



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  
**AGR0919**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**RON PRICE**  
**304-558-0492**

PROPERTY

RFQ COPY  
 TYPE NAME/ADDRESS HERE  
**JC Contracting & Excavating INC**  
**1226 Sunday Road**  
**Hico, WV 25854**

SHIP TO

DEPARTMENT OF AGRICULTURE  
 LAND DIVISION  
 HUTTONSVILLE STATE FARM  
 ROUTE 250 SOUTH  
 HUTTONSVILLE, WV  
 26273 304-558-2222

DATE PRINTED <b>03/03/2009</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **04/09/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		968-32		\$48,700.00
<p><b>DEMOLITION AND DEBRIS REMOVAL</b></p> <p>TO PROVIDE ALL LABOR, EQUIPMENT AND MATERIALS NECESSARY FOR THE DEMOLITION AND PROPER DEBRIS REMOVAL, OFF-SITE OF NINE (9) STRUCTURES AT THE HUTTONSVILLE STATE FARM. DEBRIS REMOVAL AND DISPOSAL SHALL BE IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS.</p> <p>A MANDATORY ON-SITE PRE-BID WILL BE HELD ON 3/24/09 AT 10:00 AM. FAILURE TO ATTEND THE PRE-BID WILL RESULT IN DISQUALIFICATION OF THE BID. NO ONE PERSON CAN REPRESENT MORE THAN ONE VENDOR.</p> <p>THE ASBESTOS ABATEMENT WILL BE COMPLETED IN ACCORDANCE WITH THE CURRENT STATEWIDE CONTRACT FOR ASBESTOS ABATEMENT BY 4/15/09.</p> <p>WRITTEN QUESTIONS MUST BE SUBMITTED NO LATER THAN 4:00PM ON MARCH 26, 2009 TO THE FOLLOWING:</p> <p>RON PRICE          PURCHASING DIVISION          2019 WASHINGTON STREET EAST          CHARLESTON, WV 25305          FAX: 304-558-4115          EMAIL: RON.N.PRICE@WV.GOV</p> <p>THESE STRUCTURES ARE LOCATED AT THE HUTTONSVILLE FARM, ROUTE 250 SOUTH, HUTTONSVILLE, WV 26273 ACROSS FROM THE HUTTONSVILLE CORRECTIONAL CENTER.</p> <p>PROVIDE INDIVIDUAL PRICES FOR EACH OF THE ITEMS LISTED</p>						

RECEIVED  
 2009 APR -9 AM 11:40  
 WV PURCHASING  
 DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>Johnny Cantelley</i>	TELEPHONE 304-658-4530	DATE 4-9-09	
TITLE President	FEIN 55-078-6044-001	ADDRESS CHANGES TO BE NOTED ABOVE	

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



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BELOW. FAILURE TO PROVIDE INDIVIDUAL PRICES FOR EACH ITEM SHALL RESULT IN DISQUALIFICATION OF THE BID.						<b>\$48,700.00</b>
LISTING FOR THE NINE STRUCTURES						
	(2)	TWIN RED SILOS			\$10,280.00	
	(1)	CHEMICAL BUILDING			\$7,000.00	
	(1)	PARKER HOLLOW BARN			\$5,000.00	
	(1)	BUTCHER SHOP (CONCRETE FLOOR REMAINS			\$7,600.00	
	(1)	TOMMY'S HOUSE & GARAGE			\$9,500.00	
	(1)	SILD ACROSS RIVER			\$5,220.00	
	(1)	BIG EQUIPMENT STORAGE BUILDING			\$2,600.00	
	(1)	CORN CRIB			\$2,500.00	
	GRAND TOTAL				\$48,700.00	
THE SUCCESSFUL VENDOR WILL BE REQUIRED TO HAVE ALL NECESSARY PERMITS TO PERFORM THIS PROJECT. THE VENDOR SHALL BE RESPONSIBLE FOR MAKING ALL THE PROPER NOTIFICATIONS TO ALL OTHER APPROPRIATE AGENCIES REGARDING THIS PROJECT.						
THE STATE RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS						
AGENCY CONTACTS FOR THIS PROJECT: DWAYNE O'DELL, ASSISTANT DIRECTOR, MARKETING AND DEVELOPMENT DIVISION, 304-558-2210 OR 304-541-5460, OR MARK PRITT, FARM MANAGER, HUTTONSVILLE FARM, 304-335-6070.						
EXHIBIT 5						
WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT: ANY SOLICITATION FOR A PUBLIC IMPROVEMENT CONSTRUCTION CONTRACT REQUIRES EACH VENDOR THAT SUBMITS A BID FOR THE WORK TO SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLIANCE WIT						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Johnny Cutchley</i>	TELEPHONE 304-658-4530	DATE 4-9-09
TITLE President	FEBN 55-078-6044-001	ADDRESS CHANGES TO BE NOTED ABOVE

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**3**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
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VENDOR

RFQ COPY  
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**J.C. Contracting & Excavating INC**  
**1226 Sunday Road**  
**Hico, WV 25854**

SHIP TO

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03/03/2009				

BID OPENING DATE: **04/09/2009** BID OPENING TIME **01:30PM**

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<p>THE BID. THE ENCLOSED DRUG-FREE WORKPLACE AFFIDAVIT MUST BE SIGNED AND SUBMITTED WITH THE BID AS EVIDENCE OF THE VENDOR'S COMPLIANCE WITH THE PROVISIONS OF ARTICLE 1D, CHAPTER 21 OF THE WEST VIRGINIA CODE. FAILURE TO SUBMIT THE SIGNED DRUG-FREE WORKPLACE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID.</p> <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED BY JUNE 15, 2009 OR 90 DAYS AFTER ISSUANCE OF THE PURCHASE ORDER (WHICHEVER DATE COMES FIRST).</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE BID AND CONTRACT HERE IN.</p> <p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR RANDOLPH COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT)</p> <p>ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED.</p> <p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</p> <p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Johnny Cantello</i>	TELEPHONE 304-658-4530	DATE 4-9-09
TITLE president	FAX 55-078-6004-001	ADDRESS CHANGES TO BE NOTED ABOVE

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SUPPLIER

DEPARTMENT OF AGRICULTURE  
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<p>IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND, IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF STEEL ARE REQUIRED, THE STATE WILL ACCEPT ONLY ALUMINUM GLASS, OR STEEL PRODUCTS PRODUCED IN THE UNITED STATES. IN ADDITION, ITEMS OF MACHINERY OR EQUIPMENT PURCHASED FOR USE AT THE SITE OF PUBLIC WORKS SHALL BE MADE OF DOMESTIC ALUMINUM, GLASS OR STEEL, UNLESS THE COST OF THE PRODUCT IS LESS THAN \$50,000 OR LESS THAN 10,000 POUNDS OF STEEL ARE USED IN PUBLIC WORKS PROJECTS.</p> <p>FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND TO BE UNREASONABLE. SUCH COST IS UNREASONABLE IF IT IS 20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE PRODUCTS. IF THE DOMESTIC ALUMINUM, GLASS OR STEEL PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED ONLY IF DOMESTIC PRODUCTS ARE 30% OR MORE HIGHER IN PRICE THAN THE FOREIGN MADE PRODUCTS.</p> <p>IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS. ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.</p> <p>REV. 3/88</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Johnny Cutchler</i>	TELEPHONE 304-658-4530	DATE 4-09-09
TITLE President	FEIN 55-078-6044-001	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>EXHIBIT 10</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 NOS.:</p> <p>NO. 1 .....</p> <p>NO. 2 .....</p> <p>NO. 3 .....</p> <p>NO. 4 .....</p> <p>NO. 5 .....</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF 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>Johnny C. Cutchley</i> ..... SIGNATURE  <i>J.C. Contracting &amp; Excavating Inc.</i> ..... COMPANY</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS		
SIGNATURE <i>Johnny C. Cutchley</i>	TELEPHONE <b>304-658-4530</b>	DATE <b>4-9-09</b>
TITLE <b>President</b>	FAX <b>55-078-6044-001</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
	<b>4-9-09</b>			.....DATE		
	REV. 11/96					
				CONTRACTORS LICENSE		
				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 B MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR CAPITOL COMPLEX, BUILDING 3, ROOM 319, CHARLESTON, WV 25305. TELEPHONE: (304) 558-7890.		
				WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.		
				BIDDER TO COMPLETE:		
				CONTRACTORS NAME: <b>JC Contracting &amp; Excavating INC.</b>		
				CONTRACTORS LICENSE NO.: <b>WV 034263</b>		
				THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT		
				APPLICABLE LAW		
				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		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Johnny Catlett</i>	TELEPHONE <b>304-658-4530</b>	DATE <b>4-9-09</b>
TITLE <b>President</b>	FEBN <b>55-078-6044-001</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>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> <p>REV. 1/2005</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: RP-41</p> <p>REQ. NO.: AGR0919</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Anthony Costello</i>	TELEPHONE 304-658-4530	DATE 4-09-09
TITLE President	FEN 55-078-6004-001	ADDRESS CHANGES TO BE NOTED ABOVE

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State of West Virginia  
DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT  
West Virginia Code §21-1D-5

STATE OF WEST VIRGINIA,

COUNTY OF Fayette, TO-WIT:

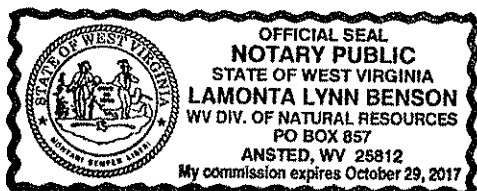
I, Johnny Critchley, after being first duly sworn, depose and state as follows:

- 1. I am an employee of J.C. Contracting & Excavating INC.; and,  
(Company Name)
- 2. I do hereby attest that J.C. Contracting & Excavating INC.  
(Company Name)

maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code §21-1D-5**.

The above statements are sworn to under the penalty of perjury.

J.C. Contracting + Excavating INC.  
(Company Name)



By: Johnny Critchley  
Title: President  
Date: 4-9-09

Taken, subscribed and sworn to before me this 8<sup>th</sup> day of April 09.

By Commission expires October 29, 2017

(Seal)

Lamonta L. Benson  
(Notary Public)

**THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.**



# Western Surety Company

**BID BOND**  
(Percentage)

**Bond Number:** 70697622

KNOW ALL PERSONS BY THESE PRESENTS, That we J.C. Contracting & Excavating, Inc.  
of  
1226 Sunday Rd., Hico, WV 25854, hereinafter  
referred to as the Principal, and Western Surety Company,  
as Surety, are held and firmly bound unto Dept. of Administration Purchasing Division  
of 2019 Washington St., E., P.O. Box 50130, Charleston, WV 25305-0130,  
hereinafter referred to as the Oblige, in the sum of Five ( 5 %) percent of the greatest  
amount bid, for the payment of which we bind ourselves, our legal representatives, successors and assigns,  
jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted or is about to submit a proposal to Oblige on a contract for \_\_\_\_\_  
Huttonsville State Farm; Demolition of Nine Structures, AGR 0919

NOW, THEREFORE, if the said contract be awarded to Principal and Principal shall, within such time as may be  
specified, enter into the contract in writing and give such bond or bonds as may be specified in the bidding or  
contract documents with surety acceptable to Oblige; or if Principal shall fail to do so, pay to Oblige the  
damages which Oblige may suffer by reason of such failure not exceeding the penalty of this bond, then this  
obligation shall be void; otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED this 9th day of April, 2009

J.C. Contracting & Excavating, Inc.  
(Principal)

By *Johnny Cantably* (Seal)

Western Surety Company  
(Surety)

By *Michael Wade Lively* (Seal)  
Michael Wade Lively Attorney-in-Fact

# Western Surety Company

## POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 70697622

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint Michael Wade Lively

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: J.C. Contracting & Excavating, Inc.

Obligee: Dept. of Administration Purchasing Division

Amount: \$500,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Senior Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

All authority hereby conferred shall expire and terminate, without notice, unless used before midnight of July 9, 2009, but until such time shall be irrevocable and in full force and effect.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Senior Vice President, Paul T. Bruflat, and its corporate seal to be affixed this 9th day of April, 2009.



WESTERN SURETY COMPANY  
Paul T. Bruflat  
Paul T. Bruflat, Senior Vice President

On this 9th day of April, in the year 2009, before me, a notary public, personally appeared Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



My Commission Expires November 30, 2012

D. Krell  
Notary Public - South Dakota

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 9th day of April, 2009.

WESTERN SURETY COMPANY  
Paul T. Bruflat  
Paul T. Bruflat, Senior Vice President

ACKNOWLEDGMENT OF SURETY  
(Attorney-in-Fact)

STATE OF West Virginia  
COUNTY OF Fayette

} ss

Bond No. 70697622

On this 9th day of April, \_\_\_\_\_, before me, a notary public in and for said County, personally appeared Michael Wade Lively to me personally known and being by me duly sworn, did say, that he is the Attorney-in-Fact of WESTERN SURETY COMPANY, a corporation of Sioux Falls, South Dakota, created, organized and existing under and by virtue of the laws of the State of South Dakota, that the said instrument was executed on behalf of the said corporation by authority of its Board of Directors and that the said Michael Wade Lively acknowledges said instrument to be the free act and deed of said corporation and that he has authority to sign said instrument without affixing the corporate seal of said corporation.

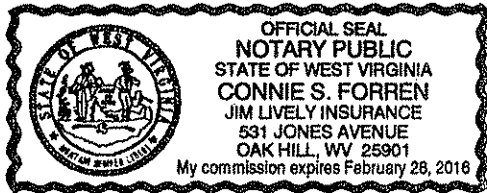
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Oak Hill, West Virginia, the day and year last above written.

My commission expires February 28, 2016

Connie S. Forren

Notary Public

Form 106-4-2000



STATE OF WEST VIRGINIA  
Purchasing Division

## PURCHASING AFFIDAVIT

### VENDOR OWING A DEBT TO THE STATE:

**West Virginia Code** §5A-3-10a provides that: 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.

### PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code**. The vendor **must** make said affirmation with its bid submission. Further, public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code** and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the **West Virginia Code** may take place before their work on the public improvement is begun.

### ANTITRUST:

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

### 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. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

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

Vendor's Name: JC Contracting & Excavating INC.

Authorized Signature: Johnny Costello Date: 4-9-09