



Dingess Lumber Company / Dingess Transport

P.O. Box 909
Belington, WV 26250

Phone: 304-823-1267
Fax : 304-823-3397

FAX TRANSMITTAL FORM

To:	From:
Name:	Date Sent:
CC:	Number of Pages:
Phone:	
Fax: 304-558-3970	

Message:

RECEIVED
2001 AUG 11 A 8:53
PURCHASING DIVISION
STATE OF WV

AUG. 10. 2009 8:58AM WV DIV OF PURCH NO. 6345 P. 1



State of West Virginia
 Department of Administration
 Purchasing Division
 2010 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER	PAGE NO.
DEP14652	1

ADDRESS FOR CORRESPONDENCE (IF DIFFERENT FROM OFFICE)
CHUCK BOWMAN 304-558-2157

RFQ COPY
 TYPE NAME/ADDRESS HERE

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

DATE PRINTED	RFQ NUMBER	RFQ TITLE	RFQ TYPE	RFQ CLASS	RFQ STATUS	RFQ TERMS
07/24/2009						
BID OPENING DATE:	08/11/2009				BID OPENING TIME:	01:30PM
LINE	QUANTITY	UNIT	CAT NO	ITEM NUMBER	DESCRIPTION	AMOUNT
0001	1	CB	962-73		RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES	
***** ADDENDUM NO. 1 ***** ADDENDUM ISSUED FOR THE HOWESVILLE SITES PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS AND THE Q/A AS A RESULT OF THE MANDATORY PRE-BID CONFERENCE HELD ON 07/14/2009. BID OPENING DATE AND TIME REMAIN UNCHANGED AS 08/11/09 AT 1:30 PM. ***** NO OTHER CHANGES *****						
***** THIS IS THE END OF RFQ					DEP14652 ***** TOTAL:	<u>1,228,285-</u>
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE: <i>[Signature]</i>		TELEPHONE: 304-823-1267		DATE: 8/10/09		
TITLE: <i>[Signature]</i>		FAX: 304-823-8955		ADDRESS CHANGES TO BE NOTED ABOVE		

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

AUG. 10. 2009 8:58AM

WV DIV OF PURCH

NO. 6345 P. 2

**GENERAL TERMS & CONDITIONS
REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)**

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vro/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as EQUAL to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in case of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications; Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 60130, Charleston, WV 25305-0130

AUG. 10. 2009 8:59AM

WV DIV OF PURCH

NO. 6345 P. 3

P2

**Addendum #1 - Questions During Pre-Bid Meeting
For DEP 14652
Howersville Sites Project**

- 1) Specification 7.3.3 shall be revised to indicate that stream bank protection ending in coal refuse shall be undercut 24" and a 24" layer of soil placed and compacted prior to installing the grouted riprap stream bank protection instead of 12".
- 2) It is anticipated that the bat gate seals will accommodate a 77" by 55" pipe arch culvert once the mine portal is opened up. The contractor is advised, however, that he should open up each mine portal as usual for installation of a mine seal and then make the determination if a 77" by 55" pipe arch culvert will fit into the opening. If it will, then this is the size pipe arch culvert that is to be installed. If, for some unforeseen reason, the coal seam is not as thick as anticipated, the size of the pipe arch culvert shall be reduced in order to fit into the opening, but in no case shall the pipe arch culvert be less than the maximum size that is able to be accommodated by the bat gate seal design.
- 3) The Contractor will be required to properly dispose of a petroleum-filled 55 gallon drum and associated stained soils located near Baseline Two Station 1+30, 90 feet left. The drum, its contents, and the stained soil shall be removed to a State approved off-site disposal area permitted to accept this type of waste. The Contractor will be required to obtain an "Overpack" barrel sized to allow the petroleum-filled 55 gallon drum to be inserted inside and sealed for transportation.

The contractor shall excavate all apparent contaminated soils surrounding the petroleum-filled 55 gallon drum to the satisfaction of the Engineer. Excavated, contaminated soils shall be placed in 55-gallon barrels, sealed, and transported, along with the petroleum-filled 55 gallon drum to a State approved disposal area permitted to accept this type of waste. Reclaimed 55 gallon drums for contaminated soil disposal can also be obtained from Reliance Environmental Transport. The Contractor may also be required to perform a waste profile on the contaminated soil prior to delivery to the destined landfill. Laboratory testing parameters of the waste profile are landfill dependant. All costs associated with task shall be considered incidental to "Item 4.0 Site Preparation". The Contractor will be required to submit proof of proper disposal of the petroleum-filled 55 gallon drum, contaminated soil, and any other materials contaminated in the disposal process. Proof shall consist of bill of lading from the State approved landfill or State certified and approved waste hauler.

The following questions were identified from the Pre-Bid Conference. The answers provided herein take precedence over verbal answers at the PBC should there be any conflicts between the two.

- 1.) Q. How will the ditch crossings be paid?
A. They will be incidental to the ditch construction in which they are placed.
- 2.) Q. Are the ditches all the same?
A. No, there are both "V"-ditches and flat bottom ditch.
- 3.) Q. In reference to Bat Gate Mine Seals, the two (2) 12" PVC pipes, are they conveyance pipes?
A. No, they are mine seal outlet pipes.

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WV DIV OF PURCH

NO. 6345 P. 4

P3

**Addendum #1 - Questions During Pre-Bid Meeting
For DEP 146S2
Howesville Sites Project**

- 4.) Q. Are the 12" PVC pipes paid as conveyance pipes?
A. No. They are incidental to the Bat Gate Mine Seal.
- 5.) Q. The table indicates there is 700+ feet of 12" Mine Seal Outlet pipe, is this pipe incidental to the Bat Gate Mine Seal?
A. Yes.
- 6.) Q. Is there just one pipe in the Bat Gate Mine Seal?
A. No, there are two 12" PVC pipes that run parallel.
- 7.) Q. Is there just one elliptical pipe per Bat Gate Mine Seal?
A. Yes.
- 8.) Q. Do the outlet pipes discharge into a ditch?
A. Yes.
- 9.) Q. What is the maximum distance you can push the elliptical pipe into the mine opening?
A. Three times the height of the coal seam.
- 10.) Q. Does the trash around the building get removed?
A. If it is in the construction limits, it gets removed.
- 11.) Q. Where does the material come from to backfill the highwall?
A. The area was identified in the field.
- 12.) Q. Do we have to do any soil sampling for the oil drum removal?
A. Yes, see # 3 of the Addendum.
- 13.) Q. Does the road get upgraded?
A. No, but it must be maintained to provide all weather access.
- 14.) Q. Do you have a detail on the all weather access road?
A. No.
- 15.) Q. What is the size of the elliptical pipe for the Bat Gate Mine Seal?
A. 77" X 55".
- 16.) Q. Can you modify the elliptical pipe?
A. No.

The Contractor shall have 180 days from the date of the Notice to Proceed to complete Construction activities on the project. The \$250 per day liquidated damage clause will be in effect after the 180 days. However, the total performance period will be 365 days from the date of the Notice to Proceed for invoicing purposes.

AUG. 10. 2009 8:59AM

WV DIV OF PURCH

NO. 6345 P. 5

1 of 3

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

P4

RFQ # : 14652
Project: HONESVILLE SITE

Bid Date: 8/16/09
Pre-Bid Date: 7/14/09

Name : Bob Carabony
Company: Bob Carabony
Address: 216 New River Drive
Rocky Mtn WV

Name : Miriah Taylor
Company: Beckley Drilling and Blasting
Address: Bama WV 25813

Phone #: 304-693-9388
Fax #: 304-769-7593
Email: Bob.Carabony@Comcast.com

Phone #: 304 256 9385
Fax #: 304 256 8386
Email :

Name : Steve Jurasko
Company: Polino Contracting, Inc.
Address: P.O. Box 286
Elkins, WV 26024

Name : Matt Stanovick
Company: Cow Girl Assoc
Address: P.O. Box 243
Simpson WV 26435

Phone #: 304-626-3886
Fax #: 304 626-5128
Email: S.Jurasko@Polino.com

Phone #: 304 739-4397
Fax # :
Email :

Name : Todd Cooper
Company: Alex Engineering
Address: 300 Morgan Massy Dr
Joliet, WV 25529

Name : Steve Seabo
Company: Pro Contracting Inc
Address: P.O. Box 2442
Clarksburg, WV 26302

Phone #: 304-369-8615
Fax #: 304-369-8666
Email: ken.zeman@mathegeology.com

Phone #: 304 622-2400
Fax #: 304 622-2410
Email: ProLaw.SSS@MA.rr.com

Name : Thomas Hart
Company: Lexington Mine Reclamation
Address: Services
P.O. Box 489
Cabot, WV 25835

Name : Allan Kenard
Company: Dinger Transport Inc
Address: P.O. Box 909
Belington WV 26050

Phone #: 304 949 2372
Fax #: 304 949 2375
Email: thart@lexingtoncoal.com

Phone #: 304-823-1267
Fax #: 304-823-3397
Email: L.Kenard@allan.com

AUG. 10. 2009 9:00AM

WV DIV OF PURCH

NO. 6345 P. 6

2 of 3

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

P5

RFQ # : 14652
 Project: HUNDSVILLE SITE

Bid Date: 8/11/09
 Pre-Bid Date: 7/14/09

Name : DAVID H. BOWMAN
 Company: GREEN MOUNTAIN CO
 Address: 511 50th STREET
Chas WV 25304

Phone #: 304 925 0253
 Fax #: 304 925 9230
 Email : Jody.Mayer@dl.com

Name : ANN WARDWELL
 Company: EASTERN ARROW
 Address: 73 BOX 4108
CHARLESTON WV
25314

Phone #: 304-414-0255
 Fax #: 0256
 Email : easternarrow@hotmail.com

Name : Roger L. Collins Jr.
 Company: Collins Building & Construction, Inc.
 Address: 3404 Corby - Camp Hill
Flaunders Hwy
26621

Phone #: 703-763-3521
 Fax #: 704-763-3521
 Email : Collins Building & Construction

Name : Kevin Bradford
 Company: Pineville Paving & Excavations, Inc.
 Address: P.O. Box 1290
Pineville WV 24874

Phone #: 304-732-8303
 Fax #: 304-732-7855
 Email :

Name : JAMES ALLEN
 Company: JF ALLEN CO
 Address: PO Box 2049
BUCKHANNON WV
26201

Phone #: 304 472 8890
 Fax #: 304 472 8897
 Email :

Name : Charlene Pretzel
 Company: JL Pretzel Contracting
 Address: 274 Horseshoe Dr.
Bruceston Mills WV 26523

Phone #: 304-379-7789
 Fax #: 7788
 Email : prtzelroc@aol.com

Name : Richard Hagy
 Company: Aspen Corp.
 Address: 2400 Ritter Dr.
Daniels WV. 25832

Phone #: 304-763-4573
 Fax #: 304-763-4591
 Email : B. Kubin@MSN.com

Name : Doug Higgins
 Company: ATLAS SERVICES CORP.
 Address: 1024 Rt 519
Suite 500
Granty Park Pa 15390

Phone #: 724-225-1000
 Fax #: 724-228-2579
 Email : Estimating@AtlasServices.com

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : 14652
Project: HOWESVILLE SITE

Bid Date: 8/11/09
Pre-Bid Date: 7/14/09

Name : Randy Calkins
Company: Source Consultants
Address: 1 Moore Ave.
Buckhannon, WV 26021
Phone #: 304-472-7140
Fax #: 304-472-6232
Email : Randy.Calkins@Source-Cm.com

Name : Steve Calvert
Company: Green River Group LLC
Address: P.O. Box 18039, 522 Ashbanker St.
Morgantown, WV 26507
Phone#: 304-594-3991
Fax #: 3992
Email : SCalvert@RG@aol.com

Name : Doug Vincent
Company: Breakaway Inc
Address: 1075 Old Turnpike Rd
Sutton WV 26601
Phone #: 765-5317
Fax #: 765-5389
Email :

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

Name : Herb Parsons
Company: Stempac
Address: 1 Moore Ave
Buckhannon WV
Phone #: 304-472-7140
Fax #: _____
Email : herb.parsons@stempac.com

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

Name : CALLER, Richard
Company: Save the Type of Plate used
Address: PO Box 687
Glendon WV 26034
Phone #: 304 265-2969
Fax #: _____
Email : R.Call@Hotmail.com

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

AUG. 10. 2009 9:00AM

WV DIV OF PURCH

NO. 6345 P. 8



State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 60130
Charleston, WV 25305-0130

Request for Quotation

DEP14652

PAGE 1

CHUCK BOWMAN
304-558-2157

RFQ COPY
TYPE NAME/ADDRESS HERE

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

Table with columns: DATE QUOTED (06/17/2009), TERMS OF SALE, DELIVERY, etc.

BID OPENING DATE: 08/11/2009 BID OPENING TIME 01:30PM

Main table with columns: LINE, QUANTITY, U/P, UNIT PRICE, AMOUNT. Contains detailed project description for 'RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES'.

Signature and title section: Signature of Chuck Bowman, President, FEN 55-073-9955, Telephone 304-823-1267, Date 8/10/09.

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

AUG. 10. 2009 9:01AM

WV DIV OF PURCH

NO. 6345 P. 9

GENERAL TERMS & CONDITIONS REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
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8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
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11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
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5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130

AUG. 10. 2009 9:01AM

WV DIV OF PURCH

NO. 6345

P. 10



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

Request for Quotation

REFERENCE NUMBER
 DEP14652

PAGE NUMBER
 2

ADDRESS OF RESPONDER TO BE NOTED ABOVE
 CHUCK BOWMAN
 304-558-2157

RFQ COPY
 TYPE NAME/ADDRESS HERE

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

DATE PRINTED	TERMS OF SALE	QUANTITY	UNIT	PRICE	AMOUNT
06/17/2009					
BID OPENING DATE: 08/11/2009		BID OPENING TIME 01:30PM			

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>EXHIBIT 5</p> <p>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 PURCHASING 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 PURCHASING AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID.</p> <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 365 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 HEREIN.</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 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

ORIGINATOR: *[Signature]* TELEPHONE: 304-823-1267 DATE: 8/10/09

TITLE: *[Signature]* PERM: 58-073-8955 ADDRESS CHANGES TO BE NOTED ABOVE

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

AUG. 10. 2009 9:02AM

WV DIV OF PURCH

NO. 6345 P. 11



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

Request for Quotation

DEPT14652

3

CHUCK BOWMAN
304-558-2157

RFQ COPY
TYPE NAME/ADDRESS HERE

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

DATE PRINTED	TERMS OF SALE	SYMBOL	UNIT	PRICE	PRICE TERM
06/17/2009					
BID OPENING DATE: 08/11/2009		BID OPENING TIME 01:30PM			

LINE	QUANTITY	UNIT	UNIT PRICE	AMOUNT
<p>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 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/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>				

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

DATE: 8/10/09

TELEPHONE: 304-803-1267

FAX: 304-73-8955

ADDRESS CHANGES TO BE NOTED ABOVE

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

AUG. 10. 2009 9:02AM WV DIV OF PURCH NO. 6345 P. 12



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
DEP14652

PAGE
4

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

RFQ COPY
 TYPE NAME/ADDRESS HERE

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

ESTIMATED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERM
05/17/2009				
BID OPENING DATE: 08/11/2009		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UNIT	UNIT PRICE	AMOUNT
<p>REV. 11/00 *****</p> <p>AML CONTRACTOR INFORMATION FORM OMB #1029-0119 (EXPIRATION DATE: 01/31/2010) IS ATTACHED. YOU MUST COMPLETE THIS ORIGINAL FORM TO OBTAIN AN AVS DATA EVALUATION TO DETERMINE YOUR ELIGIBILITY AS AN AML CONTRACTOR. THIS IS A REQUIREMENT UNDER 30 CFR 874.16. IF THE ORIGINAL OMB #1029-0119 IS NOT ATTACHED TO THE BIDDING DOCUMENTS YOU CAN CONTACT THE AVS OFFICE AT 800-643-9748 OR WWW.AVS.OSMRE.GOV *****</p> <p>CONTRACTORS LICENSE</p> <p>WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR CAPITOL COMPLEX, 1900 KANAWHA BLVD. E, BLDG. 6, RM 749-B, CHARLESTON, WV 25305, PH. 304-558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID. BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME: <i>Dingess Transport, Inc.</i></p> <p>CONTRACTORS LICENSE #: <i>WV 029513</i></p>				

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Chuck Bowman* TELEPHONE: 304-823-1267 DATE: 8/10/09

TITLE: Pres. FAX: 304-558-8955 ADDRESS CHANGES TO BE NOTED ABOVE

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

AUG. 10. 2009 9:03AM

WV DIV OF PURCH

NO. 6345

P. 13



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

Request for Quotation

DEPL4652

5

CHUCK BOWMAN
304-558-2157

RFQ COPY
TYPE NAME/ADDRESS HERE

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

DATE ISSUED	TERMS OF SALE	SHIP VIA	FILE NO.	FRIGHT TERMS
06/17/2009				
BID OPENING DATE: 08/11/2009		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
<p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.</p> <p>APPLICABLE LAW.</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES & REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS 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>(1) NOTICE TO PROCEED: THE CONSTRUCTION WORK SPECIFIED HEREIN IS TO BE COMPLETED WITHIN 365 CALENDAR DAYS AFTER THE OFFICIAL NOTICE TO PROCEED IS RECEIVED. IN THE EVENT THAT A PRE-CONSTRUCTION CONFERENCE IS REQUIRED, THE NOTICE TO PROCEED SHALL BE THE SPECIFIC DATE ESTABLISHED IN THE PRE-CONSTRUCTION CONFERENCE.</p> <p>(2) GUARANTEE AND MAINTENANCE: (A) THE MATERIALS AND WORKMANSHIP AFFECTED BY THE CONTRACTOR ARE SUBJECT TO THE GUARANTEE ESTABLISHED BY CUSTOM OF THE RESPECTIVE TRADES. IN THE ABSENCE OF A TRADE GUARANTEE CUSTOM OR A SPECIAL GUARANTEE PROVISION, THE WORK, BOTH AS TO THE MATERIALS AND WORKMANSHIP, SHALL UPON ACCEPTANCE OF FINAL PAYMENT BY THE CONTRACTOR BE CONSIDERED GUARANTEED BY THE CONTRACTOR FOR ONE YEAR FROM THE DATE OF THE ACCEPTANCE OF THE WORK. NEITHER THE FINAL ACCEPTANCE NOR THE</p>					

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Chuck Bowman* TELEPHONE: 304-558-1267 DATE: 8/10/09

OFFICE: *Mps.* FEIN: 55-073-8955 ADDRESS CHANGES TO BE NOTED ABOVE

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

AUG. 10. 2009 9:03AM

WV DIV OF PURCH

NO. 6345 P. 14



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
 DEP14652

RFQ PAGE NO
 6

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

RFQ COPY
 TYPE NAME/ADDRESS HERE

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

DATE POSTED	TERMS OF A/C	CITY	STATE	ZIP	REMARKS
06/17/2009					
BID OPENING DATE: 08/11/2009		BID OPENING TIME 01:30PM			

LINE	QUANTITY	UNIT	DESCRIPTION	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>FINAL PAYMENT SHALL RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR NEGLIGENCE OR FAULTY MATERIALS, AND FOR DEFECTS APPEARING WITHIN THE GUARANTEE PERIOD SHALL BE REMEDIATED AT THE EXPENSE OF THE CONTRACTOR UPON WRITTEN NOTICE.</p> <p>(B) DURING THE ONE-YEAR GUARANTEE PERIOD, THE CONTRACTOR WILL MAINTAIN THE PROJECT TO THE CONDITIONS EXISTING AT THE DATE OF THE ACCEPTANCE OF THE WORK. ANY FAILURES DUE TO THE NEGLIGENCE OR WORKMANSHIP OF CONTRACTOR IN ANY OF THE WORK THAT DEVELOPS DURING THE GUARANTEE PERIOD SHALL BE CORRECTED BY THE CONTRACTOR AT ITS EXPENSE.</p> <p>(C) THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIME ALLOTTED FOR WORK UNDER THE CONTRACT.</p> <p>(D) GUARANTEES CONCERNING REVEGETATION MAY BE FURTHER DEFINED IN THE TECHNICAL SPECIFICATIONS CONTAINED HEREIN.</p> <p>(3) TERMINATION: (1) THIS CONTRACT MAY BE CANCELLED IN WHOLE OR IN PART IN WRITING BY THE DIRECTOR OF PURCHASING, WITHOUT PREJUDICE TO ANY OTHER RIGHT OR REMEDY IT MAY HAVE, PROVIDED THAT THE CONTRACTOR IS GIVEN NOT LESS THAN THIRTY CALENDAR DAYS WRITTEN NOTICE, (DELIVERED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED) OF INTENT TO TERMINATE.</p> <p>(4) IT SHALL BE THE RESPONSIBILITY OF THE SUCCESSFUL VENDOR TO: (A) OBTAIN ALL NECESSARY DIVISION OF HIGHWAYS PERMITS FOR ALL TRANSPORTATION OF EQUIPMENT AND MATERIALS TO AND FROM THE JOB SITE. (B) OBTAIN ANY AND ALL REQUIRED CONSTRUCTION PERMITS OR RELATED JOB PERMITS.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 304-823-1267 DATE: 8/10/09

TITLE: P.O.S. FAX: 304-075-8985 ADDRESS CHANGES TO BE NOTED ABOVE

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

AUG. 10. 2009 9:04AM

WV DIV OF PURCH

NO. 6345

P. 15



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

Request for Quotation

REC'D NUMBER
DEP14652

PAGE
7

ADDRESS/CORRESPONDENCE/NOTIFICATION OFFICE
CHUCK BOWMAN
304-558-2157

RFQ COPY
TYPE NAME/ADDRESS HERE

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

DATE PRINTED	TERMS OF SALE	LINE #	QTY	UNIT PRICE	AMOUNT	FREIGHT TERMS
06/17/2009						
BID OPENING DATE: 08/11/2009		BID OPENING TIME		01:30PM		
LINE	QUANTITY	UNIT	UNIT PRICE	AMOUNT		
<p>(5) TECHNICAL SPECIFICATIONS: ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "HOWESVILLE SITES" PROJECT. PLANS & SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 66 DRAWINGS AS PREPARED BY STANTEC CONSULTANTS, INC.</p> <p>(6) PAYMENTS AND COMPLETION: THE CONTRACTOR SHALL FURNISH TO DEP AN APPLICATION FOR PAYMENT WITH AN ITEMIZED SCHEDULE OF VALUES AS HEREIN BEFORE REQUESTED. THE FORM INCLUDED IN THE SPECIFICATIONS SHALL BE USED FOR APPLICATIONS OF PAYMENT. IT IS THE DEP'S INTENT THAT THE PAYMENT TO THE CONTRACTOR BE MADE WITHIN 60 DAYS AFTER RECEIPT OF APPLICATION FOR PAYMENT.</p> <p>(7) APPLICATION FOR PARTIAL PAYMENT: THE CONTRACTOR MAY, ON A PERIODIC BASIS, SUBMIT FOR PARTIAL PAYMENT BASED ON THE AMOUNT OF WORK COMPLETED AT THE TIME OF THE SUBMITTAL. THE AMOUNT OF PAYMENT WILL BE DETERMINED FROM THE ACTUAL QUANTITY OF WORK COMPLETED IF BASED UPON UNIT MEASURES OR THE PERCENT COMPLETED IF BASED UPON A LUMP SUM.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THIS CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p>REV. 1/2005</p> <p>PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 304-823-1267 DATE: 8/10/09

TITLE: *[Signature]* FEIN: 55-073-8955 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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Request for Quotation

RFQ NUMBER
 DEP14652

PAGES
 8

ADDRESS CORRESPONDENCE OR TELEPHONE
 CHUCK BOWMAN
 304-558-2157

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

DATE PRINTED	TERMS OF SALE	SHIP VIA	DATE	FREIGHT TERMS
06/17/2009				
BID OPENING DATE: 08/11/2009		BID OPENING TIME 01.30PM		

LINE	QUANTITY	UNIT	UNIT PRICE	ITEM NUMBER	UNIFORM PRICE	AMOUNT
1.						
<p>EXCEPT WHEN AUTHORIZED BY THE DIRECTOR OF THE PURCHASING DIVISION PURSUANT TO SUBSECTION 2 BELOW, NO CONTRACTOR MAY USE OR SUPPLY STEEL PRODUCTS FOR A STATE CONTRACT PROJECT OTHER THAN THOSE STEEL PRODUCTS MADE IN THE UNITED STATES. AS USED IN THIS CONTRACT.</p> <p>A. "STATE CONTRACT PROJECT" MEANS ANY ERECTION OR CONSTRUCTION OF, OR ANY ADDITION TO, ALTERATION OF OR OTHER IMPROVEMENT TO ANY BUILDING OR STRUCTURE, INCLUDING, BUT NOT LIMITED TO, ROADS OR HIGHWAYS, OR THE INSTALLATION OF ANY HEATING OR COOLING OR VENTILATING PLANTS OR OTHER EQUIPMENT, OR THE SUPPLY OF AND MATERIALS FOR SUCH PROJECTS, PURSUANT TO A CONTRACT WITH THE STATE OF WEST VIRGINIA FOR WHICH BIDS WERE SOLICITED ON OR AFTER JUNE 6, 2001.</p> <p>B. "STEEL PRODUCTS" MEANS PRODUCTS ROLLED, FORMED, SHAPED, DRAWN, EXTRUDED, FORGED, CAST, FABRICATED OR OTHERWISE SIMILARLY PROCESSED, OR PROCESSED BY A COMBINATION OF TWO OR MORE OF SUCH OPERATIONS, FROM STEEL MADE BY THE OPEN HEARTH, BASIC OXYGEN, ELECTRIC FURNACE, BESSEMER OR OTHER STEEL MAKING PROCESS.</p> <p>C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.</p> <p>2. THE DIRECTOR OF THE PURCHASING DEPARTMENT MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF:</p> <p>A. THE COST FOR EACH CONTRACT ITEM USED DOES NOT</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 304-823-1267 DATE: 8/10/09
 TITLE: *[Signature]* PEN: 55-073-8955 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**

DEPNUMBER
 DEP14652

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ADDRESS CORRESPONDENCE TO CONTACTING
 CHUCK BOWMAN
 304-558-2157

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 TYPE NAME/ADDRESS HERE

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

DATE PRINTED	TERMS OF SALE	PRINTED	FORM	PRINTED
06/17/2009				
BID OPENING DATE: 08/11/2009		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UNIT	UNIT PRICE	AMOUNT
<p>EXCEED ONE TENTH OF ONE PERCENT (.1%) OF THE TOTAL CONTRACT COST OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER. FOR THE PURPOSES OF THIS SECTION, THE COST IS THE VALUE OF THE STEEL PRODUCT AS DELIVERED TO THE PROJECT OR,</p> <p>B. THE DIRECTOR OF THE PURCHASING DIVISION DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY AVAILABLE TO MEET CONTRACT REQUIREMENTS.</p> <p>3. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO W. VA. CODE SECTION 5A-3-56.</p> <p>REV. 10/01/01</p> <p>EXHIBIT 7</p> <p>DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS</p> <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</p>				

SIGNATURE: *[Signature]* TELEPHONE: 304-823-1267 DATE: 8/10/09
 TITLE: Pres. FEIN: 55073-8965 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

DEPT NUMBER
 DEP14652

10

ADDRESS FOR CORRESPONDENCE FOR INFORMATION ONLY
 CHUCK BOWMAN
 304-558-2157

RFQ COPY
 TYPE NAME/ADDRESS HERE

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

DATE PRINTED	TERMS OF SALE	QUANTITY	FOR	FREIGHT TERMS
06/17/2009				
BID OPENING DATE: 08/11/2009		BID OPENING TIME 01:30PM		

LINE	QUANTITY	NO.	UNIT	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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 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.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE & 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Will J...* TITLE: *DICS* TELEPHONE: 304-823-1287 DATE: 8/10/09
 FEIN: 55-073-8985 ADDRESS CHANGES TO BE NOTED ABOVE

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

AUG. 10. 2009 9:06AM

WV DIV OF PURCH

NO. 6345

P. 19



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

Request for Quotation

DEPARTMENT NUMBER
DEP14652

PAGE NUMBER
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ADDRESS FOR BIDDERS (RESIDENCE OR OFFICE)
CHUCK BOWMAN
304-558-2157

RFQ COPY
TYPE NAME/ADDRESS HERE

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

DATE PRINTED	TERMS OF SALE	SHIP VIA	EST. #	FREIGHT TERMS
06/17/2009				

BID OPENING DATE:	08/11/2009	BID OPENING TIME	01:30PM
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LINE	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
<p>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> <p>EXHIBIT 10</p> <p>REQUISITION NO.: .DEP14652...</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S: /</p>					

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 304-823-1267 DATE: 8/10/09

TITLE: Proc. PERM: 55-073-8955 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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**Request for
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RFQ NUMBER
DEP14652

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ADDRESS, CONTACT PERSON, PHONE NUMBER
**CHUCK BOWMAN
 304-558-2157**

RFQ COPY
 TYPE NAME/ADDRESS HERE

**ENVIRONMENTAL PROTECTION
 DEPARTMENT OF
 OFFICE OF AML&R
 601.57TH STREET SE
 CHARLESTON, WV
 25304 304-926-0499**

DATE PRINTED 06/17/2009	TERMS OF SALE	RFQ#	FOB	FREIGHT TERMS
BID OPENING DATE 08/11/2009	BID OPENING TIME 01:30PM			

LINE	QUANTITY	UNIT	DESCRIPTION	ITEM NUMBER	UNIT PRICE	AMOUNT
NO. 1						
NO. 2						
NO. 3						
NO. 4						
NO. 5						

I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF 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.

..... SIGNATURE
 COMPANY
 DATE

REV. 11/96

NOTICE

A SIGNED BID MUST BE SUBMITTED TO:
 DEPARTMENT OF ADMINISTRATION
 PURCHASING DIVISION

SIGNATURE: *[Signature]* TELEPHONE: **304-873-1267** DATE: **8/10/09**
 TITLE: **Pres.** FAX: **35-073-8955** 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
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**Request for
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ITEM NUMBER	PAGE
DEP14652	13
ADDRESS TO BE PRINTED ON ENVELOPE TO AVOID MISCARRIAGE	
CHUCK BOWMAN 304-558-2157	

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 TYPE NAME/ADDRESS HERE

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

DATE PRINTED	TERMS OF SALE	TYPE	FORM	FRIGHT TERMS
06/17/2009				
BID OPENING DATE: 08/11/2009		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UNIT	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130						
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:						
SEALED BID						
BUYER:				CB-23		
RFQ. NO.:				DEP14652		
BID OPENING DATE:				08/11/2009		
BID OPENING TIME:				1:30 PM		
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
304-823-3397						
VENDOR SHOULD SUBMIT WITH THEIR BID THE CURRENT REMIT-TO ADDRESS TO BE USED FOR PAYMENT PROCESSING:						
P.O. Box 909 Belmont W.V. 260250						
PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 304-823-1267 DATE: 8/10/09
 TITLE: PICS FEIN: 55-078-8955 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
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**Request for
 Quotation**

RFQ NUMBER
DEP14652

PAGES
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ADDRESS OF THE SEQUENCE OF AGENCY OR USER
**CHUCK BOWMAN
 304-558-2157**

RFQ COPY
 TYPE NAME/ADDRESS HERE

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

DATE PRINTED 06/17/2009	TERMS OF SALE	INSTRUMENT	FOE	FREIGHT TERMS
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BID OPENING DATE: **08/11/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	DESCRIPTION
CONCERNING THIS QUOTE:					
***** THIS IS THE END OF RFQ DEP14652 ***** TOTAL:					

SIGNATURE: *[Signature]* TELEPHONE: **304-823-1267** DATE: **8/10/09**
 TITLE: **Proc.** FIRM: **65-078-8955** ADDRESS CHANGES TO BE NOTED ABOVE

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

015

HOWESVILLE SITES

Requisition #: DEP#14652

Contractor' Bld Sheet

Company Name: Dingess Transport Inc.

Address: PO Box 909

Belington WV 26250

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.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	Lump Sum	Mobilization and Demobilization (Cannot be more than 10% of TOTAL AMOUNT BID)	\$	\$ 110,000 -
2.0	Lump Sum	Construction Layout Stakes (Cannot be more than 5% of TOTAL AMOUNT BID)	\$	\$ 50,000 -
3.0	Lump Sum	Quality Control (Cannot be more than 3% of TOTAL AMOUNT BID)	\$	\$ 39,000 -
4.0	Lump Sum	Site Preparation (Cannot be more than 10% of TOTAL AMOUNT BID)	\$	\$ 110,000 -
5.0	17,700 L.Ft.	Sediment Control	\$ 2.00	\$ 35,400 -
6.0	35.0 Acs.	Revegetation	\$ 2000-	\$ 70,000 -
7.1	1,218 L.Ft.	2.0 Ft. Deep Riprap "Vee" Shaped Ditch	\$ 26-	\$ 31,668 -
7.2	2,521 L.Ft.	2.0 Ft. Deep Grouted Riprap "Vee" Shaped Ditch	\$ 60 -	\$ 151,260 -
7.3	47 L.Ft.	2.0 Ft. Deep by 6.0 Ft. Flat Bottom Shaped Riprap Ditch	\$ 59-	\$ 2,773 -
7.4	991 L.Ft.	2.0 Ft. Deep by 6.0 Ft. Flat Bottom Shaped Grouted Riprap Ditch	\$ 120 -	\$ 118,920 -
7.5	39 L.Ft.	12" Ø HDPE Pipe	\$ 24-	\$ 936 -
7.6	52 L.Ft.	24" Ø HDPE pipe	\$ 39-	\$ 2,028 -
7.7	Lump Sum	Stream Bank Protection	\$ 10,000-	\$ 10,000 -
8.0	63,000 C.Yds.	Unclassified Excavation	\$ 3.80	\$ 239,400 -
9.1	11 Ea.	Wet Mine Seals	\$ 8500-	\$ 93,500 -
9.2	4 Ea.	Bat Gate Installations	\$ 20,000-	\$ 80,000 -
9.3	2,130 L.Ft.	Wet Mine Seal Conveyance Pipes	\$ 30-	\$ 63,900 -
9.4	200 Bags	Soda Ash Briquettes	\$ 30 -	\$ 6,000 -
11.0	1,500 L.Ft.	Subsurface Drain	\$ 15 -	\$ 22,500 -
TOTAL:				\$ 1,228,285 -

One million two hundred twenty eight thousand two hundred eighty five dollars

Bidders Authorized Signature: [Signature]

Date: 8/11/09



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

RECEIVED
2009 AUG 11 A 9:17
NOTARISING DIVISION
STATE OF WV

020

STATE OF West Virginia
COUNTY OF Boeboom, TO-WIT:

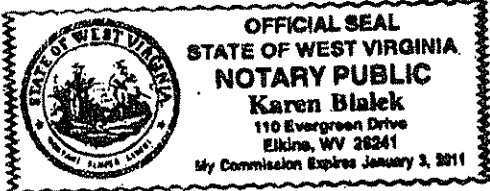
I, Rhitha Lobbies, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Dingess Transport Inc.; and,
(Company Name)
- 2. I do hereby attest that Dingess Transport 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.

Dingess Transport Inc.
(Company Name)



By: [Signature]
Title: President
Date: 8/10/09

Taken, subscribed and sworn to before me this 10 day of Aug 2009

By Commission expires Jan 3, 2011

(Seal) [Signature]
(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.

016

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: Dingess Transport Inc Tax Payer ID No.: 55-073-8955
Address: PO Box 1909
City: Rockyton State: WV Zip Code: 26250 Phone: 304-823-4267
Fax No.: 304-823-3397 E-mail address:

Part B: Legal Structure

Corporation Sole Proprietorship Partnership LLC
 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.

I, Phillip Joffies, have the express authority to certify that:
(print name)

Information on the attached Entity OFT from AVS is accurate, complete, and up-to-date. If you select this option, you must attach an Entity OFT from AVS to this form. 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.

Date 8/10/09

Phillip Joffies
Signature

Pres
Title

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 www.avs.osmre.gov on the Internet.

017

Part D.

Contractor Name:

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

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

Name Phillip J. Schriener Position/Title Pres
 Address PO Box 909 Telephone # 304-823-1267
 Ending Date: _____
 100% of Ownership Begin Date: _____

Name MATT Schriener Position/Title VP
 Address PO Box 909 Telephone # 304-823-1267
Belington WV 26250 % of Ownership Begin Date: _____
 Ending Date: _____

Name Lisa Davis Position/Title Sec. Treas
 Address PO Box 909 Telephone # 304-823-1267
Belington WV 26250 % of Ownership Begin Date: _____
 Ending Date: _____

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

PAPERWORK REDUCTION STATEMENT

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

Public reporting burden for this form is estimated to average 30 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Room 210 51B, Constitution Ave., NW, Washington, D.C. 20240.

RFQ No. _____

021

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: Dingess Transport Inc.

Authorized Signature: [Signature] Date: 8/10/09

ERIE INSURANCE PROPERTY & CASUALTY COMPANY BID BOND

Know All Men by These Presents,

Bond No.

That we, ... DINGESS TRANSPORT INC.
(hereinafter called the Principal) as Principal, and the ERIE INSURANCE PROPERTY & CASUALTY COMPANY, of Erie, Pennsylvania, a corporation duly organized under the laws of the State of Pennsylvania, (hereinafter called the Surety), as Surety, are held and firmly bound unto ... WV DEP

.....hereinafter called the Obligee in the full and just sum of

5 % OF BID AMOUNT Dollars, (\$.....), good and lawful money of the United States of America, to the payments of which sum of money well and truly to be made, the said Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this ... 11TH day of .. AUGUST, A.D. 2009..

THE CONDITION OF THIS OBLIGATION IS SUCH: That, if the Obligee shall make any award within 30 days to the Principal for ... HOWESVILLE SITES DEP 14652

..... according to the terms of the proposal or bid made by the Principal therefor, and the Principal shall duly make and enter into a contract with the Obligee in accordance with the terms of said proposal or bid and award and shall give bond for the faithful performance thereof with the Surety or Sureties approved by the Obligee; or if the Principal shall, in case of failure so to do, pay the Obligee the damages which the Obligee may suffer by reason of such failure, not exceeding the penalty of this bond, then this obligation shall be null and void; otherwise it shall be and remain in full force and effect.

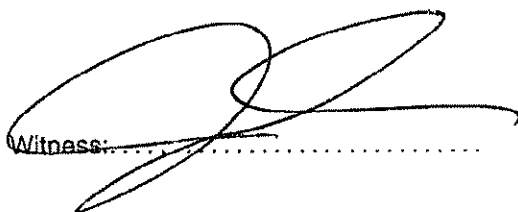
In Testimony Whereof, the Principal and Surety have caused these presents to be duly signed and sealed.

Principal. ... DINGESS TRANSPORT INC.

Witness:.....

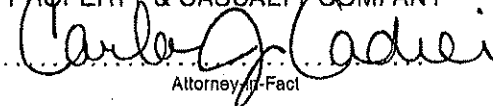
By:.....

Witness:.....



ERIE INSURANCE
PROPERTY & CASUALTY COMPANY

By:.....


Attorney-in-Fact



ERIE INSURANCE
PROPERTY & CASUALTY COMPANY
ERIE, PA 16530
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That ERIE INSURANCE PROPERTY & CASUALTY COMPANY, a corporation duly organized under the laws of the Commonwealth of Pennsylvania, does hereby make, constitute and appoint

Jeffrey L. Hood, Carla J. Cadier, Steven P. Thompson,

Randall E. Kerns, Michael W. Mason, Lisa McGuire, Dorinda Talerico, Khristine D. Mills, Emily Bolliger, Donna S. Butler and Sharon D. Boyles individually, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed: any and all bonds and undertakings of suretyship,

-----each in a penalty not to exceed the sum of one million dollars (\$1,000,000.00).-----

And to bind ERIE INSURANCE PROPERTY & CASUALTY COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by the appropriate officer of ERIE INSURANCE PROPERTY & CASUALTY COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

The Power of Attorney is granted under and by authority of the following Resolution adopted by the Board of Directors of ERIE INSURANCE PROPERTY & CASUALTY COMPANY on the 11th day of March, 2008, and said Resolution has not been amended or repealed:

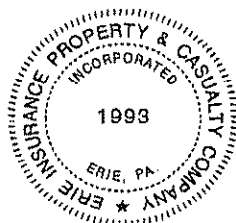
"RESOLVED, that the President, or any Senior Vice President or Vice President shall have power and authority to: (a) Appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and, (b) Remove any such Attorney-in-Fact at any time and revoke the power and authority given to him; and

RESOLVED, that Attorney(s)-in-Fact shall have power and authority, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

This Power of Attorney is signed and sealed by facsimiles under and by virtue of the following Resolution adopted by the Board of Directors of ERIE INSURANCE PROPERTY & CASUALTY COMPANY on the 18th day of September, 2008, at which a quorum was present and said Resolution has not been amended or repealed:

"RESOLVED, that the signature of Terrence W. Cavanaugh, as President and Chief Executive Officer of the Company, and the Seal of the Company may be affixed by the following facsimiles on any Limited Power of Attorney for the execution of bonds, undertakings, recognizances, contracts and other writings in the nature thereof, and the signature of James J. Tanous, as Secretary of the Company, the Seal of the Company, the signature of Sheila M. Hirsch, as Notary Public, and her Notarial Seal, may also be affixed by the following facsimiles to any certificate or acknowledgment of any such Limited Power of Attorney, and only under such circumstances shall said facsimiles be valid and binding on the Company.

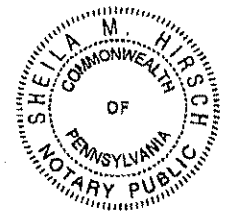
IN WITNESS WHEREOF, ERIE INSURANCE PROPERTY & CASUALTY COMPANY has caused these presents to be signed by its President and Chief Executive Officer, and its corporate seal to be hereto affixed this 18th day of September, 2008.



Terrence W. Cavanaugh
Terrence W. Cavanaugh
President and Chief Executive Officer

STATE OF PENNSYLVANIA } ss.
COUNTY OF ERIE

On this 18th day of September, 2008, before me personally came Terrence W. Cavanaugh, to me known, who being by me duly sworn, did depose and say: that he is President and Chief Executive Officer of ERIE INSURANCE PROPERTY & CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the Seal of said corporation; that the Seal affixed to the said instrument is such corporate Seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



Sheila M. Hirsch
My commission expires June 27, 2012
Notary Public

CERTIFICATE

I, James J. Tanous, Secretary of ERIE INSURANCE PROPERTY & CASUALTY COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a full, true and correct copy, is still in full force and effect as of the date below.



James J. Tanous
James J. Tanous Secretary

In witness whereof, I have hereunto subscribed my name and affixed corporate Seal of the Company by facsimiles pursuant to the action of the Board of Directors of the Company,

this 11TH day of AUGUST 20 09