

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

Request for Quotation

DEP14659

PAGE

ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

*709060417 304-984-1115 CARPENTER RECLAMATION INC PO BOX 13015

SISSONVILLE WV 25360-0015

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

TERMS OF SALE: SHIP VIA FO.B FREIGHT TERMS DATE PRINTED: 06/04/2009 BID OPENING TIME BID OPENING DATE: 08/06/2009 01:30PM UNIT PRICE. QUANTITY UOP ITEM NUMBER AMOUNT LINE 0001 JB 962-73 RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPT. OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS FOR THE RECLAMATION OF 2.5-ACRE ABANDONED MINE PROJECT KNOWN A THE "LAKE (WINKLER) LANDSLIDE" PROJECT, LOCATED NEAR CHAPMANVILLE, WEST VIRGINIA, (LOGAN CO.). A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON 1:00 PM. FAILURE TO ATTEND THE PREBID 07/07/09 @ CONFERENCE WILL RESULT IN BID DISQUALIFICATION. PREBIDS WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER. DIRECTIONS TO PREBID: TRAVEL SOUTH ON US ROUTE 119 (CORRIDOR G) PAST 2009 AUG -6 PM 1: 15 TURN LEFT ONTO COUNTY ROUTE 7 AND GO CHAPMANVILLE. APPROXIMATELY 3 MILES. PROJECT SITE WILL BE ON THE WV PURCHASING RIGHT. DIVISION PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM WVDEP, OFFICE AML&R, 601 57TH ST., SE, CHARLESTON, WV 25304 PH. 304-926-0485 UPON PAYMENT OF \$10.00 NON-REFUNDABLE PAYMENT MUST BE MADE BY CHECK OR MONEY ORDER. NO CASH WILL BE ACCEPTED. EXHIBIT 5 SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE ADDRESS CHANGES TO BE NOTED ABOVE 55-0693493



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DATE PRINTED TERMS OF SALE SHIP VIA	F.O.B. FREIGHT TERMS
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2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

25360-0015

Request for Quotation

DEP14659

PAGE 10

*****ADDRESS:CORRESPONDENCE:TO:ATTENTION:OF:**

CHUCK BOWMAN 304-558-2157

*709060417 304-984-1115 CARPENTER RECLAMATION INC PO BOX 13015

SISSONVILLE WV

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

25304

304-926-0499

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

Request for Quotation

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RFQ NUMBER DEP14659

ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

304-984-1115 *709060417 CARPENTER RECLAMATION INC PO BOX 13015

SISSONVILLE WV 25360-0015

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Department of Administration
Purchasing Division
2019 Washington Street East
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ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV

25304 304-926-0499

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DATE PRINTED

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

TERMS OF SALE

Request for Quotation

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SHIP VIA

DEP14659

PAGE 13

FREIGHT TERMS

ADDRESS CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN 304-558-2157

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*709060417 304-984-1115 CARPENTER RECLAMATION INC PO BOX 13015

SISSONVILLE WV 25360-0015

06/04/				***************************************	
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Lake (Winkler) Landslide DEP14659

Contractor's Bid Sheet

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

EM		DESCRIPTION	UNIT PRICE	AMOUNT
10.	QUANTITY	DESCRIPTION.		
			7,000.00	\$ 7,000.00
1.0	LS	Mobilization, per lump sum	1,000	\$
		(not to exceed 10% per each bid)	\$	\$ 4,000.00
2.0	LS	Construction Layout, per lump sum	1,000	\$
		(not to exceed 5% per each bid)	977.00	\$ 977.00
3.0	LS	Quality Control, per lump sum		\$
		(not to exceed 3% per each bid)	4,000.00	\$ 4,000.00
4.0	LS	Site Preparation, per lump sum	1//	\$
		(not to exceed 10% per each bid)	4.00	\$ 3,200.00
5.0	800.0 L.F.	Sediment Control Barrier, per lineal foot	2,500.00	\$ 6,250.00
6.0	2.5 AC.	Revegetation, per plan acre	20.00	\$ 1,900.00
7.0	95.0 L. F.	2' Vee Ditch, Vegetated, per lineal foot	30.00	\$ 5,400.00
7.1	180.0 L. F.	2' Vee Ditch, Rock Riprap Lined, per lineal foot	25.00	\$ 4,750.00
7.2	190.0 L. F.	1' Vee Ditch, Rock Riprap Lined, per lineal foot	40.00	\$ 2,200.00
7:3	55.0 L. F.	5' Flat Bottom Mine Outlet Ditch, Rock Riprap Lined,		
		per lineal foot	60.00	\$ 15,000.00
7.4	250.0 L.F.	2' x 3' Underdrain Installation, per lineal foot	20,000.00	\$ 40.000.06
9.0	2.0 L.S./EA	Wet Mine Seal, per lump sum, per each	8,000.00	\$ 40,000.00
12.0	0.1 AC.	Soil Cover, per plan acre		\$
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			Total	\$ 95, 477, 0

OMB #1029-0119 Expiration Date: Ol/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: Carpenter Reclamation Areax Payer ID No.: 55-0693493
Address: P.O. Box 13015 City: Sissonville State: WV Zip Code: 25340 Phone: 304-984-1115
City: Sissonville State: WV Zip Code: 25340 Findle: 5775 Fax No.: 304 984 2770 E-mail address: PCARPENIO3@AUL. COM.
Fax No.: 304 784 Fire Demand dediction (Control of Control of Cont
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 solow
I, Kelley Carpentes, have the express authority to certify that:
Vice attached Entity OFT from AVS is accurate, complete, and upto-
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 on the attached Entry Of Thomas and Select this option, you 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
corrected information. Sign and date below and complete Part D.
AVS. If you select this option, you must
Our company currently has no information in Pert D. Sign and date below and complete Part D. provide all information required in Part D. Sign and date below and complete Part D.
Title President
Date 8/4/09 Signature L. Carpenter Title President
THE COUNTY AND THE CO
Important! In order to certify in Part C to the accuracy of existing information in AVS, you must obtain a

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.~ov on the Internet.

Part D. Contractor Name: Carpenter Reclama	tion Suc.
If the current entity and Entity OFT information for your if there is no information in AVS for your business, information as it applies to your business affiliations. Trequire.	our business is incomplete or incorrect in AVS, you must provide all of the following
 Every officer (President, Vice President, Secr. All Directors; All persons performing a function similar to a Every person or business that owns 10% or m Every partner, if your business is a partnershi Every member and manager, if your business Any other person(s) who has the ability to detreclamation project is being conducted. 	Director; ore of the voting stock in your business; p; is a limited liability company; and
Name Address M/H	Position/Title Telephone # % of Ownership Begin Date:
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PAPERWORK REDUCTION STATEMENT

Ending Date:

Position/Title

Telephone #

% of OwnershipBegin Date:

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.

Name

Address

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. 20246.

	AgencyP1
BID BC	
KNOW ALL MEN BY THESE PRESENTS, That we, the unde	arrivan
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with its principal office in the City of	••••••••••••••••••••••••••••••••••••••
of West Virginia, as Obligee, in the penal sum of	
well and truly to be made, we jointly and severally bind ourselves, our	·
The Condition of the above obligation is such that whereas the Department of Administration a certain bid or proposal, attached hereto	_
hereto and shall furnish any other bonds and insurance required by the agreement created by the acceptance of said bid, then this obligation force and effect. It is expressly understood and agreed that the liability exceed the penal amount of this obligation as herein stated. The Surety, for the value received, hereby stipulates and agreed way impaired or affected by any extension of the time within which the waive notice of any such extension. IN WITNESS WHEREOF, Principal and Surety have hereunt	shall be null and void, otherwise this obligation shall remain in full y of the Surety for any and all claims hereunder shall, in no event, ees that the obligations of said Surety and its bond shall be in no Obligee may accept such bid, and said Surety does hereby o set their hands and seals, and such of them as are corporations
have caused their corporate seals to be affixed hereunto and these production day of, 20	esents to be signed by their proper officers, this
Principal Corporate Seal	(Name of Principal)
	By(Must be President or Vice President)
See Attached	(Title)
Surety Corporate Seal	(True)

IMPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised corporate seals must be affixed, a power of attorney must be attached.

(Name of Surety)

Attorney-in-Fact

	, , 0
AGENCY	(A)
RFO/RFP#	(B)

(A) WY State Agency (Stated on Page 1 "Spending Unit") Request for Quotation Number (upper right comer of page #1) (C) Your Company Name (D) City, Location of Your Company (E) State, Location of Your Company (F) Surely Corporate Name (D) City, Location of Surely (E) State, Location of Your Company (F) State, Location of Your Company (F) State, Location of Surely (E) State of Corporate Seal of Principal (E) State of Upper S	(1)	75.75 1. Décido do como con	72 1011 41	В	id Bond	
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right comer of page #1) (C) Your Company Name (D) City, Location of your Company (E) State, Location of your Company (F) Surety Corporate Name (G) City, Location of Surety (H) State, Location of Surety (I) State of Surety Incorporation (K) State of Surety Incorporation (K) State of Surety Incorporation (K) Minimum amount of acceptable bid bond is 5% of total bid. You may state "5% of bid" or a specific amount on this line in words. (L) Amount of boad in figures (M) Day of the month (D) Wonth (P) Year (Q) Name of Corporation (R) Raised Corporate Seal of Principal (S) Signature of President or Vice President or Vice President or Vice President of Minimum and Surety Name of Surety (W) Signature of President or Vice President or Vice President of Minimum and Surety Name of Matter Surety NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond. (B) Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond. (C) Year (N) Date of Matter Surety (N) Date of Matter (N) Date of					<u>(D)</u>	
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(F) Surety Corporate Name (G) City, Location of Surety (F) State, Location of Surety (F) State, Location of Surety (F) State of Surety Incorporation (K) State of Surety Incorporation (K) Minimum amount of acceptable bid bond is 5% of total bid. You may state "5% of bid" or a specific amount on this line in words. (L) Amount of bond in figures (M) Brief Description of scope of work (N) Day of the month (O) Month (P) Year (Q) Name of Corporation (R) Raised Corporate Seal of Principal (S) Signature of President or Vice President (T) Title of person signing (U) Raised Corporate Seal of Surety (V) Corporate Name of Surety (V) Corporate Name of Surety (V) Signature of President in Surety NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond. NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond. NOTE: Obstate the Surety (N) Signature of President in Surety (N) Signature of Attorney in Fact of the Surety (N) Signature of Attorney in Fact of the Surety (N) Signature of Attorney in Fact of the Surety (N) Signature of Attorney in Fact of the Surety (N) Signature of Attorney in Fact of the Surety (N) Signature of Attorney in Fact of the Surety (N) Signature of Attorney in Fact of the Surety (N) Signature of Attorney in Fact of the Surety (N) Signature of Principal Surety and its bond shall be in no way impaired or affected by any extension of time within which the Obligee may accept such bid: and said surety such size of any such extension of their proper officers, this _N) day of			(J)	, as Surety	, are held and	firmly bound unto The State
(G) City, Location of Surety (H) State, Location of Surety (T) State of Surety incorporation (E) State of Surety incorporation (E) Minimum amount of acceptable bid bond is 5% of total bid. You may state "5% of bid" or a specific amount on this line in words. (L) Amount of bond in figures (M) Brief Description of scope of work (N) Day of the month (O) Month (P) Year (N) Name of Corporate Seal of Principal (S) Signature of President or Vice President (T) Title of person signing (U) Raised Corporate Seal of Surety (W) Corporate Name of Surety (W) Corporate Name of Surety (W) Signature of Attorney with Raised Surety Seal must accompany this bid bond. NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond. NOTE: Obtained by Seal must accompany this bid bond. Signature of Attorney with Raised Surety Seal must accompany this bid bond. NOTE: Obtained Seal of Surety (W) Corporate Name of Surety (W) Signature of Attorney with Raised Surety and surety and all claims herreunder 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 time within which the Obligee may accept und bid; and said Surety and such of them as are corporated nave caused their corporate Seal to be affixed hereto and these presents to be signed by their proper officers, (N) day of (O) 20 (P) Principal Corporate Seal (W) Surety Corporate Seal (W) Surety Corporate Seal (W) Name of Surety)			of West Virginia, as	Obligee, in the p	enal sum of _	(K)
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seals to be affixed hereto and these presents to be signed by their proper officers, this(N)day of(O), 20(P)		bond.	hands and seals, and :	such of them as a	are corporation	ns have caused their cornorate
this (N) day of (O) , 20 (P) . Principal Corporate Seal (Q) (Name of Principal) (R) By (S) (Must be President or Vice President) (T) Title (U) Surety Corporate Seal (V) (Name of Surety)			seals to be affixed her	reto and these pro	esents to be si	gned by their proper officers.
(R) (Name of Principal) (S) (Must be President or Vice President) (T) Title (U) Surety Corporate Seal (V) (Name of Surety)		•	this(N) day	v of(C)) , 20	
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Vice President) (I) Title Surety Corporate Seal (V) (Name of Surety) (W)		•				
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IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised Corporate Seals must be affixed and a Power of Attorney must be attached.

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	Entity Sele	Entity Selected (140618) Carpenter Reclamation Inc	n Inc		
Parent Entity (140618) Capenter Reclamation Inc	Description President	Related Entity (140616) Kelley Carpenter	% Ownership	Begin Date E	End Date
(140618) Capenter Reclamation Inc	Shareholder	(140616) Kelley Carpenter	20%	6861/1/01	
(140618) Camenter Reclamation Inc	Sharefronter Vice President	(140617) Mary Carpenter (140617) Mary Carpenter	20%	10/1/1989 10/1/1989	
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State of West Virginia Department of Administration Purchasing Division 2019 Washington Street East Post Office Box 50130 Charleston, WV 25305-0130

Request for Quotation

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CHUCK BOWMAN

ADDRESS:CORRESPONDENCE TO ATTENTION OF 304-558-2157

CARPENTER RECLAMATION, INC. P.O. BOX 13015 SISSONVILLE, WV 25360

LICENSE # WV007728

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

CHARLESTON, WV

25304 304-926-0499

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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/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 work place policy in compliance with the West Virginia 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 50130, Charleston, WV 25305-0130

PRINT LEGIBLY

RFQ # : 14659 Bid Date: 8/6/09 Project: LAKE (WINKLER) LANdslide Pre-Bid Date: : DAVIO H. BOWDAN Name Name Company: GUEEN MOUNTAIN CO Company: EASKI TANK Address: 5/1 50145/REE Address: 145 Keit LANC Phone #: 304 Phone# : 304-325-6752 Fax # Fax # Email Email Robert Barnes Name Name Company: BALARS EXC. Inc Company: Address: P.O. Box 13384 Address: SissonvilleWV25360 Phone #: 304-984-1725 Phone# : 304-763 4573 Fax # : 304-984-0074 Fax # 304-763-4591 Email Email Dustin Maxton : Ready Cospecter Name Name Company: Thaton Construction Contraction Company: Carpenter Reclaration Address: PD, Boy 13279 Address: Po Bx 13015 Charleston, WW 25360 Sessonville WV Phone #: 304-484-2299 Phone# 304-984-115 Fax # : 304-984-2334 Fax # Email Email : CAMERON JUSTICE Name Name Company: CJJ Contracting Company: WISEMAN EXCAVATING Address: po-Box 37 Address: 🎢 🦯 Phone #: 304-393-4907 Phone# : 304 5863736 Fax # : 304 -307 -4908 Fax # : 304-586-37 Email Email

PRINT LEGIBLY

RFQ # : 14659 Project: <u>LAKE (Winkler) Lawdsl.de</u>	Bid Date: 8/6/09 Pre-Bid Date: 7/7/09
Name: Mick Jones Company: Bonnet Constr Address: Potox 10 Procius WV.	Name: Beb Contabung Company: BAB Tarrite Address: 316 New Rive: Du
Phone #: 304-548-7004 Fax #: 304-548-7133 Email: Grant Const @ epolor Con.	Phone#: 304-673-9388 Fax #: 364 963 2553 Email: Bes. Carfuel & Consta Co.
Name: Londis JUSTic- Company: JLI Clodving Address: 4149 Midnay Rd Yawkoy WV 255	Name : Company: Address:
Phone #: Fax # : Email :	Phone# : Fax # : Email :
Name: Steven Freshour Company: Fasle Excavation In s. Address: D. Bax 218 Kenna WV 25248	Name : Company: Address:
Phone #: /-304-372-4378 Fax # : /-304-372-4378 Email :	Phone# : Fax # : Email :
Name : BRIAN BERNATOWICZ Company: cowciec up suc Address: 10 au = similen wu	Name : Company: Address:
Phone #: 304-739-4397 Fax # : Email :	Phone# :

REQ # DEP 14659 Lake (Winkler) Landslide Addendum #1

- Item 1: 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 2: Q) Is there access between the two work sites on the side of the hill?
 - A) There should be no disturbance in this area.
- Item 3: (2) Are any of the ditches open?
 - A) Yes, however there are two proposed underdrains for this site also.
- Item 4: (1) Are all the proposed ditches rock riprap?
 - A) Yes
- Item 5: Q) There is approximately 1,000 feet of existing pipe to be cleaned out. Who decides when the pipes are clean?
 - A) DEP personnel will give approval when the pipes are considered cleaned.
- Item 6: Q) Will the existing pipes be removed and cleaned?
 - A) No, the pipes are to be flushed out.
- Item 7: Q) What are the sizes of the existing pipes?
 - A) As shown on the plans, the pipes range in size from 12-inch, 18-inch and 24-inch.
- Item 8: Q) Where is soil cover to be placed?
 - A) Over the wet mine seals.
- Item 9: Q) How deep are the underdrains?
 - A) The underdrain is 2 ft x 3 ft. The proposed underdrain profiles are in the plans showing the existing ground and depth.
- Item 10: (2) What drainage goes behind the house on the west end of the site?
 - A) Underdrain No. 1.
- Item 11: Q) Where will excavated material from ditches be placed?
 - A) Material can be utilized for soil cover on wet mine seals. Off-site disposal area for excess material must be obtained by the contractor as stated in the Special Provisions, Section VII in the specifications.

Agency DEP
REQ.P.O#_14659

BID BOND

KNOW ALL MEN BY TH	ESE PRESENTS, That we, the unders	gned, <u>Carpenter Reclamation, Inc</u>	
of PO Box 13015 Sissonville, WV 25360 , as Principal, and Western Surel			urety Company
of U.S. Steel Tower, 600 Gra	nt Ştreet, Suite 500, Pittsburgh, PA a corpor	ation organized and existing under the la	aws of the State of
South Dakota with its principa	office in the City of Sioux Falls	, as Surety, are held and firmly	bound unto the State
of West Virginia, as Obligee, in the	penal sum of <u>Five Percent</u>	(\$_5%) for	the payment of which,
well and truly to be made, we joint	ly and severally bind ourselves, our he	rs, administrators, executors, successor	s and assigns.
Department of Administration a ce	rtain bid or proposal, attached hereto a	Principal has submitted to the Purchasing and made a part hereof, to enter into a co cording to plans and specifications.	-
NOW THEREFORE,			Andrew Communication Communica
hereto and shall furnish any other agreement created by the accepta force and effect. It is expressly un exceed the penal amount of this of	cepted and the Principal shall enter in bonds and insurance required by the b nce of said bid, then this obligation sha derstood and agreed that the liability o oligation as herein stated.	o a contract in accordance with the bid of d or proposal, and shall in all other resp ill be null and void, otherwise this obligat the Surety for any and all claims hereur	ects perform the ion shall remain in full nder shall, in no event,
The Surety, for the value way impaired or affected by any exwaive notice of any such extension	dension of the time within which the Ol	that the obligations of said Surety and i ligee may accept such bid, and said Su	ts bond shall be in no rety does hereby
IN WITNESS WHEREOF	, Principal and Surety have hereunto s	et their hands and seals, and such of the	m as are corporations
have caused their corporate seals	to be affixed hereunto and these prese	nts to be signed by their proper officers,	this
16th _day of <u>July</u>	, 20 <u>09</u>		
Principal Corporate Seal		Carpenter Reclamation (Name of Printing By Llly A Kelley Carpenter Vice Presiden	penter
		President (Title)	
Surety Corporate Seal		Western Surety Company (Name of Sure	

IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Corporate seals must be affixed, and a power of attorney must be attached.

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Ross E Johnson, Beverly A Holstine, Kathryn K Arthur, Sheila Mc Cormick, Individually

of Charleston, WV, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 25th day of April, 2008.



WESTERN SURETY COMPANY

Paul 7. Bruflat, Senior Vice President

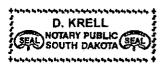
State of South Dakota County of Minnehaha

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On this 25th day of April, 2008, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota, that he is the Senior Vice President of WESTERN SURETY COMPANY 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 pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



Alek Frell D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 16th day of July 2009



WESTERN SURETY COMPANY

J. Relson

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

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

Rev March 2009



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

STATE OF West Virginia
COUNTY OF Kanauha, TO-WIT:
I, Kelley Caspentus, after being first duly sworn, depose and
state as follows: ()
1. I am an employee of aupenter keclamatics hic; and, (Company Name)
2. I do hereby attest that <u>arpenter Reclamations (Company Name)</u>
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. Augentes Reclamation on .
(Company Name)
By: Kelley Coupentie
Title: Mesident
Date: 8/4/69
10 Music + 7009
Taken, subscribed and sworn to before me this 6 day of August, 2009
By Commission expires June 4, 2011
(Seal) Notary Public, State Of West Virginia NICHOLE BEARY P.O. Box 13194 Sissonville, WV 25360 My Commission Expires June 4, 2017 My Commission Expires June 4, 2017
THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO
AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF
THE BID.

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: (algente, Ceclamatex)	enc.		
Authorized Signature: K- Carpenter	Date:	8/6/09	
Purchasing Affidavit (Revised 01/01/09)			