



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

Request for Quotation

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| RFQ NUMBER |
| DEP14656 |

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

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

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

VENDOR

SHIP TO

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|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 05/07/2009 | | | | |

BID OPENING DATE: **07/09/2009** BID OPENING TIME **01:30PM**

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
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| 0001 | 1 | JB | | 962-73 | | 398,000.00 |
| <p>RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES</p> <p>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 RECLAMATION OF A 11-ACRE ABANDONED MINE PROJECT KNOWN AS THE "WOLFPEN (MCBURNEY) LANDSLIDE" PROJECT LOCATED IN CHARLESTON, WEST VIRGINIA, (KANAWHA CO.).</p> <p>A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON 06/04/09 @ 10:00 AM. FAILURE TO ATTEND THE PREBID CONFERENCE WILL RESULT IN BID DISQUALIFICATION. ALSO, PREBIDS WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER.</p> <p>DIRECTIONS TO PREBID:</p> <p>THE WOLFPEN (MCBURNEY) LANDSLIDE PROJECT AREA CAN BE ACCESSED FROM EXITING INTERSTATE 77 AT EXIT 106 AND TRAVELING WEST ON CO. HIGHWAY 27/EDENS FORK ROAD FOR 0.3 MILES. THEN TURN LEFT AT CRACKLE BURR/EDENS FORK ROAD AND TRAVEL 0.2 MILES THEN TURN RIGHT ONTO BABE SCHOOL ROAD. DRIVE 315 FEET AND TURN LEFT ONTO KANAWHA TWO MILE ROAD/OLD CO. HIGHWAY 27 FOR 0.8 MILES. TURN RIGHT ONTO RICH FORK ROAD AND TRAVEL 2.4 MILES. THEN TURN LEFT ONTO THAXTON ROAD AND TRAVEL 0.1 MILES TO THE MCBURNEY RESIDENCE.</p> <p>PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM WVDEP, OFFICE AML&R, 601 57TH ST., SE, CHARLESTON, WV 25304</p> | | | | | | |

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 2009 JUL -9 PM 1:20
 WV PURCHASING DIVISION

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| SEE REVERSE SIDE FOR TERMS AND CONDITIONS | | | |
| SIGNATURE | TELEPHONE | DATE | |
| <i>Kelly D. Thaxton</i> | 984-2299 | 7/9/09 | |
| TITLE | FEIN | ADDRESS CHANGES TO BE NOTED ABOVE | |
| VICE PRESIDENT | 55-0743840 | | |

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

AGENCY Division of Environmental Protection

RFO/RFP# DEP 14656

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Thaxton Construction Company, Inc.
of Sissonville, Sissonville, WV, as Principal, and
International Fidelity Insurance Company of One Newark Center, 20th Floor, Newark, NJ 07102-5207
a corporation organized and existing under the laws of the State of New Jersey, with its principal office in the
City of Newark, as Surety, are held and firmly bound unto The State of West Virginia, as Obligee,
in the penal sum of Five Percent of Bid (\$ 5%) for the payment of which, well and truly to be made,
we jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the Purchasing
Section of the Department of Administration a certain bid or proposal, attached hereto and made a part hereof, to enter
into a contract in writing for
DEP 14656: Wolfpen (McBurney) Landslide

Kanawha County, WV
NOW, THEREFORE,

- (a) If said bid shall be rejected, or
(b) If said bid shall be accepted and the Principal shall enter into a contract in accordance with the bid or
proposal attached hereto and shall furnish any other bonds and insurance required by the bid or proposal, and shall in
all other respects perform the agreement created by the acceptance of said bid,

then this obligation shall be null and void, otherwise this obligation shall remain in full force and effect. It is expressly
understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the
penal amount of this obligation as herein stated.

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

IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are
corporations have caused their corporate seals to be affixed hereto and these presents to be signed by their proper
officers, this 9th day of July, 2009

Principal Corporate Seal

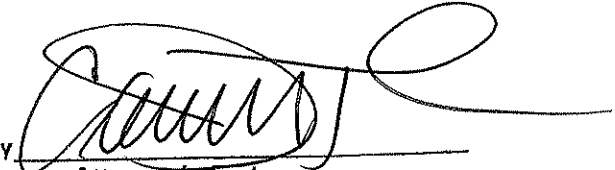
Thaxton Construction Company, Inc. of Sissonville
(Name of Principal)

By Kelley D. Thaxton
(Must be President or Vice President)

VICE PRESIDENT
Title

Surety Corporate Seal

International Fidelity Insurance Company
(Name of Surety)

By 
Attorney-in-Fact

IMPORTANT -- Surety executing bonds must be licensed in West Virginia to transact surety insurance. Corporate seals
must be affixed, a power of attorney must be attached, and a West Virginia resident agent must sign or countersign.

POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR
NEWARK, NEW JERSEY 07102-5207

FOR BID BOND/RIDER/CONSENTS/AFFIDAVITS

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

C. DAVID THOMAS, RICHARD L. HIGGINBOTHAM, ROSEANN B. DYE-SMALLEY, BUNNIE MARIE PERRINE, JEFFERY O'DELL, ROBIN HUBBARD-SHERROD

Charleston, WV.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



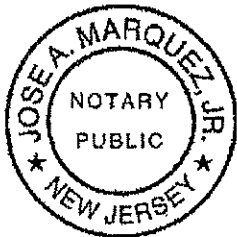
IN TESTIMONY WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 16th day of October, A.D. 2007.

INTERNATIONAL FIDELITY INSURANCE COMPANY

STATE OF NEW JERSEY
County of Essex

Secretary

On this 16th day of October 2007, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said the he is the therein described and authorized officer of the INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 21, 2010

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this 9th day of July 2009.

Assistant Secretary



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| <p>PH. 304-926-0485 UPON PAYMENT OF \$15.00 NON-REFUNDABLE FEE. PAYMENT MUST BE MADE BY CHECK OR MONEY ORDER. NO CASH WILL BE ACCEPTED.</p> <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 KANAWHA COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET,SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT.)</p> | | | | | | |

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| <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 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> | | | | | | |

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| <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>*****</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>*****</p> <p style="text-align: center;">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> | | | | | | |

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| <p>CONTRACTORS NAME: THAXTON CONSTRUCTION CO., INC.</p> <p>CONTRACTORS LICENSE #: WV 025029</p> <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.</p> <p>APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES & 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</p> | | | | | | |

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|---------------------------------------|------------------------------|-----------------------------------|
| SIGNATURE <i>Keller D. Thaxton</i> | TELEPHONE 984-2299 | DATE 7/9/09 |
| TITLE VICE PRESIDENT | FEIN 55-0743840 | ADDRESS CHANGES TO BE NOTED ABOVE |

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| <p>WORKMANSHIP, SHALL UPON ACCEPTANCE OF FINAL PAYMENT BY THE CONTRACTOR BE CONSIDERED GUARANTEED BY THE CONTRACTOR FOR ONE YEAR FROM THE DATE OF THE ACCEPTANCE OF THE WORK. NEITHER THE FINAL ACCEPTANCE NOR THE FINAL PAYMENT SHALL RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR NEGLIGENCE OR FAULTY MATERIALS, AND FOR DEFECTS APPEARING WITHIN THE GUARANTEE PERIOD SHALL BE REMEDIED 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</p> | | | | | | |

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| 05/07/2009 | | | | |

BID OPENING DATE: 07/09/2009 BID OPENING TIME 01:30PM

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| | | | | | | |
| <p>MATERIALS TO AND FROM THE JOB SITE. (B) OBTAIN ANY AND ALL REQUIRED CONSTRUCTION PERMITS OR RELATED JOB PERMITS.</p> <p>(5) TECHNICAL SPECIFICATIONS: ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "WOLFPEN (MCBURNEY) LANDSLIDE" PROJECT. SAID 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 15 DRAWINGS PREARED BY GAI 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, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> | | | | | | |

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| TITLE | FEIN | ADDRESS CHANGES TO BE NOTED ABOVE |

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

VENDOR

*B13150503 304-984-2299
 THAXTON CONSTRUCTION CO INC SI
 PO BOX 13279

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SHIP TO

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| | | | | WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF: | | |
| | | | | A. THE COST FOR EACH CONTRACT ITEM USED DOES NOT EXCEED ONE TENTH OF ONE PERCENT (.1%) OF THE TOTAL CONTRACT COST OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER. FOR THE PURPOSES OF THIS SECTION, THE COST IS THE VALUE OF THE STEEL PRODUCT AS DELIVERED TO THE PROJECT OR, | | |
| | | | | B. THE DIRECTOR OF THE PURCHASING DIVISION DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY AVAILABLE TO MEET CONTRACT REQUIREMENTS. | | |
| | | | | 3. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO W. VA. CODE SECTION 5A-3-56. | | |
| | | | | REV. 10/01/01 | | |
| | | | | EXHIBIT 7 | | |
| | | | | DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS | | |
| | | | | IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND, IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF STEEL ARE REQUIRED, THE STATE WILL ACCEPT ONLY ALUMINUM GLASS, OR STEEL PRODUCTS PRODUCED IN THE UNITED STATES | | |

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

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 PO BOX 13279

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| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
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| | | | | | | |
| <p>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 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</p> | | | | | | |

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

VENDOR

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 PO BOX 13279

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| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B | FREIGHT TERMS |
| 05/07/2009 | | | | |

BID OPENING DATE: 07/09/2009 BID OPENING TIME 01:30PM

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| | | | | | | |
| <p>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> <p>EXHIBIT 10</p> <p style="text-align: right;">REQUISITION NO.: .DEP14656...</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED</p> | | | | | | |

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

PROPOSED

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 THAXTON CONSTRUCTION CO INC SI
 PO BOX 13279

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BID OPENING DATE: **07/09/2009** BID OPENING TIME **01:30PM**

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
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| <p>ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p> <p>NO. 1 <i>X</i></p> <p>NO. 2</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p><i>Kelley D. Thaxton</i> SIGNATURE THAXTON CONSTRUCTION CO, INC. COMPANY <i>7/9/09</i> DATE</p> <p>REV. 11/96</p> <p style="text-align: center;">NOTICE</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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| SIGNATURE <i>Kelley D. Thaxton</i> | TELEPHONE 984-2299 | DATE 7/9/09 |
| TITLE VICE PRESIDENT | FEIN 55-0743840 | ADDRESS CHANGES TO BE NOTED ABOVE |

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

VENDOR

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 PO BOX 13279

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| <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>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>RFQ. NO.: DEP14656</p> <p>BID OPENING DATE: 07/09/2009</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: (304) 984-2334</p> <p>PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE: ... KELLEY D. THAXTON</p> | | | | | | |

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| SEE REVERSE SIDE FOR TERMS AND CONDITIONS | | | |
| SIGNATURE <i>Kelley D. Thaxton</i> | TELEPHONE 984-2299 | DATE 7/9/09 | |
| TITLE VICE PRESIDENT | FEIN 55-0743840 | ADDRESS CHANGES TO BE NOTED ABOVE | |

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State of West Virginia
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Request for Quotation

RFQ NUMBER
DEP14656

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

VENDOR

*B13150503 304-984-2299
 THAXTON CONSTRUCTION CO INC SI
 PO BOX 13279

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BID OPENING DATE: **07/09/2009** BID OPENING TIME **01:30PM**

| LINE | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
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| | | | | ***** ADDENDUM NO. 1 ***** | | |
| | | | | ADDENDUM ISSUED TO FOR THE WOLFPEN (MCBURNERY) LANDSLIDE PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS, THE Q/A, AND THE REVISED BID SCHEDULE RESULTING FROM THE MANDATORY PRE-BID MEETING OF 06/04/09. | | |
| | | | | BID OPENING DATE AND TIME REMAIN UNCHANGED AS 07/09/09 AT 1:30 PM. | | |
| | | | | ***** NO OTHER CHANGES ***** | | |
| 0001 | 1 | JB | | 962-73 | | |
| | | | | RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES | | |

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| SIGNATURE <i>Kelley D. Thaxton</i> | TELEPHONE 984-2299 | DATE 7/9/09 |
| TITLE VICE PRESIDENT | FEIN 55-0743840 | ADDRESS CHANGES TO BE NOTED ABOVE |

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MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

PRINT LEGIBLY

RFQ # : 14656 Bid Date: 7/09/2009
 Project: Wolfpen (McBurrey) Landslide Pre-Bid Date: 6/4/2009

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.MAY@AOL.COM

Name : LEE BALEN
 Company: ASPEN CORP.
 Address: 2400 RITTER DR.
Daniels WV 25832

Phone#: 304 763-4573
 Fax #: 304 763-4591
 Email : lbalen@aspens-golf.com

Name : George Hendon
 Company: Collins Building & Cabinet Inc.
 Address: 3406 Corley - Carress Rd
FLATWOODS, WV 26062

Phone #: 304-765-3521
 Fax #: SAME
 Email :

Name : DENNIS C. ELBON
 Company: COWGIRL UP INC
 Address: P O BOX 243
SIMPSON WV 26435

Phone#: 304-739-4397
 Fax #: 304-739-4401
 Email : DCE_COWGIRLUP@EARTHLINK.NET

Name : Brad Wiseman
 Company: WISEMAN EXCAVATING
 Address: RT 1 BOX 190 Liberty 25124

Phone #: 304-586-3736
 Fax #: 304-586-3736
 Email :

Name : Doug Vincent
 Company: BREAKAWAY INC.
 Address: 1075 Old Turnpike Rd
Sutton WV 26001

Phone#: 765-5317
 Fax #: 765-5389
 Email :

Name : Robert Barnes
 Company: BARNES EXC. INC.
 Address: P.O. Box 13384
Sissonville WVA
25360

Phone #: 304-984-1725
 Fax #: 304-984-0074
 Email :

Name : Basil CARPENTER
 Company: BASIL CARPENTER EX INC
 Address: 333 A Coil Rd
Chas WV 25312

Phone#: (304) 546-1601
 Fax #: 984-3528
 Email :

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

PRINT LEGIBLY

RFQ # : 14656 Bid Date: 7/09/2009
Project: Wolfpen (M. Burvey) Landside Pre-Bid Date: 6/4/2009

Name : Dale Thornton
Company: Thornton Coast Co Inc
Address: PO Box 13279 Charleston
WV 25360
Phone #: 304 984 2299
Fax #: 304 984 2334
Email : _____

Name : Sayle Wardwell
Company: Eastern Arrow
Address: Charleston WV
Phone #: 304 414-0255
Fax #: _____
Email : _____

Name : Thomas Hant
Company: LEXINGTON MINE RECONSTRUCTION
Address: P.O. BOX 989
CABIN CREEK WV 25035
Phone #: 304-949-2372
Fax #: 304-949-2375
Email : thant@lexingtoncoal.com

Name : Rick Marker
Company: Garcie R Marker & Sons Inc
Address: 1119 Jefferson 12d St
S Ches WV 25309
Phone #: 304-744-0590
Fax #: 746-5203
Email : GR Marker & Sons @ AOL.COM

Name : Roger Carpenter
Company: Carpenter Reclamation
Address: PO Box 13285
Charleston W.VA
Phone #: 304-989-1115
Fax #: _____
Email : _____

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

Name : Bob Cantaberry
Company: B+B TRANSIT
Address: 316 New River Drive
Beckley WVA 25801
Phone #: 304 673-9388
Fax #: 304 253-4533
Email : Bob.Cantaberry@bmail.com

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

REQ # DEP 14656
Wolfpen (McBurney) Landslide
Addendum #1

- Item 1: The Contractor's Bid Sheet has been revised and is included with this addendum. The revision is the quantity of Item 9.1 Wet Seal. It has been reduced from 10 to 9.
- Item 2: Add the following to the Technical Specifications Section 1.0:
- "For the culvert crossing of a small stream on the access road (Thaxton Road) to the site near the intersection with Route 24, the Contractor shall place one inch thick steel plating a minimum of 25 feet long and as wide as the existing road (approximately 10 feet) over the culvert to provide protection. The steel plating shall be removed at the completion of the project and shall be retained by the Contractor. This shall be considered incidental to the Pay Item 1.0, "Mobilization and Demobilization".
- Item 3: Remove the first sentence of Section 7.2.1, "Stone" and replace with the following:
- "Stone for the riprap channel, toe drains and other uses except for the mine seals shall be hard, durable rock. The stone for the mine seals shall be hard, durable non calcareous rock."
- Item 4: The Contractor will have 90 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 90 days. However, the total performance period will be 365 days from the date of the Notice to Proceed for invoicing purposes.
- Item 5: Q) Will access road to the site be stoned?
- A) Only as shown on the plans which is the owner's driveway.
- Item 6: Q) Is there an easement through the property?
- A) DEP has access to the site which will be maintained in as good or better condition.
- Item 7: Q) Has the slide actually broke open?
- A) There is a small scarp up slope and a small bulge near the bottom.
- Item 8: Q) Where is slip located?
- A) Slip is located over the side of the hill and as indicated on the construction plans.
- Item 9: Q) Are the portals located on the same tax parcel number?
- A) No

REVISED PER ADDENDUM #1
 Wolfpen (McBurney) Landslide
 Requisition # DEP 14656

Contractor's Bid Sheet

Company Name: THAXTON CONSTRUCTION Co., INC.

Address: P.O. BOX 13279

CHARLESTON, WV 25360

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 | 1 | "Mobilization and Demobilization," per lump sum. Cannot be more than 10% of the Total Amount Bid for the project. | l.s. | \$ 2,000.00 |
| 2.0 | 1 | "Construction Layout," per lump sum. Cannot be more than 5% of the Total Amount Bid for the project. | l.s. | \$ 1,000.00 |
| 3.0 | 1 | "Quality Control," per lump sum. Cannot be more than 3% of the Total Amount Bid for the project. | l.s. | \$ 1,000.00 |
| 4.1 | 1 | "Site Preparation," per lump sum. Cannot be more than 10% of the Total Amount Bid for the project. | l.s. | \$ 950.00 |
| 4.2 | 150 | "Class 1 Aggregate," per ton. | \$ 1.00 | \$ 150.00 |
| 5.0 | 3,100 | "Sediment Control," per linear foot. | \$ 5.00 | \$ 15,500.00 |
| 6.0 | 11 | "Revegetation," per plan acre. | \$ 800.00 | \$ 8,800.00 |
| 7.1 | 2,700 | "Type I Channel," per linear foot. | \$ 58.00 | \$ 156,600.00 |
| 7.2 | 500 | "Type II Channel," per linear foot. | \$ 20.00 | \$ 10,000.00 |
| 7.3 | 50 | "18-inch HDPE," per linear foot | \$ 50.00 | \$ 2,500.00 |
| 7.4 | 2 | "Low Water Crossing," per each. | \$ 2,000.00 | \$ 4,000.00 |
| 8.1 | 11,200 | "Unclassified Excavation," per cubic yard. | \$ 6.00 | \$ 67,200.00 |
| 8.2 | 1,800 | "Toe Drain," per ton (1,100 cubic yard) | \$ 30.00 | \$ 54,000.00 |
| 9.1 | 9 | "Wet Seal," per each. | \$ 7,000.00 | \$ 63,000.00 |
| 9.2 | 100 | "Soda Ash Briquettes," per 50 pound bag | \$ 1.00 | \$ 100.00 |
| 11.0 | 500 | "Underdrain," per linear foot. | \$ 20.00 | \$ 10,000.00 |
| 12.0 | 1,200 | "Erosion Control Matting," per square yard | \$ 1.00 | \$ 1,200.00 |
| TOTAL | | | | \$ 398,000.00 |

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: THAXTON CONSTRUCTION Co. Inc. Tax Payer ID No.: 55-0743840
Address: P.O. BOX 13279
City: CHARLESTON State: WV Zip Code: 25360 Phone: 984-2299
Fax No.: _____ 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, KELLEY D. THAXTON, 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 7/9/09

Signature Kelley D. Thaxton Title V.P.

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.

Part D.

Contractor Name:

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

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

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

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

Name _____ Position/Title _____
 Address _____ Telephone # _____
 % 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 45 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Room 210 S1B, Constitution Ave., NW, Washington, D.C. 20240.

Date: 9-May-2007

Applicant Violator System
Current Organizational Family Tree (OFT)Time :11:43:33
Page: 1

(141839) THAXTON CONSTR CO INC

Total Number: 7

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

Kelley D Thaxton, V.P.
7/9/09



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

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, TO-WIT:

I, KELLEY D. THAXTON, after being first duly sworn, depose and state as follows:

1. I am an employee of THAXTON CONSTRUCTION Co, INC.; and,
(Company Name)
2. I do hereby attest that THAXTON CONSTRUCTION Co, 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.

THAXTON CONSTRUCTION Co, INC.
(Company Name)

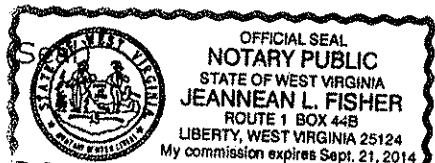
By: Kelley D. Thaxton

Title: VICE PRESIDENT

Date: 7/9/09

Taken, subscribed and sworn to before me this 9th day of JULY, 2009.

By Commission expires Sept 21, 2014



Jeannean L. Fisher
(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.

STATE OF WEST VIRGINIA
Purchasing Division

120

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: THOMPSON CONSTRUCTION Co, INC.
Authorized Signature: Kelley D. Hunter Date: 7/9/09