked="" type="checkbox"/> 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><input type="checkbox"/> 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 & 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> <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</p> | | | | | | |

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| SIGNATURE <i>Margaret Bump</i> | TELEPHONE (304) 291-6980 | DATE 6/13/08 |
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| <p>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 PURCHASIN DIVISION IN WRITING IMMEDIATELY.</p> <p>BIDDER: <u>Bruceton Ag Services Inc</u></p> <p>DATE: <u>6/13/08</u></p> <p>SIGNED: <u>Margaret Buep</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> <p>NOTICE</p> <p>AN ORIGINAL, SIGNED BID MUST BE SUBMITTED TO:</p> | | | | | | |

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| <u>Margaret Buep</u> | <u>(304) 291-6990</u> | <u>6/13/08</u> |
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| <u>President</u> | <u>55-068-6394</u> | |

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| 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.: DEP14148 BID OPENING DATE: 06/17/2008 BID OPENING TIME: 1:30 PM PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- (304) 291-6987 ----- CONTACT PERSON (PLEASE PRINT CLEARLY): ----- Mike Graves ----- | | | | | | |

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SIGNATURE: *Maneese Rump* TELEPHONE: (304) 291-6980 DATE: 6/13/08
 TITLE: President FEIN: 55-069-6394 ADDRESS CHANGES TO BE NOTED ABOVE

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

STATE OF WEST VIRGINIA
PURCHASING CONTINUATION SHEET

| | | |
|-----------------|--------------------|------------------------------|
| Buyer: CB-23 | Page 010 | Req. or P.O. No: DEP14148 |
| Spending Unit: | | |

Vendor:

| Item No: | Quantity | Description | Approximate Annual Usage | Unit Price | Amount |
|---|----------|---|--------------------------|-------------------------------|------------------------------|
| Special Reclamation sites, approximate usage per year and tank information for the delivery of anhydrous ammonia. NOTE: TANKER TRUCK MUST HAVE MINIMUM 23,000 LB (11.5 TON) DELIVERY CAPACITY FOR EACH SITE. | | | | | |
| 1 | * 84 TN | F&M Project Vicinity of Tunnelton, WV | 58 TN tractor/trailer | \$ <u>807⁰⁰</u> TN | \$ <u>46,806</u> |
| | | (1) 10,000 and (1) 12,000 gallon tanks | 26 TN tri-axle | \$ <u>870</u> TN | \$ <u>22,620</u> |
| 2 | *192 TN | Omega Project Vicinity of Morgantown, WV | 135 TN tractor/trailer | \$ <u>803⁰⁰</u> TN | \$ <u>108,405</u> |
| | | (1) 1,000 and (1)10,000 gallon tanks | 57 TN tri-axle | \$ <u>857⁰⁰</u> TN | \$ <u>48,849</u> |
| 3 | *246 TN | T&T Project Vicinity of Albright, WV | 172 TN tractor/trailer | \$ <u>805⁰⁰</u> TN | \$ <u>138,460</u> |
| | | (1) 12,000 gallon tank | 74 TN tri-axle | \$ <u>863⁰⁰</u> TN | \$ <u>63,862</u> |
| 4 | *300 TN | Buffalo Coal Co. Vicinity of Mt. Storm, WV | 204 TN tractor/trailer | \$ <u>812</u> TN | \$ <u>165,648</u> |
| | | (1) 10,000 and (6) 1,000 gallon tanks | 96 TN tri-axle | \$ <u>884</u> TN | \$ <u>84,864</u> |
| 5 | * 27 TN | Unforeseen sites (Anywhere in WV) | 19 TN tractor/trailer | \$ <u>900</u> TN | \$ <u>17,100</u> |
| | | | 8 TN tri-axle | \$ <u>990</u> TN | \$ <u>7,920</u> |
| 6 | *12 HR | Tank cleaning, repair and/or servicing (all travel expenses must be included in the hourly rate). | | \$ <u>100</u> HR | \$ <u>1,200⁰⁰</u> |
| TOTAL | | | | | \$ <u>705,734</u> |

7 Split Deliveries **50⁰⁰ per split plus** **60⁰⁰ demurrage - 1st 1 1/2 hrs Free** **\$2.20**
Price per mile

*** All quantities noted above are estimates for evaluation purposes only. Actual ordered quantities will vary.**

STATE OF WEST VIRGINIA
Purchasing Division

= 011

PURCHASING AFFIDAVIT

West Virginia Code §5A-3-10a states: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt 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: Bruceston Ag Services Inc

Authorized Signature: Margaret Bump Date: 6/13/08