



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  
 DEP14241

PAGE  
 1

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

VENDOR

\*B13150503 304-984-2299  
 THAXTON CONSTRUCTION CO INC SI  
 PO BOX 13279  
 SISSONVILLE WV 25360

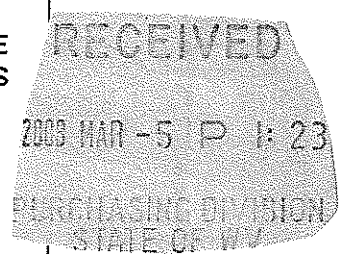
SHIP TO

ENVIRONMENTAL PROTECTION  
 DEPARTMENT OF  
 OFFICE OF AML&R  
 601 57TH STREET SE  
 CHARLESTON, WV  
 25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
01/16/2008				

BID OPENING DATE: 02/28/2008 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		962-73		\$98,000.00
<p><b>RECLAMATION: RESTORATION OF LAND &amp; OTHER PROPERTIES</b></p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WV DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS FOR THE RECLAMATION OF 1/2-ACRE ABANDONED MINE PROJECT KNOWN A "WHITMAN (WILLIAMS) DRAINAGE" PROJECT. THE SITE IS LOCATED IN WHITMAN (LOGAN CO.), WV.</p> <p>A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON 02/05/08 @ 1:30 PM. FAILURE TO ATTEND THE PREBID CONFERENCE WILL RESULT IN BID DISQUALIFICATION. ALSO, PREBIDS WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER.</p> <p><b>DIRECTIONS TO PREBID:</b></p> <p>FROM CHARLESTON, TAKE ROUTE 119 SOUTH APPROXIMATELY 55 MILES. TURN LEFT ON THE WHITMAN JUNCTION EXIT. AT STOP SIGN, TURN LEFT ON HOLDEN ROAD. TRAVEL 0.1 MILES AND TURN RIGHT ON WHITMAN CREEK ROAD (9/1). TRAVEL 0.9 MILES TO SOUTHERN WV ASPHALT AND TRI-STATE MINE SERVICE AND TURN LEFT ON CELESTIAL WAY. SITE IS BEHIND TRI STATE MINE SERVICE.</p> <p>PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM WVDEP, OFFICE AML&amp;R, 601 57TH ST., SE, CHARLESTON, WV 25304 PH. 304-926-0485 UPON PAYMENT OF \$10.00 NON-REFUNDABLE FEE. PAYMENT MUST BE MADE BY CHECK OR MONEY ORDER.</p>						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Kelly D. Thaxton</i>	TELEPHONE 984-2299	DATE 3/5/08
TITLE Vice President	FEIN 55-0743840	ADDRESS CHANGES TO BE NOTED ABOVE

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







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				<p>BIDDING DOCUMENTS YOU CAN CONTACT THE AVS OFFICE AT            800-643-9748 OR WWW.AVS.OSMRE.GOV            *****</p> <p>CONTRACTORS LICENSE</p> <p>WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL 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 OR PHONE 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.            BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME: Thaxton Construction Co., Inc.            CONTRACTORS LICENSE #: WV025029</p> <p>THE SUCCESSFUL BIDDER WILL BE 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 &amp; REGULATIONS, PURCHASING DIVISION POLICY STATEMENTS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p>		

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<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>(1) NOTICE TO PROCEED:            THE CONSTRUCTION WORK SPECIFIED HEREIN IS TO BE COMPLETED WITHIN 365 CALENDAR DAYS AFTER THE OFFICIAL NOTICE TO PROCEED IS RECEIVED. IN THE EVENT THAT A PRE-CONSTRUCTION CONFERENCE IS REQUIRED, THE NOTICE TO PROCEED SHALL BE THE SPECIFIC DATE ESTABLISHED IN THE PRE-CONSTRUCTION CONFERENCE.</p> <p>(2) GUARANTEE AND MAINTENANCE:            (A) THE MATERIALS AND WORKMANSHIP AFFECTED BY THE CONTRACTOR ARE SUBJECT TO THE GUARANTEE ESTABLISHED BY CUSTOM OF THE RESPECTIVE TRADES. IN THE ABSENCE OF A TRADE GUARANTEE CUSTOM OR A SPECIAL GUARANTEE PROVISION, THE WORK, BOTH AS TO THE MATERIALS AND WORKMANSHIP, SHALL UPON ACCEPTANCE OF FINAL PAYMENT BY THE CONTRACTOR BE CONSIDERED GUARANTEED BY THE CONTRACTOR FOR ONE YEAR FROM THE DATE OF THE ACCEPTANCE OF THE WORK. NEITHER THE FINAL ACCEPTANCE NOR THE FINAL PAYMENT SHALL RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR NEGLIGENCE OR FAULTY MATERIALS, AND FOR DEFECTS APPEARING WITHIN THE GUARANTEE PERIOD SHALL BE REMEDIATED AT THE EXPENSE OF THE CONTRACTOR UPON WRITTEN NOTICE.            (B) DURING THE ONE-YEAR GUARANTEE PERIOD, THE CONTRACTOR WILL MAINTAIN THE PROJECT TO THE CONDITIONS EXISTING AT THE DATE OF THE ACCEPTANCE OF THE WORK. ANY FAILURES DUE TO THE NEGLIGENCE OR WORKMANSHIP OF CONTRACTOR IN ANY OF THE WORK THAT DEVELOPS DURING THE GUARANTEE PERIOD SHALL BE CORRECTED BY THE CONTRACTOR</p>						

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<p>AT ITS EXPENSE.</p> <p>(C) THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIME ALLOTTED FOR WORK UNDER THE CONTRACT.</p> <p>(D) GUARANTEES CONCERNING REVEGETATION MAY BE FURTHER DEFINED IN THE TECHNICAL SPECIFICATIONS CONTAINED HEREIN.</p> <p>(3) TERMINATION:            (1) THIS CONTRACT MAY BE CANCELLED IN WHOLE OR IN PART IN WRITING BY THE DIRECTOR OF PURCHASING, WITHOUT PREJUDICE TO ANY OTHER RIGHT OR REMEDY IT MAY HAVE, PROVIDED THAT THE CONTRACTOR IS GIVEN NOT LESS THAN THIRTY CALENDAR DAYS WRITTEN NOTICE, (DELIVERED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED) OF INTENT TO TERMINATE.</p> <p>(4) IT SHALL BE THE RESPONSIBILITY OF THE SUCCESSFUL VENDOR TO:            (A) OBTAIN ALL NECESSARY DIVISION OF HIGHWAYS PERMITS FOR ALL TRANSPORTATION OF EQUIPMENT AND MATERIALS TO AND FROM THE JOB SITE.            (B) OBTAIN ANY AND ALL REQUIRED CONSTRUCTION PERMITS OR RELATED JOB PERMITS.</p> <p>(5) TECHNICAL SPECIFICATIONS:            ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "WHITMAN (WILLIAMS) DRAINAGE" PROJECT. SAID PLANS &amp; SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 5 DRAWINGS AS PREPARED IN-HOUSE BY THE WEST VIRGINIA DEPARMENT OF ENVIRONMENTAL PROTECTION.</p> <p>(6) PAYMENTS AND COMPLETION:</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>Keely D. Thaxton</i>	984-2299	3/5/08
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
Vice President	55-0743840	

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				OR HIGHWAYS, OR THE INSTALLATION OF ANY HEATING OR COOLING OR VENTILATING PLANTS OR OTHER EQUIPMENT, OR THE SUPPLY OF AND MATERIALS FOR SUCH PROJECTS, PURSUANT TO A CONTRACT WITH THE STATE OF WEST VIRGINIA FOR WHICH BIDS WERE SOLICITED ON OR AFTER JUNE 6, 2001.		
				B. "STEEL PRODUCTS" MEANS PRODUCTS ROLLED, FORMED, SHAPED, DRAWN, EXTRUDED, FORGED, CAST, FABRICATED OR OTHERWISE SIMILARLY PROCESSED, OR PROCESSED BY A COMBINATION OF TWO OR MORE OF SUCH OPERATIONS, FROM STEEL MADE BY THE OPEN HEARTH, BASIC OXYGEN, ELECTRIC FURNACE, BESSEMER OR OTHER STEEL MAKING PROCESS.		
				C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.		
2.				THE DIRECTOR OF THE PURCHASING DEPARTMENT MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF:		
				A. THE COST FOR EACH CONTRACT ITEM USED DOES NOT EXCEED ONE TENTH OF ONE PERCENT (.1%) OF THE TOTAL CONTRACT COST OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER. FOR THE PURPOSES OF THIS SECTION, THE COST IS THE VALUE OF THE STEEL PRODUCT AS DELIVERED TO THE PROJECT OR,		
				B. THE DIRECTOR OF THE PURCHASING DIVISION DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY		

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SIGNATURE <i>Keely D. Martin</i>	TELEPHONE 984-2299	DATE 3/5/08
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AVAILABLE TO MEET CONTRACT REQUIREMENTS.						
3. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO W. VA. CODE SECTION 5A-3-56.						
REV. 10/01/01						
EXHIBIT 7						
DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS						
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.						
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						

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<p>OPENING DATE.</p> <p>(3) ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY ALL 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>REQUISITION NO.: .DEP14241</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>						
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<p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p style="text-align: center;"> <i>..... Kelly D. Thaxton .....</i>            SIGNATURE            Thaxton Construction Co., Inc.            COMPANY            ..3/5/08.....            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> <p>SEALED BID</p> <p>BUYER:      CB-23</p>						

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				BID OPENING TIME: 1:30 PM		
				PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- (304)984-2334 -----		
				CONTACT PERSON (PLEASE PRINT CLEARLY): ----- Kelley D. Thaxton -----		
				***** THIS IS THE END OF RFQ    DEP14241 ***** TOTAL:		\$98,000.00

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SIGNATURE <i>Kelley D. Thaxton</i>	TELEPHONE 984-2299	DATE 3/5/08
TITLE Vice president	FEIN 3/5/08	ADDRESS CHANGES TO BE NOTED ABOVE

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Bid Date: 02/28/2008  
Opening: 1:30 pm

014

**WHITMAN (WILLIAMS) DRAINAGE  
BID SHEET**

The bidder agrees to furnish all labor, equipment, and other necessary services for the reclamation of the Whitman (Williams) Drainage project.

The quantity of work done will be paid at the contract lump sum price bid. Payment of said lump sum shall constitute full compensation for doing all the work outlined in the specifications and shown on the plan sheets in a workmanlike and acceptable manner, including the furnishings of all labor, materials, tools, equipment, supplies, and incidentals necessary to complete the work.

**TOTAL LUMP SUM BID:** \$98,000.00

**COMPANY:** Thaxton Construction Co., Inc.

**SIGNATURE:** *Kelley DeMartino*

**DATE:** 3/5/08



Part D.

Contractor Name: \_\_\_\_\_

If the current entity and Entity OFT information for your business is incomplete or incorrect in AVS, or if there is no information in AVS for your business, you must provide all of the following information as it applies to your business affiliations. Please make as many copies of this page as you require.

- Every officer (President, Vice President, Secretary, Treasurer, etc.);
- All Directors;
- All persons performing a function similar to a Director;
- Every person or business that owns 10% or more of the voting stock in your business;
- Every partner, if your business is a partnership;
- Every member and manager, if your business is a limited liability company; and
- Any other person(s) who has the ability to determine the manner in which the AML reclamation project is being conducted.

Name \_\_\_\_\_ Position/Title \_\_\_\_\_  
Address \_\_\_\_\_ Telephone # \_\_\_\_\_  
Begin Date: \_\_\_\_\_ % of Ownership \_\_\_\_\_  
Ending Date: \_\_\_\_\_

Name \_\_\_\_\_ Position/Title \_\_\_\_\_  
Address \_\_\_\_\_ Telephone # \_\_\_\_\_  
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Ending Date: \_\_\_\_\_

Name \_\_\_\_\_ Position/Title \_\_\_\_\_  
Address \_\_\_\_\_ Telephone # \_\_\_\_\_  
Begin Date: \_\_\_\_\_ % of Ownership \_\_\_\_\_  
Ending Date: \_\_\_\_\_

PAPERWORK REDUCTION STATEMENT

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501) requires us to inform you that: Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This information is necessary for all successful bidders prior to the distribution of AML funds, and is required to obtain a benefit.

Public reporting burden for this form is estimated to average 45 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Room 210 SIB, Constitution Ave., NW, Washington, D.C. 20240.



Date: 9-May-2007

Applicant Violator System  
Current Organizational Family Tree (OFT)

Time :11:43:33  
Page: 1

(141839) THAXTON CONSTR CO INC

Total Number: 7

Entity ID	Name	Desc Code	Begin Date	End Date	Pct. Hold Own.	Code
141841	THAXTON, GARLAND D	SH	1-Aug-1995		100%	
141841	THAXTON, GARLAND D	PRS	1-Mar-2001			
141841	THAXTON, GARLAND D	TRS	1-Mar-2001			
141842	THAXTON, KELLEY D	SEC	1-Aug-1995			
141842	THAXTON, KELLEY D	VP	1-Mar-2001			
141844	WILKINSON, CHESTER H	COF	1-Aug-1995			
141845	THAXTON, LESTER L	COF	1-Aug-1995			

*Kelley D. Thaxton*

STATE OF WEST VIRGINIA  
Purchasing Division

019

**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](http://www.state.wv.us/admin/purchase/privacy) for the Notice of Agency Confidentiality Policies.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), it is hereby certified that the vendor acknowledges the information in this said affidavit and are in compliance with the requirements as stated.

Vendor's Name: Thaxton Construction Co., Inc.

Authorized Signature: Keely D. Thaxton Date: 3/5/08



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  
**DEP14241**

PAGE  
**1**

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

RODNEY

\*B13150503      304-984-2299  
 THAXTON CONSTRUCTION CO INC SI  
 PO BOX 13279  
  
 SISSONVILLE WV 25360

SHIP TO

ENVIRONMENTAL PROTECTION  
 DEPARTMENT OF  
 OFFICE OF AML&R  
 601 57TH STREET SE  
 CHARLESTON, WV  
 25304      304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS		
02/19/2008						
BID OPENING DATE: 03/05/2008		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		962-73		\$98,000.00
***** ADDENDUM NO. 1 ***** ADDENDUM ISSUED FOR THE WHITMAN DRAINAGE PROJECT TO DISTRIBUTE THE SIGN-IN SHEET, Q/A, SKETCHES, AND TEST BORING LOGS RESULTING FROM THE 02/05/08 MANDATORY PRE-BID MEETING. BID DATE AND OPENING TIME HAVE BEEN EXTENDED TO 03/05/06 AT 1:30 PM ***** NO OTHER CHANGES *****						
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Kelly D. Thaxton</i>	TELEPHONE 984-2299	DATE 3/5/08
TITLE Vice President	FEIN 55-0743840	ADDRESS CHANGES TO BE NOTED ABOVE

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

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

PRINT LEGIBLY

002

RFQ # : DEP14241  
Project: Whitman (William) Drainage

Bid Date: 2/28/08  
Pre-Bid Date: 2/5/08

Name : Robert Baines  
Company: BAINES EXC. INC  
Address: P.O. Box 13384  
Sissonville  
WV 25360  
Phone #: 984-1725  
Fax #: 984-0074  
Email : None

Name : Allen Marker  
Company: Garvie R. Marker & Sons  
Address: 1119 Jefferson Rd.  
So. Chas. WV, 25309  
Phone #: 744-DS9D  
Fax #: 746-5203  
Email :

Name : GARY Long  
Company: M Court & Son Const.  
Address: 2790 Centralia Rd  
Sutton WV 26601  
Phone #: 304 765-5288  
Fax #: 304 765-5293  
Email :

Name : DAVID H. BOWMAN  
Company: GREEN MOUNTAIN CO  
Address: 511 50th STREET  
CHARLESTON WV  
25304  
Phone #: 304 925-0253  
Fax #: 925 9230  
Email : Jody Maye AOL.COM

Name ★: Wes Addair  
Company: A-A ENERGY INC  
Address: 151 STEWART ST  
WELCH WVA  
24801  
Phone #: 304-320-3961  
Fax #: 304 436-5111  
Email : WesAddair@hotmail.com

Name : Archie E Hubbard  
Company: ACME-Ventures  
Address: 138 Renee Drive  
PO Box 217  
Peytona, WV 25154  
Phone #: (304) 932-0721  
Fax #: 932-0725  
Email : archie@wvexcavator.com

Name ★: Samuel C. Nazario Jr.  
Company: Nazario's Exc.  
Address: P.O. Box 398  
Kimball, W.VA. 24853  
Phone #: 585-7060  
Fax #: 585-7062  
Email :

Name : Doug Vincent  
Company: BREAKAWAY INC.  
Address: 1075 Old Turnpike Rd  
Sutton, WV 26601  
Phone #: 765-5317  
Fax #: 765-5389  
Email :

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

003

PRINT LEGIBLY

RFQ # : DEP14241  
Project: Whitman (Williams) Damage

Bid Date: 2/28/08  
Pre-Bid Date: 2/5/08

Name <sup>\*</sup> : Dale Thexton  
Company: Thexton Const Co Inc  
Address: PO Box 13279 Charleston  
WV 25360

Name : \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_

Phone #: 304 984 2249  
Fax #: 984 2334  
Email : \_\_\_\_\_

Phone# : \_\_\_\_\_  
Fax # : \_\_\_\_\_  
Email : \_\_\_\_\_

Name : BASIL CARPENTER  
Company: JAMM B 2 INC  
Address: 333 A Cell RD  
Char WV 25312

Name : \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_

Phone #: (304) 984-0388  
Fax #: 784-3528  
Email : \_\_\_\_\_

Phone# : \_\_\_\_\_  
Fax # : \_\_\_\_\_  
Email : \_\_\_\_\_

Name : MARVIN REYNOLDS  
Company: DIRTWORKS DEVELOPMENT  
Address: 4529 BLANKENSHIP RD.  
HUNTINGTON WV 25701

Name : \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_

Phone #: 304 736-3719  
Fax #: 304 736-8242  
Email : dirtworks979@netzero.net

Phone# : \_\_\_\_\_  
Fax # : \_\_\_\_\_  
Email : \_\_\_\_\_

Name : \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_

Name : \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_

Phone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Email : \_\_\_\_\_

Phone# : \_\_\_\_\_  
Fax # : \_\_\_\_\_  
Email : \_\_\_\_\_

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

PRINT LEGIBLY

004

RFQ # : DEP 1424  
Project: Whitman (Williams) Drainage

Bid Date: 2/28/08  
Pre-Bid Date: 2/5/08

Name : JACK KEELY  
Company: GROUND BREAKERS  
Address: P.O. Box 1227  
CLARKSBURG WV  
26302  
Phone #: 304 622-2400  
Fax #: 622-2410  
Email : \_\_\_\_\_

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

Name : Bennie McCourt  
Company: Mountain Movers  
Address: 5 Stearny Creek  
Sutton wvt  
Phone #: (304) 765-5003  
Fax #: (304) 765-5003  
Email : \_\_\_\_\_

Name : Ann Warkwell  
Company: TRASTANI AGENCY \*  
Address: P.O. Box 4108 LEFT  
CHARLSTON, WV SIDE  
DEB  
Phone#: 304 414 6255  
Fax #: 6256  
Email : \_\_\_\_\_

Name : Chris Ward  
Company: Golf Design Inc  
Address: 1300 Salliman Rd  
Beaver WV 25813  
Phone #: 256 0908  
Fax #: 256-2182  
Email : Ward1@PeoplePC

Name : Robert Dingers  
Company: Dow Under Concr  
Address: Rt 2 Box 157C  
Harts wv  
Phone#: 304 855-2384  
Fax #: 304 784-8775  
Email : \_\_\_\_\_

Name : Randy Carpenter  
Company: Carpenter Reclamation  
Address: PO Box 13015  
Soussouville, WV  
25360  
Phone #: 984-1115  
Fax #: 784-2870  
Email : \_\_\_\_\_

Name : TRIP SHOWN  
Company: BASE ENVIRONMENTAL GROUP  
Address: 4200 FIRST AVE, SUITE 104  
NITRO, WV 25143  
Phone#: 304 204 2500  
Fax #: 304 204 2520  
Email : TRIP@BASE ENV Com

**Req # DEP 14241****Whitman (Williams) Drainage Prebid Addendum #1**

The following additions/questions/answers will not cause any increase in the lump sum bid for the project.

Include in the Construction Specifications, Special Provisions III, Scope of Work "The removal of monitoring wells".

**Questions asked at the prebid meeting and answers**

Q: Is the drilling elevation the same elevation as the roof of the mine?

A: Approximately the same as the top of the void. The void could be at the top of the coal elevation or slightly higher, depending on whether or not there was a roof fall.

Q: Is there an opening that we are going to drill through?

A: The material that the contractor is going to drill through is unknown. It could be a mixture of collapsed rock, rock backfill and soil. The drilling could be difficult.

Q: Was there a punchout here?

A: It is unknown whether or not there was an active entry here or if the miners punched out from the inside.

Q: If we drill into a void can we stop?

A: No, we want to hit the main body of water at the target location. There could be voids that do not reach the main location.

Q: Is the drill angle 9%?

A: Yes as is shown on the drawings.

Q: Is the monitoring well up there on the hill. If we start here that will be much less than the 75' shown on the profile?

A: The drilling will begin farther down the hill from where we are standing. The drilling will begin at the location shown on the drawing.

Q: Can we face up closer?

A: With approval of the WVDEP but need to maintain the proposed drill elevation.

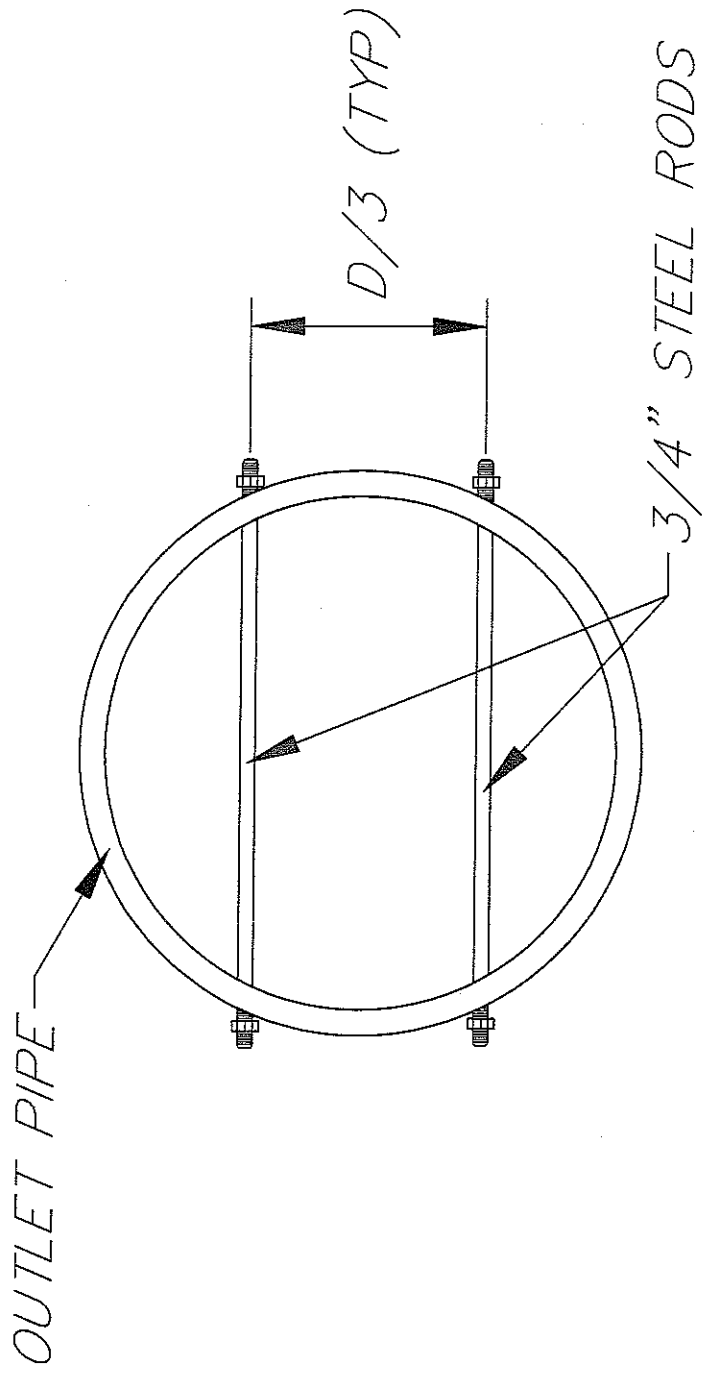
Q: Are there animal guards required for the mine overflow pipes?

A: Yes, an animal guard detail drawing has been attached.

Q: What are we going to do with this corner? (A rock overhang that has a roof fall beneath it that is located approximately 50' north of the mine overflow pipe).

A: The overhang will need to be backfilled according to the included Specification 9.3.2.

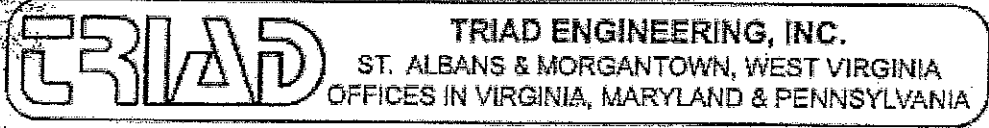
Add Construction Specification 9.3.2 – The rock overhang shall be backfilled with onsite material



## TYPICAL ANIMAL GUARD

## DETAIL





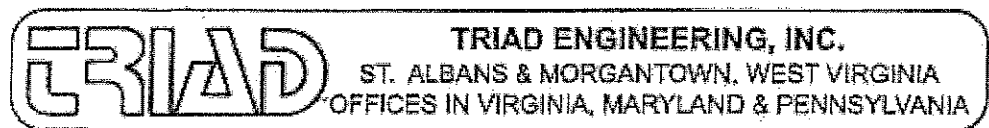
TEST BORING LOG

CLIENT WVDEP/AML BORING NO. B-1  
 PROJECT WHITMAN (WILLIAMS) DRAINAGE JOB NO. 09-07-0305  
 LOCATION OF BORING \_\_\_\_\_

SOIL / ROCK DESCRIPTION	Strata Depth	Depth Scale	SAMPLE				
			Blows / 6"	No.	Type	Rec.	RCD
SURFACE Weathered Brown sandstone Auger Refusal	0.0	0.0					
Gray sandstone and shale mixed  Coal 59.2 to 65.9 into gray shale  BIB 68.0		8.0					
		13.0	/	1	RC	5.0	5.0
		23.0	/	2	RC	10.0	7.3
		33.0	/	3	RC	9.7	6.10
		43.0	/	4	RC	10	7.9
		53.0	/	5	RC	10	6.8
		63.0	/	6	RC	10	6.1
	68.0	/	7	RC	5.0	2.5	

Surf. Elev. N/A Ft. Hammer Wt. N/A Lbs. Rock Core Dia. 3.0 Foreman RAC  
 Date: 8-1-07 Hammer Drop N/A In. Boring Method HCA Engineer TAT

- |                          |                               |  |
|--------------------------|-------------------------------|--|
| <b>Sampler Type</b>      | <b>Ground Water Depth</b>     | <b>Boring Method</b>   |
| SS - DRIVEN SPLIT SPOON  | FIRST NOTED <u>Nil</u> FT.    | <input checked="" type="checkbox"/> HSA - HOLLOW STEM AUGERS |
| ST - PRESSED SHELBY TUBE | AT COMPLETION <u>72.5</u> FT. | <input type="checkbox"/> CFA - CONTINUOUS FLIGHT AUGERS      |
| A - FLIGHT AUGER         | AFTER _____ HRS. _____ FT.    | <input type="checkbox"/> DC - DRIVING CASING                 |
| RC - ROCK CORE           | BACKFILLED _____ HRS.         | <input type="checkbox"/> MD - MUD DRILLING                   |



TEST BORING LOG

CLIENT WVDEP/AML BORING NO. B-1A  
 PROJECT WHITMAN (WILLIAMS) DRAINAGE JOB NO. 04-07-0385  
 LOCATION OF BORING \_\_\_\_\_

SOIL / ROCK DESCRIPTION	Strata Depth	Depth Scale	SAMPLE				
			Blows / 6"	No.	Type	Rec.	RQD
SURFACE	0.0	0.0					
Weathered Brown Sandstone		8.0					
Auger Refusal		13.0			RC		
Good Gray Sandstone and Shale mixed		23.0		2	RC		
		33.0		3	RC		
		43.0		4	RC		
		53.0		5	RC		
		63.0		6	RC		
		68.0		7	RC		
VOID 59.2 TO 60.4							
B.T.B - 68.0							
60' RISER							
10' SCREEN							

Surf. Elev. 712 Ft. Hammer Wt. NIP Lbs. Rock Core Dia. \_\_\_\_\_  
 Date: 8-1-07 Hammer Drop NIP In. Boring Method HSP Foreman RAC  
 Engineer TJ

**Sampler Type**  
 SS - DRIVEN SPLIT SPOON  
 ST - PRESSED SHELBY TUBE  
 A - FLIGHT AUGER  
 RC - ROCK CORE

**Ground Water Depth**  
 FIRST NOTED \_\_\_\_\_ FT.  
 AT COMPLETION 59.0 FT.  
 AFTER \_\_\_\_\_ HRS. 5.3 FT.  
 BACKFILLED \_\_\_\_\_ HRS.

**Boring Method**  
 HSA - HOLLOW STEM AUGERS  
 SPA - CONTINUOUS FLIGHT AUGERS  
 DC - DRIVING CASING  
 MD - MUD DRILLING



TRIAD ENGINEERING, INC.  
 ST. ALBANS & MORGANTOWN, WEST VIRGINIA  
 OFFICES IN VIRGINIA, MARYLAND & PENNSYLVANIA

TEST BORING LOG

CLIENT WVDEP/AML BORING NO. B-2  
 PROJECT WHITMAN'S (WILLIAMS) DRAINAGE JOB NO. 04-07-0305  
 LOCATION OF BORING \_\_\_\_\_

SOIL / ROCK DESCRIPTION	Strata Depth	Depth Scale	SAMPLE				
			Blows / 6"	No.	Type	Rec.	RQD
SURFACE	0.0	0.0					
BROWN & GRAY SANDSTONE  COAL 49.9 TO 57.4  RTB 60.0		4.0					
		13.0	/	1	RC	9.0	4.7
		23.0	/	2	RC	10.0	7.0
		33.0	/	3	RC	9.2	7.8
		43.0	/	4	RC	9.1	7.5
		53.0	/	5	RC		
	60.0	/	6	RC			

Surf. Elev. \_\_\_\_\_ Ft. Hammer Wt. 140 Lbs. Rock Core Dia. 3.0 Foreman DN  
 Date 4-1-07 Hammer Drop MD In. Boring Method RSP Engineer TAS

**Sampler Type**  
 SS - DRIVEN SPLIT SPOON  
 ST - PRESSED SHELBY TUBE  
 A - FLIGHT AUGER  
 RC - ROCK CORE

**Ground Water Depth**  
 FIRST NOTED Dr FT.  
 AT COMPLETION 57.0 FT.  
 AFTER \_\_\_\_\_ HRS. \_\_\_\_\_ FT.  
 BACKFILLED \_\_\_\_\_ HRS.

**Boring Method**  
 USA - HOLLOW STEM AUGERS  
 CFA - CONTINUOUS FLIGHT AUGERS  
 DC - DRIVING CASING  
 MD - MUD DRILLING



TRIAD ENGINEERING, INC.  
ST. ALBANS & MORGANTOWN, WEST VIRGINIA  
OFFICES IN VIRGINIA, MARYLAND & PENNSYLVANIA

TEST BORING LOG

CLIENT WVDEP/AML BORING NO. B-2A  
PROJECT WHITMAN (WILLIAMS) DRAINAGE JOB NO. 04-07-0305  
LOCATION OF BORING \_\_\_\_\_

SOIL / ROCK DESCRIPTION	Strata Depth	Depth Scale	SAMPLE				
			Blows / 6"	No.	Type	Rec.	RQD
SURFACE	0.0						
Good Sandstone		5.0	A				
		10.0					
		15.0					
		20.0					
		25.0					
		30.0					
		35.0					
		40.0					
		45.0					
Small void 46.0 to 46.10		46.0					
void 49.0 to 50.9		49.0					
INTO SANDSTONE AT 58.9		58.9					
		60.0					
		65.0					
		70.0					
		75.0					
		80.0					
		85.0					
		90.0					
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		985.0					
		990.0					
		995.0					
		1000.0					

Surf. Elev. \_\_\_\_\_ Ft. Hammer Wt. MA Lbs. Rock Core Dia. 7.0 Foreman RAC  
Date: 8-2-07 Hammer Drop MP In. Boring Method HSA Engineer TAS

- |                          |                             |                                |
|--------------------------|-----------------------------|--------------------------------|
| <u>Sampler Type</u>      | <u>Ground Water Depth</u>   | <u>Boring Method</u>           |
| SS - DRIVEN SPLIT SPOON  | FIRST NOTED <u>52.3</u> FT. | HSA - HOLLOW STEM AUGERS       |
| ST - PRESSED SHELBY TUBE | AT COMPLETION _____ FT.     | CFA - CONTINUOUS FLIGHT AUGERS |
| A - FLIGHT AUGER         | AFTER _____ HRS. _____ FT.  | DC - DRIVING CASING            |
| RC - ROCK CORE           | BACKFILLED _____ HRS.       | MD - MUD DRILLING              |

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Thaxton Construction Co., Inc. of Sissonville  
of P.O. Box 13279, Charleston, WV 26360, as Principal, and Travelers Casualty and Surety Company  
of America of Hartford, Connecticut, a corporation organized and existing under the laws of the State of  
Connecticut with its principal office in the City of Hartford, as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligee, in the penal sum of five percent of bid (\$ 5%) 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  
Reclamation: restoration of land & other properties for reclamation of 1/2 acre abandoned mine project known as  
"Whitman (Williams) Drainage Project" located in Whitman, Logan County, West Virginia


**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.

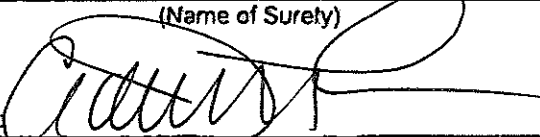
The Surety, for the value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no  
way impaired or affected by any extension of the time within which the Obligee may accept such bid, and said Surety does hereby  
waive notice of any such extension.

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  
5th day of March, 2008.

Principal Corporate Seal

Thaxton Construction Co., Inc. of Sissonville  
(Name of Principal)  
By   
(Must be President or  
Vice President)  
President  
(Title)

Surety Corporate Seal

Travelers Casualty and Surety Company of America  
(Name of Surety)  
By   
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.



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 218346

Certificate No. 002067844

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

C. David Thomas, Richard L. Higginbotham, Bunnie Marie Perrine, Jeffery O'Dell, and Robin Hubbard-Sherrod

of the City of Charleston, State of West Virginia, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 19th day of November, 2007.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 19th day of November, 2007, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2011.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 5<sup>th</sup> day of MARCH, 2008

ATTEST: KORI M. JOHANSON, ASSISTANT SECRETARY

  
Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.travelersbond.com](http://www.travelersbond.com). Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.