Attention Chuck Bowman

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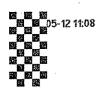
RFQ Number:

Bid Opening Date: Bid Opening Time: \_

PO BOX 50130

WV PURCHASING DIVISION 2019 WASHINGTON ST E

RE:



## BREAKAWAY, INC. 1075 OLD TURNPIKE ROAD SUTTON, WV 26601

General Contractor WV037089

Voice: 304-765-5317 FAX: 304-765-5389

**FAX COVER PAGE** 

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To State of WV - Purchasing Division Fax Number 304-558-3970 Date 5/12/09 24 Total Pages (Including this cover sheet) \_\_\_\_ DEP 14606 CHARLESTON WV 25305-0130

304-765-5389>>

Request for

RPO NUMBER

DEP14606

P 2/24

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

ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

VEIZOOR

\*510160447 304-765-5317 BREAKAWAY INC 1075 OLD TURNPIKE ROAD

SUTTON WV 26601

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

. SHIP VIA. 1:: . 1. F.O.B. ": " FREIGHT TERMS TERMS OF SALE DATE PRINTED 03/25/2009 OPENING TIME 05/07/2009 BID 01:30PM **BID OPENING DATE:** CAT. UNIT PRICE. AMOUNT: QUANTITY. UOP ITEM NUMBER LINE Ba19, 875.00 962-73 JB 0001 1 RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS FOR THE RECLAMATION OF 2-ACRE ABANDONED MINE PROJECT KNOWN AS THE "PAINT CREEK WATERSHED RESTORATION" PROJECT. THE SITE IS LOCATED NEAR BURNWELL/NEAR MILLBURN, (KANAWHA/FAYETTE COUNTIES), WEST VIRGINIA. A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON FAILURE TO ATTEND THE PREBID 04/08/09 a 1:00 PM. CONFERENCE WILL RESULT IN BID DISQUALIFICATION. PREBIDS WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER. DIRECTIONS TO PREBID: TO SPRINT BRANCH (SAND DUMP SITE) - FROM CHARLESTON, TAKE INTERSTATE 7/7 SOUTH. TAKE THE MAHAN EXIT. LEFT ON COUNTY ROUTE 15 (PAINT CREEK ROAD). TRAVEL APPROXIMATELY 2.5 MILES AND TURN LEFT PRIOR TO CROSSING STEEL BRIDGE. TRAVEL APPROXIMATELY 1/4 MILE TO SITE IMMEDIATELY BEFORE OLD RR BRIDGE. TO TENMILE FORK (DOSER SITE) - FROM CHARLESTON, TAKE TAKE THE MAHAN EXIT. TURN RIGHT ON INTERSTATE 77. COUNTY ROUTE 15 (PAINT CREEK ROAD). TRAVEL 1.8 MILES AND TURN LEFT IMMEDIATELY BEFORE CROSSING BRIDGE. TRAVEL 1/4 MILE AND TAKE RIGHT FORK IN ROAD. : SEE REVERSE SIDE FOR TERMS AND CONDITIONS 304-765-5317 SIGNATUR 5/12/09 incom 13-4279911 ADURESS CHANGES TO BE NOTED ABOVE resident

304-765-5389>> Breakaway Inc



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SUTTON WV

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

## Request for

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ADDRESS	CORRESPO	ONDENCE	TOAT	ENTION	OF:
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CHUCK BOWMAN 304-558-2157

304-765-5317 \*510160447 BREAKAWAY INC 1075 OLD TURNPIKE ROAD

26601

ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV

25304 304-926-0499

FREIGHT TERMS " SHIP VIA ..... F,O.B. DATE PRINTED TERMS OF SALE 03/25/2009 BID OPENING TIME 01:30PM BID OPENING DATE: 05/07/2009 CAT QUANTITY : ITEM NUMBER UNIT PRICE : AMOUNT UOP. LINE 1/2 MILE TO THE SITE. PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM WYDEP, OFFICE AML&R, 601 57TH ST., SE, CHARLESTON, WV 25304 PH. 304-926-0485 UPON PAYMENT OF \$10.00 NON-REFUNDABLE PAYMENT MUST BE MADE BY CHECK OR MONEY ORDER. NO CASH WILL BE ACCEPTED. EXHIBIT 5 WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT: ANY SOLICI-TATION 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 THE ENCLOSED PURCHASING AFFIDAVIT MUST WITH THE BID. BE SIGNED AND SUBMITTED WITH THE BID AS EVIDENCE OF THE VENDOR'S COMPLIANCE WITH THE PROVISIONS OF ARTICLE ID, CHAPTER 21 OF THE WEST VIRGINIA CODE. FAILURE TO SUBMIT THE SIGNED PURCHASING AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID. NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 365 CALENDAR DAYS AFTER THE NTOICE TO PROCEED UNLESS OTHERWISE SPECIFIED, THE FULLY IS RECEIVED. EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED. THE DIRECTOR OF PURCHASING RESERVES THE CANCELLATION: 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 HEREIN. WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY SEE REVERSE SIDE FOR TEAMS AND CONDITIONS: SIGNATURE FELEPHONE DATE FEIÑ TITLE ADDRESS CHANGES TO BE NOTED ABOVE

304-765-5389>>

Request for

AFO NUMBER DEP14606

PAGE

P 4/24

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

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

304-765-5317 \*510160447 BREAKAWAY INC 1075 OLD TURNPIKE ROAD

SUTTON WV 26601 **ENVIRONMENTAL PROTECTION** DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 304-926-0499 25304

... SHIP VIA F.O.B. FREIGHT TERMS TERMS OF SALE DATE PRINTED. 03/25/2009 BID OPENING TIME 01:30PM BID OPENING DATE: 05/07/2009 CAT : . AMOUNT -· UNIT PRICE UOP ITEM NUMBER QUANTITY LINE THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR KANAWHA/FAYETTE COUNTIES, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT.) ANY REFERENCES MADE TO ARBITRATION OR ARBITRATION: INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAWN CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED. WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL. ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT: (XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO | UNLESS OTHERWISE SPECIFIED IN ISSUANCE OF CONTRACT. THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000. SUCCESSFUL VENDOR SHALL ) BUILDERS RISK INSURANCE: FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT. FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF (XX) BONDS: THE BID PAYABLE TO THE STATE OF WEST VIRGINIA, SHALL BE SUBMITTED WITH EACH BID AS A BID BOND. THE SUCCESSFUL BIDDER SHALL ALSO FURNISH A PERFORMANCE BOND AND LABOR/ MATERIAL BOND FOR 100% OF THE AMOUNT OF THE CONTRACT. BONDS MAY BE PROVIDED IN THE FORM OF A CERTIFIED CHECK, IRREVOCABLE LETTER OF CREDIT, OR BOND FURNISHED BY A SOLVENT SURETY COMPANY AUTHORIZED TO DO BUSINESS IN TH SEE REVERSE SIDE FOR TERMS AND CONDITIONS TELEPHONE DATE SIGNATURE TITLE ADDRESS CHANGES TO BE NOTED ABOVE

304-765-5389>>

Request for

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DEP14606

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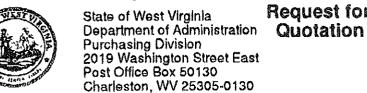
304-765-5317 \*510160447 BREAKAWAY INC 1075 OLD TURNPIKE ROAD 26601 SUTTON WV

ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV

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304-765-5389>>

P 6/24



## Request for

AFO NUMBER DEP14606

ADDRESS CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN 304-558-2157

>mzoor:

304-765-5317 \*510160447 BREAKAWAY INC 1075 OLD TURNPIKE ROAD

SUTTON WV 26601

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

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Request for

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P7/24

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

304-765-5317

BREAKAWAY INC 1075 OLD TURNPIKE ROAD

SUTTON WV 26601

\*510160447

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

F,Q,B FREIGHT TERMS SHIP'VIA TERMS OF SALE ... DATE PRINTED 03/25/2009 BID OPENING TIME 01:30PM BID OPENING DATE: 05/07/2009 AMOUNT! ITEM NUMBER UNIT PAICE UÓP **OUANTITY** LINE 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 NEITHER THE FINAL ACCEPTANCE NOR THE OF THE WORK. FINAL PAYMENT SHALL RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR NEGLIGENCE OR FAULTY MATERIALS, AND FOR DEFECTS APPEARING WITHIN THE GUARANTEE PERIOD SHALL BE REMEDIED AT THE EXPENSE OF THE CONTRACTOR UPON WRITTEN NOTICE. DURING THE ONE-YEAR GUARANTEE PERIOD, THE (B) 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 AT ITS EXPENSE. THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE (0) CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIME ALLOTTED FOR WORK UNDER THE CONTRACT. GUARANTEES CONCERNING REVEGETATION MAY BE FURTHER DEFINED IN THE TECHNICAL SPECIFICATIONS CONTAINED HEREIN. TERMINATION: (3) (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. SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TITLE ADDRESS CHANGES TO BE NOTED ABOVE

304-765-5389>>

304-765-5317

Request for

**RFG NUMBER** DEP14606

P8/24



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\*510160447

SUTTON WV

BREAKAWAY INC

1075 OLD TURNPIKE ROAD

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CHARLESTON, WV

25304

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304-765-5389>>

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**VENDOR** 

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

CHUCK BOWMAN 304-558-2157

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CHARLESTON, WV 304-926-0499 25304

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WHEN RES	PONDING TO RFQ. I	NSERT NAME AND ADDRESS	S IN SPACE ABOVE LABE	LED VENDOR

1075 OLD TURNPIKE ROAD

304-765-5389>>

Request for

DEP14606

P 11/24

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

304-765-5317

SUTTON WV 26601

\*510160447

BREAKAWAY INC

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

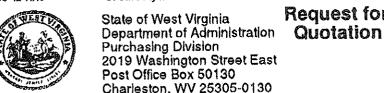
**ENVIRONMENTAL PROTECTION** DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 304-926-0499 25304

FREIGHT TERMS DATE PRINTED TERMS OF SALE SHIP VIA ; ..... :: F.O.B. . 03/25/2009 01:30PM BID OPENING TIME 05/07/2009 BID OPENING DATE: ITEM NUMBER AMOUNT . . . . . . QUANTITY UNIT PRICE. LINE UOP 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 FOUN SUCH COST IS UNREASONABLE IF IT IS TO BE UNREASONABLE. 20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE IF THE DOMESTIC ALUMINUM, GLASS DR STEEL PRODUCTS. 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. 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 FOR 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. REV. 3/88 EXHIBIT 9 SEE REVERSE SIDE FOR TERMS AND CONDITIONS TELEPHONE DATE SIGNATURE FEIN ADDRESS CHANGES TO BE NOTED ABOVE TITLE

DOR

Breakaway Inc

304-765-5389>>



## Request for

.. AFO NUMBER DEP14606

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CHUCK BOWMAN 304-558-2157

304-765-5317 \*510160447 BREAKAWAY INC 1075 OLD TURNPIKE ROAD SUTTON WV 26601

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

FREIGHT TERMS TERMS OF SALE ... SHIP VIA F.O.B. DATE PRINTED. . 03/25/2009 BID OPENING TIME BID OPENING DATE: 05/07/2009 01:30PM . . AMOUNT ITEM NUMBER UNITARICE QUANTITY LINE NO. NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA. THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES: THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM (1)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 THE ARCHITECT/ENGINEER SHALL ALS PURCHASING DIVISION. SEND A COPY OF THE ADDENDUM TO THE STATE AGENCY FOR WHICH THE CONTRACT IS ISSUED. THE BUYER SHALL SEND THE ADDENDUM TO ALL (2) 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. 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 THE ONLY EXCEPTION MAY BE FOR AN ADDENDUM DOCUMENT. ADDENDUM THAIT IS ISSUED FOR THE SOLE PURPOSE OF CHANGING A BID OPENING TIME AND/OR DATE. REV. 11/96 EXHIBIT 10 REQUISITION NO.: .DEP14606.. SEE REVERSE SIDE FOR TERMS AND CONDITIONS . TELEPHONE DATE SIGNATURE FEIN TITLE ADDRESS CHANGES TO BE NOTED ABOVE



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

# Request for

DEP14606

ADDRESS	COPRES	PONDENCE	TO	ATTENTION	QF:
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CHUCK BOWMAN 304-558-2157

304-765-5317 \*510160447 BREAKAWAY INC 1075 OLD TURNPIKE ROAD. 26601 SUTTON WV

ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R þ 601 57TH STREET SE CHARLESTON, WV

25304

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304-765-5317



\*510160447

SUTTON WV

BREAKAWAY INC

1075 OLD TURNPIKE ROAD

26601

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

# Request for

AFO NUMBER DEP14606 13

 ADDRESS.C	DARESPOND	ENCE TO 7	TENTION	OF:

CHUCK BOWMAN 304-558-2157

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ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV

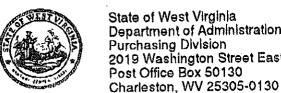
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Breakaway Inc

304-765-5389>>

P 15/24



Request for State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East

RFO NUMBER DEP14606

ADDRESS CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN 304-558-2157

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304-765-5317 \*510160447 BREAKAWAY INC 1075 OLD TURNPIKE ROAD SUTTON WV 26601

ENVIRONMENTAL PROTECTION DEPARTMENT OF DFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV

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304-765-5389>>

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P 16/24



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

ADDRE	SS COPRESPO	INDENCE TO A	TTENTION OF:

CHUCK BOWMAN -558-2157

304-765-5317 \*510160447 BREAKAWAY INC 1075 OLD TURNPIKE ROAD

SUTTON WV 26601

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

FREIGHT TERMS ... .;; F.O.B; TERMS OF SALE SHIP VIA : DATE PRINTED 04/27/2009 BID OPENING DATE: BID OPENING TIME 05/12/2009 AMOUNT. ITEM NUMBER UNIT PRICE UOP QUANTITY : LINE ADDENDUM NO. 1 \*\*\*\*\*\*\*\*\*\*\*\*\*\*\* \*\*\* ADDENDUM ISSUED FOR THE PAINT CREEK WATERSHED RESTORA-TION PROJECT TO DESTRIBUTE THE SIGN-IN SHEETS, THE D/A, THE REVISED SPECIFICATIONS, AND A REVISED DETAIL DRAWING RESULTING FROM THE 04/08/09 MANDATORY PRE-BID MEETING. BID OPENING DATE & TIME ARE EXTENDED FROM 05/07/09 TO b5/12/09 AT 1:30 ₽M. \*\*\*\* NO OTHER CHANGES ÜΒ 962-73 0001 1 RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES \$219,875.00 DEP14506 \*\*\*\*\* TOTAL: THIS IS THE END OF REQ SEE REVERSE SIDE FOR TERMS AND CONDITIONS TELEPHONE 304-765-5317 SIGNATUR 112/09 ADDRESS CHANGES TO BE NOTED ABOVE TITLE 13-4279911 President

Company Name:

#### 304-765-5389>> Faill Lieek water shou account allow

## Requisition # DEP14606

Contractor's Bid Sheet

Breakaway, Inc. 1075 Old Turnpike Road Sutton, WV 26601

Address:\_\_\_\_\_

The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.

ITEM		DESCRIPTION	UNIT PRICE	AMOUNT
NO.	QUANTITY	DESCRIPTION		
		MOBILIZATION (LIMTED TO 10% OF TOTAL BID)		\$ 10,000.00
1.0	Lump Sum	MOBILIZATION (LIMITED TO 10% OF TOTAL BID)  CONSTRUCTION LAYOUT (LIMITED TO 5% TOTAL BID)	Lumo Sum	\$ 250.00
2.0	Lump Sum	QUALITY CONTROL (LIMITED TO 3% OF TOTAL BID)	LumpSum	\$ 250.00 :
3.0	Lump Sum	SITE PREPARATION (LIMITED TO 10% OF TOTAL BID)	Lump Sum	\$ 20,000.00
4.0	Lump Sum	SEDIMENT CONTROL BARRIER	3.00	\$ 1,500.00
5.0	500 LF	DEVICETATION -	Lumo Sun	\$ 1,000.00
6.0	Lump Sum	REVEGETATION ROCK RIPRAP CHANNEL	25.00	\$ 1,000.00
7.1	40 LF	STREAM BANK PROTECTION	75.00	\$ 6,375.00
7.2	85 TONS	LIMESTONE SAND	100.00	\$ 3,000.00
7.3	30 10NS	DOSING UNIT / SILO	LumpSum	\$ 75,000.00
8.1	Lump Sum	INTAKE UNIT	LumpSum	
8.2	Lump Sum	FEED LINE	16.00	\$ 8,000.00
8.3	25 TONS	CALCIUM OXIDE	100.00	\$ 2,500.00
8.4 10	SOUTONS	1 1/2" CRUSHER RUN STONE	40.00	\$ 20,000.00
$\frac{10}{11}$	Lump Sum	CHAIN LINK FENCE	Lumpsum	\$ 1,000.00
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		TOTAL		sa19,875.00

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OMB #1029-0119 Expiration Date: 01/31/2010

#### AML CONTRACTOR INFORMATION FORM

You must complete this form for your AML contracting officer to request an AML eligibility evaluation from the Office of Surface Mining to determine if you are eligible to receive an AML contract. This eligibility requirement applies to contractors and their sub-contractors and is found under OSM's regulations at 30 CFR 874.16.

Part A: General Information Contractor Name: Breakaway, Inc. Tax Payer ID No.: 13-4279911

Address: 1015 Old Turnpike Road

City: Sutton State: WV Zip Code: 36601 Phone: 304-765-5317

Fax No.: 364-765-5389 E-mail address: tonyaevincent & verizon.net Part B: Legal Structure () Partnership () LLC () Sole Proprietorship (V) Corporation () Other (please specify) Part C: Certifying and updating information in the Applicant/Violator System (AVS). Select only one of the following options, follow the instructions for that option, and sign below. Tonya Vincent, , have the express authority to certify that: Information on the attached Entity OFT from AVS is accurate, complete, and uptodate. If you select this option, you must attach an Entity OFT from AVS to this form. X Sign and date below and do not complete Part D. Part of the information on the attached Entity OFT from AVS is missing or incorrect and the information in AVS for my company must be updated. If you select this option, you must attach an Entity OFT from AVS to this form. Use Part D to provide missing or corrected information. Sign and date below and complete Part D. Our company currently has no information in AVS. If you select this option, you must provide all information required in Part D. Sign and date below and complete Part D. 5/12/09 Date IMPORTANT!

In order to certify in Part C to the accuracy of existing information in AVS, you must obtain a copy of your business' Entity OFT. To obtain an Entity OFT, contact the AVS Office, toll-free, at 800-643-9748 or request it from <a href="https://www.avs.osmre.~ov">www.avs.osmre.~ov</a> on the Internet.

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AGENCY West Virginia Purchasi	ng Division
REQ.P.O# DEP14606	

#### **BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That	we, the undersigned, Breakaway, Inc.
of 1075 Old Turnpike Road , Sutton, \	NV 26601 , as Principal, and Ohio Farmers Insurance
Compan of One Park Circle , Westfield Center, OH	4251 , a corporation organized and existing under the laws of the State of
Ohio with its principal office in the City of V	/estfield Center , as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of Five Per	cent (5%) of Amount Bid (\$) for the payment of which,
well and truly to be made, we jointly and severally bind o	urselves, our heirs, administrators, executors, successors and assigns.
	at whereas the Principal has submitted to the Purchasing Section of the
	Itached hereto and made a part hereof, to enter into a contract in writing for
Paint Creek Watershed Restoration, Kanawha/Fa	yette Counties, West Virginia
NOW THEREODE	
hereto and shall furnish any other bonds and insurance i	pal shall enter into a contract in accordance with the bid or proposal attached required by the bid or proposal, and shall in all other respects perform the his obligation shall be null and void, otherwise this obligation shall remain in full
force and effect. It is expressly understood and agreed the penal amount of this obligation as herein state	hat the liability of the Surety for any and all claims nereunder shall, in no event,
The Surety, for the value received, hereby stipularly way impaired or affected by any extension of the time will waive notice of any such extension.	plates and agrees that the obligations of said Surety and its bond shall be in no thin which the Obligee may accept such bid, and said Surety does hereby
	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
12th day of May , 2009 .	^
	ā i aī i
Principal Corporate Seal	Breakawāÿ, Inc. (Name of Principal)
	Janua Tires t
	(Must be President or
·	Vice President)
Maria Maria	President
	(Title)
The second second	Ohio Farmers Insurance Company
Surety Corporate Seal	(Name of Surety)
	$\Lambda$
	By Dinna & Price
	Donna J. Price / Attorney-in-Fact
	Licensed WVResident Agent

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.

P 23/24 304-765-5389>>

POWER NO. **General Power of Attorney** 

Westfield Insurance Co. Westfield National insurance Co. Ohio Farmers Insurance Co. Westfield Center, Ohio

#### **CERTIFIED COPY**

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having their principal offices in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint Donna J. Price Licensed WV Resident Agent

and State of ww its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in of Charleston

their names, place and stead, to execute, acknowledge and deliver the following surety bond:

Surety Bond Number : Bid Bond

Principal

; Breakaway, Inc.

Obligee

: State of West Virginia

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY:

"BE IT RESOLVED, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents cancelling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon The Company as if signed by the President and sealed and attested by the Corporate Secretary."

"BE IT FURTHER RESOLVED, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000.)

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their Senior Executive and their corporate seals to be hereto affixed this 12th day of

Corporate Seals Affixed







WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY OHIO FARMERS INSURANCE COMPANY

Steward Of Grand of

Richard L. Kinnaird, Jr., Senior Executive

304-765-5389 >>

State of Ohio County of Medina

SS.:

May , A.D.,2009 , before me personally came Richard L. Kinnaird, Jr., to me known, who, On this 12th day of being by me duly sworn, did depose and say, that he resides in Medina, Ohio, that he is Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Board of Directors of said Companies; and that he signed his name thereto by like order.

Notarial Seal Affixed



By:

William J. Kahelin, Attorney at Law, Notary Public My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio County of Medina

SS.:

CERTIFICATE

I, Frank Carrino, Secretary of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY, and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Company at Westfield Center, Ohio, this , A.D., <u>2009</u> May

121h

day of

Frank

Frank Carrino, Secretary



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

STAT	e of west virginia,
COUN	ity of Braxton ro-wit:
	IONIA VIOCENT, after being first duly sworn, depose and as follows:
1.	I am an employee of <u>Breakauku, Inc</u> ; and, (Company Name)
2.	I do hereby attest that Breakaway, Inc. (Company Name)
	maintains a valid written drug free workplace policy and that such policy is in compliance with <b>West Virginia Code</b> §21-1D-5.
The al	bove statements are sworn to under the penalty of perjury.  Breakakay, Inc.
	By: Company Name)  By:
	Title: <u>President</u>
Taken	Date: $5/6/09$ , subscribed and sworn to before me this $6$ day of $8$ and $8$ and $8$ and $8$ and $8$ and $8$ are $8$ and $8$ are $8$ and $8$ are $8$ are $8$ and $8$ are $8$ and $8$ are $8$ are $8$ are $8$ are $8$ and $8$ are $8$ and $8$ are $8$ and $8$ are $8$
Ву Со	mmission expires Sopt. 26, 2017
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<u>afeii</u> The e	PAYIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF

304-765-5389 >>

RFQ	No.	DEP 14 606	
T U	NO.		

#### STATE OF WEST VIRGINIA Purchasing Division

P 21/24

### 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:	Breakoway, Inc.			
Authorized Signature:	Jones Tinast	Date: _	5/12/09	
Purchasing Affidavit (Revised C	01/01/09)			