

J.L. Pretzel Contracting, LLC

WV#042529

274 Horseshoe Drive  
Bruceton Mills, WV 26525  
Phone (304)379-7789  
Fax (304)379-7788

# FAX:

To: WV DEP

From: JL Pretzel Contracting

Date: 7/30/09

Fax # 304-558-3970

No. of Pages: 22

Please Respond: Yes /  No

RE: Seal Bid. - Hard Copy to Follow.

Buyer: CB-23

Req #: DEP 14589

Bid Opening: July 30, 2009

2009 JUL 30 A 9: 29  
PURCHASING DIVISION  
STATE OF WV

RECEIVED



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  
 DEP14589

PAGE  
 1

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

RFQ COPY  
 TYPE NAME/ADDRESS HERE  
*JL Pretzel Contracting LLC*  
*274 Horseshoe Drive*  
*Bruceston Mills, WV 26525*

SHIPP TO  
 ENVIRONMENTAL PROTECTION  
 DEPARTMENT OF  
 OFFICE OF WASTE MANAGEMENT  
 601 57TH STREET SE  
 CHARLESTON, WV  
 25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
05/14/2009				

BID OPENING DATE: 06/29/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES  THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPT. OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS FOR THE LCAP PROJECT KNOWN AS THE BIG BEAR LAKE LANDFILL REMEDIATION PROJECT LOCATED NEAR HAZELTON, WV, (PRESTON CO.).  A MANDATORY ON-SITE PRE-BID CONFERENCE IS SCHEDULED FOR 06/01/2009 AT 10:00AM. FAILURE TO ATTEND THIS MANDATORY PRE-BID MEETING WILL RESULT IN THE DISQUALIFICATION OF VENDOR'S SUBMITTED BID.  THE SITE IS LOCATED IN THE ALASKAN VILLAGE SECTION OF BIG BEAR LAKE, 3.5 MILES SOUTH OF THE I-68 HAZELTON EXIT. CHECK IN AT THE GUARD SHACK AT THE CAMPGROUND FOR THE FINAL DESIGNATED MEETING PLACE DEPENDING ON THE WEATHER THAT DAY.  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 WITH 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 ARTI						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Garnie Pretzel</i>	TELEPHONE 304-379-7789	DATE 7/28/2009
TITLE <i>Mgr.</i>	FAX 20-8097120	ADDRESS CHANGES TO BE NOTED ABOVE

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



State of West Virginia  
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<p>CLE 1D, CHAPTER 2L 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 WITHIN 120 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED.</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 PRESTON COUNTY, PURSUANT 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> <p>(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO</p>						

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SIGNATURE: <i>Jamie Pretzel</i>	TELEPHONE: 304-379-7789	DATE: 7/28/2009
TITLE: <i>Mgr.</i>	FBN: 20-8097120	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.</p> <p>( ) BUILDERS RISK INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT.</p> <p>(XX) BONDS: FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF 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 THE STATE OF WEST VIRGINIA. A LETTER OF CREDIT SUBMITTED IN LIEU OF A BOND WILL ONLY BE ALLOWED FOR PROJECTS UNDER \$100,000. PERSONAL OR BUSINESS CHECKS ARE NOT ACCEPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR AND MATERIAL BOND.</p> <p>( ) MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR.</p> <p>REV. 11/00</p> <p>EXHIBIT 7</p> <p>DOMESTIC ALUMINUM GLASS &amp; STEEL IN PUBLIC WORKS PROJECTS</p> <p>IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION,</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS.

SIGNATURE <i>Jami Rehl</i>	TELEPHONE <b>304-379-7789</b>	DATE <b>7/28/2009</b>
TITLE <i>Mgr</i>	FERN <b>20-8097120</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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DATE PRINTED <b>05/14/2009</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
BID OPENING DATE: <b>06/29/2009</b>	BID OPENING TIME <b>01:30PM</b>			

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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: *Jamie Smith* TELEPHONE: **304-379-7789** DATE: **7/28/2009**

TITLE: *Mgr.* FEIN: **20-8097120** ADDRESS CHANGES TO BE NOTED ABOVE

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



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PAGE  
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ADDRESS CORRESPONDENCE TO ATTENTION OF  
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804-558-2157

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VENDOR

*JL Pretzel Contracting  
274 Horseshoe Drive  
Bruceston Mills WV  
26525*

SHIP TO

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601 57TH STREET SE  
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25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/14/2009				
BID OPENING DATE: 06/29/2009		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	QAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
EXHIBIT 9						
<p>NOTICE FOR ISSUANCE &amp; ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA</p> <p>THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:</p> <p>(1) THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM AND A LIST OF ALL PARTIES THAT HAVE PROCURED DRAWINGS AND SPECIFICATIONS FOR THE PROJECT. THE ADDENDUM AND LIST SHALL BE FORWARDED TO THE BUYER IN THE STATE PURCHASING DIVISION. THE ARCHITECT/ENGINEER SHALL ALSO SEND A COPY OF THE ADDENDUM TO THE STATE AGENCY FOR WHICH THE CONTRACT IS ISSUED.</p> <p>(2) THE BUYER SHALL SEND THE ADDENDUM TO ALL INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID OPENING DATE. ANY ADDENDUM SHOULD BE RECEIVED BY THE BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID OPENING DATE.</p> <p>(3) ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY ALL BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION. THE SAME RULES AND REGULATIONS THAT APPLY TO THE ORIGINAL BIDDING DOCUMENT SHALL ALSO APPLY TO AN ADDENDUM DOCUMENT. THE ONLY EXCEPTION MAY BE FOR AN ADDENDUM THAT IS ISSUED FOR THE SOLE PURPOSE OF CHANGING A BID OPENING TIME AND/OR DATE.</p> <p>REV. 11/96</p>						
EXHIBIT 10						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Garnie Pretzel* TELEPHONE: 304-379-7789 DATE: 7/28/2009

TITLE: *Mgr.* FEIN: 20-8097120 ADDRESS CHANGES TO BE NOTED ABOVE

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*JL Pretzel Contracting  
274 Horseshoe Dr.  
Brucean Mills, WV 26525*

ENVIRONMENTAL PROTECTION  
DEPARTMENT OF  
OFFICE OF WASTE MANAGEMENT  
601 57TH STREET SE  
CHARLESTON, WV  
25304 304-926-0499

DATE PRINTED: 05/14/2009  
TERMS OF SALE: [blank]  
SHIP VIA: [blank]  
F.O.B.: [blank]  
FREIGHT TERMS: [blank]  
BID OPENING DATE: 06/29/2009  
BID OPENING TIME: 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM ACKNOWLEDGEMENT						
I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.						
ADDENDUM NOS.:						
NO. 1		<input checked="" type="checkbox"/>				
NO. 2		<input checked="" type="checkbox"/>				
NO. 3		<input checked="" type="checkbox"/>				
NO. 4		<input type="checkbox"/>				
NO. 5		<input type="checkbox"/>				
I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.						
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.						
<i>Garnie Pretzel</i>					SIGNATURE	
<i>JL Pretzel Contracting</i>					COMPANY	
<i>7/28/2009</i>					DATE	

SEE REVERSE SIDE FOR TERMS AND CONDITIONS  
SIGNATURE: *Garnie Pretzel* TELEPHONE: *304-379-7789* DATE: *7/28/2009*  
TITLE: *mgr.* FEIN: *20-8097120* ADDRESS CHANGES TO BE NOTED ABOVE

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25304 304-926-0499

DATE PRINTED <b>06/23/2009</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
BID OPENING DATE: <b>07/08/2009</b>		BID OPENING TIME		<b>01:30PM</b>

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 1 *****						
ADDENDUM ISSUED FOR THE BIG BEAR LAKE PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS AND THE REVISED BID SCHEDULE RESULTING FROM THE MANDATORY ON-SITE PRE-BID MEETING OF 06/01/2009.						
BID DATE AND OPENING TIME HAVE BEEN EXTENDED FROM 06/29/09 TO 07/08/09 AT 1:30 PM.						
***** NO OTHER CHANGES *****						
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Garnie Pretzel</i>	TELEPHONE <b>304-379-7789</b>	DATE <b>7/28/2009</b>
TITLE <i>Mgr</i>	SEIN <b>20-8097120</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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SUBMIT TO

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601 57TH STREET SE  
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25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
07/06/2009				

BID OPENING DATE: 07/15/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	QTY REQ	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 02 *****						
ADDENDUM ISSUED FOR BIG BEAR LAKE PROJECT TO POSTPONE THE BID OPENING DATE AND TIME UNTIL REVISED SPECIFICATIONS AND BID SCHEDULES ARE COMPLETED FOR DISTRIBUTION.						
BID OPENING DATE AND TIME IS EXTENDED TO 07/22/09 AT 1:30 PM.						
ADDENDUM NO. 3 WILL BE ISSUED SHORTLY.						
***** NO OTHER CHANGES *****						
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Jamie Pretzel</i>	TELEPHONE 304-379-7789	DATE 7/28/09
TITLE <i>Mgr</i>	FEBN 20-809712d	ADDRESS CHANGES TO BE NOTED ABOVE

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07/16/2009				

BID OPENING DATE: 07/30/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 03 *****						
ADDENDUM ISSUED FOR THE BIG BEAR LANDFILL PROJECT TO DISTRIBUTE THE REVISED PROJECT SPECIFICATION BOOK INDEX PAGE #11 FROM THE ORIGINAL RFQ AND SECTION VI OF THE SPECIFICATION BOOK (TECHNICAL SPECIFICATIONS) INCLUSIVE OF THE REVISED BID SCHEDULE AND THE TEST PIT EXCAVATION LOGS.						
BID DATE AND OPENING HAS BEEN EXTENDED FROM 07/22/09 TO 07/30/2009 AT 1:30 PM.						
***** NO OTHER CHANGES *****						
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SIGNATURE <i>Jamie Pugh</i>	TELEPHONE 304-379-7789	DATE 7/28/2009
TITLE <i>Mgr</i>	FAX 20-8097120	ADDRESS CHANGES TO BE NOTED ABOVE

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REV. 11/96						
<p><b>CONTRACTORS LICENSE</b></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. TELEPHONE: (304) 558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.</p> <p>BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME: <i>JL Pretzel Contracting</i></p> <p>CONTRACTORS LICENSE NO: <i>042529</i></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 style="text-align: center;"><b>APPLICABLE LAW</b></p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p>						

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SIGNATURE <i>Gammit</i>	TELEPHONE <i>304-379-7789</i>	DATE <i>7/28/2009</i>
TITLE <i>Mgr.</i>	FAX <i>20-8097120</i>	ADDRESS CHANGES TO BE NOTED ABOVE

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Post Office Box 50130  
Charleston, WV 25305-0130

### Request for Quotation

RFQ NUMBER  
**DEP14589**

PAGE  
**8**

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

RFQ COPY

TYPE NAME/ADDRESS HERE

*JL Pretzel Contracting  
274 Horseshoe Drive  
Bruceton Mills WV 26523*

ENVIRONMENTAL PROTECTION  
DEPARTMENT OF  
OFFICE OF WASTE MANAGEMENT  
601 57TH STREET SE  
CHARLESTON, WV  
25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/14/2009				

BID OPENING DATE: **06/29/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<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: CB-23</p> <p>REQ. NO.: DEP14589</p> <p>BID OPENING DATE: 06/29/2009</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Garnie Pretzel</i>	TELEPHONE <b>304-379-7789</b>	DATE <b>7/28/2009</b>
TITLE <i>Mgr.</i>	FAX <b>20-8097120</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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



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

### Request for Quotation

RFQ NUMBER  
**DEP14589**

PAGE  
**9**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**CHUCK BOWMAN  
804-558-2157**

VENDOR

RFQ COPY  
TYPE NAME/ADDRESS HERE

*JL Pretzel Contracting  
274 Horseshoe Dr.  
Bruceston Mills WV 26525*

SHIP TO

ENVIRONMENTAL PROTECTION  
DEPARTMENT OF  
OFFICE OF WASTE MANAGEMENT  
601 57TH STREET SE  
CHARLESTON, WV  
25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/14/2009				

BID OPENING DATE: *06/29/2009* *7/30/09* BID OPENING TIME: *01:30PM*

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
BID OPENING TIME:				1:30 PM		
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
<i>304-379-7788</i>						
PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE:						
<i>Jamie Pretzel</i>						
<i>304 288-2825</i>						
***** THIS IS THE END OF RFQ DEP14589 ***** TOTAL:						<i>\$136,375.00</i>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Jamie Pretzel* TELEPHONE: *304-379-7789* DATE: *7/25/2009*

TITLE: *Mgr.* FEIN: *20-8097120* ADDRESS CHANGES TO BE NOTED ABOVE

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

**Revised per Addendum #3**  
**Big Bear Landfill Closure Project**  
**Requisition # DEP14589**  
**Contractor's Bid Sheet**

Company Name: JL Pretzel Contracting LLC  
 Address: 274 Horseshoe Drive  
Bruceston Mills WV 26525

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

ITEM NO.	ESTIMATED QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL BID AMOUNT
13.0	Lump Sum	Construction Layout	LS	\$ 2,000.00
14.0	Lump Sum	Mobilization and Demobilization	LS	\$ 8,000.00
15.0	Lump Sum	Site Preparation	LS	\$ 12,000.00
16.1	7,250 CY	Excavation	4.00 CY	\$ 29,000.00
16.2	Lump Sum	Addition of Leaf Waste	LS	\$ 30,000.00
16.3	4,550 CY	Transportation of Waste Material	10.50 CY	\$ 47,775.00
16.4	4 Each	Abandonment of Existing Monitoring Wells	1,000.00 EA	\$ 4,000.00
17.0	Lump Sum	Seeding	LS	\$ 3,600.00
<b>TOTAL BID</b>				<b>\$ 136,375.00</b>

*One Hundred & Thirty six Thousand Dollars  
 Three Hundred and Seventy Five & no/cent.*

Signature: *Jamie Pretzel* Date: 7/28/2009



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

STATE OF W. V. A.

COUNTY OF Preston, TO-WIT:

I, Charlene Pretzel, after being first duly sworn, depose and state as follows:

- 1. I am an employee of JL Pretzel Contracting LLC and,  
(Company Name)
- 2. I do hereby attest that JL Pretzel Contracting LLC  
(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.

JL Pretzel Contracting  
(Company Name)

By: Charlene Pretzel

Title: Office mgr.

Date: 7/28/2009

Taken, subscribed and sworn to before me this 28<sup>th</sup> day of July.

By Commission expires March 6, 2014



OFFICIAL SEAL  
NOTARY PUBLIC  
STATE OF WEST VIRGINIA  
SANDRA S. LIGHT  
ROUTE 4, BOX 400  
BRUCETON MILLS, WV 26525-9525  
My commission expires March 6, 2014

Sandra S. Light  
(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.**

RFQ No. \_\_\_\_\_

059

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: JL Pretzel Contracting LLC  
Authorized Signature: Charles D. [Signature] Date: 7/28/09



BOND #261061

## BID BOND

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED J L PRETZEL CONTRACTING, LLC  
9 BELGIAN ESTATES, BRUCETON MILLS, WV 26525 AS PRINCIPAL, AND  
AMERICAN CONTRACTORS INDEMNITY COMPANY AS SURETY, ARE HEREBY HELD AND  
 FIRMLY BOUND UNTO WV ENVIRONMENTAL PROTECTION AS OWNER IN THE  
 PENAL SUM OF SEVENTEEN THOUSAND FIVE HUNDRED 00/100 FOR THE PAYMENT OF WHICH, WELL AND  
 TRULY TO BE MADE, WE HEREBY JOINTLY AND SEVERALLY BIND OURSELVES, SUCCESSORS AND  
 ASSIGNS,

SIGNED, THIS 29TH DAY OF JUNE, ~~19~~ 2009

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS THE PRINCIPAL HAS  
 SUBMITTED TO WV ENVIRONMENTAL PROTECTION A CERTAIN BID, ATTACHED  
 HERETO AND HEREBY MADE A PART HEREOF TO ENTER INTO A CONTRACT IN WRITING, FOR THE  
CLEAN UP MAATERIAL FROM OLD DUMP & REGRADE BIG BEAR LAKE, BRUCTEON MILLS, WV 26525  
WV 14589

NOW, THEREFORE,

- (A) If said Bid shall be rejected, or in the alternate,
- (B) If said Bid shall be accepted and the principal shall execute and deliver a contract in the form of contract attached hereto (properly completed in accordance with said Bid) and shall furnish a bond for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid.

Then this obligation shall be void, otherwise the same shall remain in force and effect: It being 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 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 OWNER MAY ACCEPT SUCH BID; AND SAID SURETY DOES HEREBY WAIVE NOTICE OF ANY SUCH EXTENSION.

IN WITNESS WHEREOF, THE PRINCIPAL AND THE SURETY HAVE HEREUNTO SET THEIR HANDS AND SEALS, AND SUCH OF THEM AS ARE CORPORATIONS HAVE CAUSED THEIR CORPORATE SEALS TO BE HERETO AFFIXED AND THESE PRESENTS TO BE SIGNED BY THEIR PROPER OFFICERS. THE DAY AND YEAR FIRST SET FORTH ABOVE.



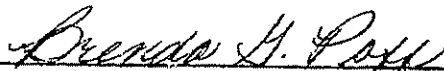
J L PRETZEL CONTRACTING, LLC PRINCIPAL JAMIE L PERTZEL, PRES

(L.S.)

AMERICAN CONTRACTORS INDEMNITY COMPANY

SURETY

BY:



BRENDA G. POFF, ATTORNEY-IN-FACT

IMPORTANT -- Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

**POWER OF ATTORNEY**

**AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

**Charles W. Manning or Brenda G. Poff of Huntington, West Virginia**

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed \*\*\*\*Three Million\*\*\*\* Dollars (\$ \*\*3,000,000.00\*\*).

This Power of Attorney shall expire without further action on March 18, 2011. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

*Be it Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary 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:

*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 or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

*Be it Resolved*, that the signature of any authorized officer and 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 signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 15<sup>th</sup> day of July, 2008.

**AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

Corporate Seals



By: [Signature]  
Daniel P. Aguilar, Vice President

State of California

County of Los Angeles SS:

On this 15<sup>th</sup> day of July, 2008, before me, Deborah Reese, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature [Signature] (Seal)



I, Jeannie J. Kim, Assistant Secretary of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty 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; furthermore, the resolutions of the Boards 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 seals of said Companies at Los Angeles, California this 29TH day of JUNE, 2009

Corporate Seals

Bond No. 261061  
Agency No. 9130



[Signature]  
Jeannie J. Kim, Assistant Secretary

**MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET**

RFQ # : DEP-14589  
Project: Big Bear Lake LF Closure

Bid Date: 6-29-09 1:30 PM  
Pre-Bid Date: 6-1-09 10:00

✓ Name : Ed Baker  
Company: Baker Excavating  
Address: P.O. Box 1163  
Dellslow Wv. 26531  
Phone #: 304-242-1470  
Fax # : \_\_\_\_\_  
Email : Baker Excavating @  
Hotmail

✓ Name : Mike Miller  
Company: Milw Environmental  
Address: 511 Hartman Run Rd  
Morgantown, WV 26505  
Phone# : 304-292-8655  
Fax # : " " 8654  
Email : mike@willow-wv.com

✓ Name : Bill Bolyn  
Company: Charles E. Bolyn & Son Inc  
Address: 125 East High St.  
Kenwood WV 26537  
Phone #: 304-329-1330  
Fax # : 329-1571  
Email : Cebinc@Verizon.net

Name : Ken Westfall  
Company: Waste Management  
Address: Kwestfall@wm.com  
Meadowfill Landfill  
Phone# : 304-965-6183  
Fax # : 428-7810  
Email : P.O. Box 68 - Bridgeport, WV

Name : Bill Bolinger  
Company: J B & Sons  
Address: Rt. 2 Box 285  
Aldright, WV 26519  
Phone #: 304-329-0818  
Fax # : 52116  
Email : bolingerinsctr@aol.com

Name : JR SPENCER  
Company: BONE SPENCER, Inc  
Address: HC 74, Box 201  
STRANGE CREEK WV 25063  
Phone# : 304-364-8626  
Fax # : -8376  
Email : RHS20.H30.NET

Name : Stewart Whitehair  
Company: Morgantown Excavators  
Address: P.O. Box 520  
Morgantown, WV 26507  
Phone #: 304-292-3489  
Fax # : 304-292-0746  
Email : Swhitehair@mei.wv.com

✓ Name : SCOTT ANELLO  
Company: BETZEL CORPORATION  
Address: 12072 BITINGER RD  
GRANTVILLE, MD 21536  
Phone# : 301 245 4107  
Fax # : 301 245 4740  
Email : SCOTTANELLO@BETZEL CORP. com

✓ Received plans, please invoice Pd Received plans, paid

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP-14589  
Project: Big Bear Lake LF Closure

Bid Date: 6-29-09 1:30 PM  
Pre-Bid Date: 6-1-09 10:00

✓ Name : Allen Fraley  
Company: All Const.  
Address: Po Box 92 Mt Storm WV 26739  
Phone #: 1-304-693-7131  
Fax #: \_\_\_\_\_  
Email: \_\_\_\_\_

<sup>paid</sup> Name : Reckin C R J Will  
Company: \_\_\_\_\_  
Address: Po Box 2162 Fmt WV 26555  
Phone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Email: \_\_\_\_\_

✓ Name : Alex Yandrich  
Company: Savage  
Address: 196 Peter Run Rd Wheeling WV 26003  
Phone #: 304-242-3100  
Fax #: 304-242-3104  
Email: AYandrich@SavHHC.com

✓ Name : MIRE HADDIX  
Company: Ryan Environmental Inc  
Address: Rt 4 Box Bridgeport WV 26330  
Phone #: 304 842-5578  
Fax #: 304 842-5131  
Email: Mhaddix@RyanEnv.com

✓ Name : Jason C Workman  
Company: Mountaineer Contractors Inc  
Address: P.O. Box 1006 Kingwood, WV 26537  
Phone #: (304) 290-0404  
Fax #: (304) 329-2206  
Email: jasonworkman@verizon.net

✓ Name : John PILL  
Company: EAP Industries  
Address: 1400 Summit Pk Atlanta GA  
Phone #: 402-400-5255  
Fax #: 774-947-8681  
Email: Rpush@EAPIndustries.com

✓ Name : Lauren Ewell  
Company: Triad Engineering  
Address: 219 Hartman Run Road Morgantown, WV 26505  
Phone #: (304) 296-2562  
Fax #: (304) 296-8739  
Email: lewell@triadeng.com

✓ Name : Charlene Pretzel  
Company: J L Pretzel Contracting  
Address: 9 Belgian Est. Brunston Mills WV 26525  
Phone #: 304-379-7789  
Fax #: 379-7788  
Email: j.pretzel@aol.com

✓ Received plans, please invoice Pd Received plans, paid

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP-14589
Project: Big Bear Lake LF Closure

Bid Date: 6-29-09 1:30 PM
Pre-Bid Date: 6-1-09 10:00

Name : Ed Paugh
Company: J.F. Allen Co.
Address: PO Box 2049
Buckhannon WV
Phone #: 304-472-0090
Fax #: 304-472-0097
Email :

Name : Mike Cotten
Company: Steamcreek Environmental Corp
Address: 6106 Corporate Park Dr.
Brown Summit w.v.
Phone #: 336-375-1989
Fax # :
Email :

Name : Brian Burns
Company: POTESTA & ASSOCIATES INC
Address: 125 Lakeview Drive
Martinsburg WV 26505
Phone #:
Fax # :
Email :

Name :
Company:
Address:
Phone #:
Fax # :
Email :

Name : Ty Martin
Company: Solid Rock Ex. Inc
Address: Rt 1 Box 101A
Albright, WV 26519
Phone #: 304-276-2371
Fax # : 304-379-9502
Email : Solid-rock@comcast.net

Name :
Company:
Address:
Phone #:
Fax # :
Email :

Name : Steve Solomon
Company: Solo Crane
Address: 194 W Park Ave
Martinsburg, WV 26501
Phone #: 304 328 5880
Fax # : 304 296-4971
Email :

Name :
Company:
Address:
Phone #:
Fax # :
Email :

Received plans, please invoice Pd Received plans, paid