

**FAX COVER**

**BAKER  
EXCAVATING  
256 RIDENOUR ROAD  
MORGANTOWN, WV 26508**

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**FACSMILIE TRANSMITTAL SHEET**

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**TO: SHARON THOMPSON****FROM: BAKER EXCAVATING****COMPANY:****DATE: 08/05/2009****FAX NUMBER: 304-558-4785****TOTAL NO. OF PAGES INCLUDING  
COVER: 15****PHONE NUMBER:****SENDER'S REFERENCE NUMBER:****RE:****YOUR REFERENCE NUMBER:**

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☐ URGENT   ☐ FOR REVIEW   ☐ PLEASE COMMENT   ☐ PLEASE REPLY   ☐ PLEASE RECYCLE

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**NOTES/COMMENTS:**

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**BUYER – CB23****RFQ DEP 14702****Bid Opening 8/5/09 1:30 P.M.**

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**256 Ridenour Road, Morgantown, WV 26508 Cell: 304-282-1470 Fax: 304-291-6975**



Department of Administration  
Purchasing Division  
2019 Washington Street East  
Post Office Box 50130  
Charleston, WV 26305-0130

## Quotation

DEP14702

1

ADDRESS CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN  
304-558-2157

RFQ COPY

TYPE NAME/ADDRESS HERE

BAKER EXCAVATING  
256 Ridenour Road  
Morgantown, WV 26508

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	F.O.B.	FREIGHT TERMS
07/13/2009				

BID OPENING DATE: 08/05/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 01 *****						
ADDENDUM ISSUED FOR THE FAIRMONT EAST MINE DRAINAGE PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS AND THE Q/A RESULTING FROM THE MANDATORY PRE-BID MEETING OF 07/08/09.						
BID OPENING DATE AND TIME REMAIN UNCHANGED AS 08/05/09 AT 1:30 PM.						
***** NO OTHER CHANGES *****						
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						
***** THIS IS THE END OF RFQ DEP14702 ***** TOTAL: 57487.50						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE Chuck Bowman	TELEPHONE 304-518-5775	DATE 8/5/09
TITLE BOWMAN	FEIN 135-23-0803	ADDRESS CHANGES TO BE NOTED ABOVE

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



Department of Administration  
Purchasing Division  
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## Quotation

DEP14702

1

ADDRESS CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN  
304-558-2157

RFQ COPY

TYPE NAME/ADDRESS HERE

*BAKER EXCAVATING*  
*256 Ridgeway Rd*  
*Morgantown, WV 26508*

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	FOB	FREIGHT TERMS		
06/16/2009						
BID OPENING DATE: 08/05/2009		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
<p>RECLAMATION: RESTORATION OF LAND &amp; 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 1-ACRE ABANDONED MINE PROJECT KNOWN AS THE "FAIRMONT EAST MINE DRAINAGE" PROJECT LOCATED IN FAIRMONT, WEST VIRGINIA, (MARION CO.).</p> <p>A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON 07/08/09 @ 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>FROM I-79 IN FAIRMONT, TAKE EXIT 137. PROCEED TOWARD FAIRMONT AND CONTINUE ON ROUTE 310, THEN TURN LEFT ONTO MORGANTOWN AVENUE. TRAVEL APPROXIMATELY 1/4 MILE TO MASON STREET, TURN LEFT AND GO TO THE TOP OF MASON STREET. TURN RIGHT ON PALATINE AVENUE. THE SITE IS LOCATED AT 435 PALATINE AVENUE (LIGHT BLUE HOUSE).</p> <p>PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM WVDEP, OFFICE AML&amp;R, 601 57TH ST., SE, CHARLESTON, WV 25304 PH. 304-926-0485 UPON PAYMENT OF \$10.00 NON-REFUNDABLE FEE. PAYMENT MUST BE MADE BY CHECK OR MONEY ORDER.</p>						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE		TELEPHONE		DATE		
TITLE		FIRM		ADDRESS CHANGES TO BE NOTED ABOVE		

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State of West Virginia  
Department of Administration  
Purchasing Division  
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## Quotation

DEP14702

2

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

RFQ COPY

TYPE NAME/ADDRESS HERE

BAKER EXCAVATING  
256 RIDENOUR RD  
MGTN, WV 26508

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

304-926-0499

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08/05/2009

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
NO CASH WILL BE ACCEPTED.						
EXHIBIT 5						
WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT: ANY SOLICITATION FOR A PUBLIC IMPROVEMENT CONSTRUCTION CONTRACT REQUIRES EACH VENDOR THAT SUBMITS A BID FOR THE WORK TO SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLIANCE WITH THE BID. THE ENCLOSED 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.						
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.						
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.						
WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAG RATES AS ESTABLISHED FOR MARION COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT.)						
ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST						

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## Quotation

DEP14702

4

ADDRESS CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN  
304-558-2157

RFQ COPY

TYPE NAME/ADDRESS HERE

*BAKER EXCAVATING  
856 RIDENOUR RD  
M6TN, WV 26508*

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

304-926-0499

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<p>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>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.</p> <p>BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME: .....</p>						

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SIGNATURE

TELEPHONE

DATE

TITLE

FERN

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## Quotation

DEP14702

6

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

RFQ COPY

TYPE NAME/ADDRESS HERE

BAKER EXCAVATING  
256 RIDENOUR RD  
MARTIN, WV 26508

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

304-926-0499

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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 REMEDIATED AT THE EXPENSE OF THE CONTRACTOR UPON WRITTEN NOTICE.

(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.

(C) THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIME ALLOTTED FOR WORK UNDER THE CONTRACT.

(D) GUARANTEES CONCERNING REVEGETATION MAY BE FURTHER DEFINED IN THE TECHNICAL SPECIFICATIONS CONTAINED HEREIN.

## (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.

(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

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## Quotation

DEPL4702

8

ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN  
304-558-2157

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TYPE NAME/ADDRESS HERE

BAKER EXCAVATION  
256 RIDENOUR RD  
MARTIN, WV 26508

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

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06/16/2009				

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08/05/2009

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS						
1.	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,					
	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.					
	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.					
	C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.					
2.	THE DIRECTOR OF THE PURCHASING DEPARTMENT MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF:					

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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2019 Washington Street East  
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## Quotation

DEP14702

10

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304-558-2157

RFQ COPY

TYPE NAME/ADDRESS HERE

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256 RIDENOUR  
MGTN. WV 26508

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:	F.O.B.:	FREIGHT TERMS:
06/16/2009				

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DOMESTIC ALUMINUM, GLASS OR STEEL, UNLESS THE COST OF THE PRODUCT IS LESS THAN \$50,000 OR LESS THAN 10,000 POUNDS OF STEEL ARE USED IN PUBLIC WORKS PROJECTS.

FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS 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.

IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID FOR DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS. ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.

REV. 3/88

EXHIBIT 9

NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA.

THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	

ADDRESS CHANGES TO BE NOTED ABOVE

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Department of Administration  
Purchasing Division  
2019 Washington Street East  
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Charleston, WV 25305-0130

## Quotation

DEP14702

12

ADDRESS CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN  
304-558-2157

RFQ COPY

TYPE NAME/ADDRESS HERE

BAKER EXCAVATING  
256 RIDENOUR RD  
M6N, WV 2608

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

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01:30PM

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ADDENDUM NO. S:

NO. 1 ..... 7/13/09

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

BAKER EXCAVATING

COMPANY

8/5/09

DATE

REV. 11/96

NOTICE

A SIGNED BID MUST BE SUBMITTED TO:

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 304 598 5775 DATE: 8/5/09

TITLE: owner FEIN: 235-23-0803 ADDRESS CHANGES TO BE NOTED ABOVE

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Department of Administration  
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## Quotation

RFQ NUMBER

DEP14702

PAGE

14

ADDRESS CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN

304-558-2157

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256 RIDENOUR RD  
MGTN, WV 26508

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01:30PM

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PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT  
CONCERNING THIS QUOTE:

\*\*\*\*\* THIS IS THE END OF RFQ DEP14702 \*\*\*\*\* TOTAL:

57487.50

SIGNATURE John R. Baker	SEE REVERSE SIDE FOR TERMS AND CONDITIONS	TELEPHONE 304 598 5775	DATE 8/5/09
TITLE owner	FEIN 235-23-0803	ADDRESS CHANGES TO BE NOTED ABOVE	

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State of West Virginia  
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PA

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25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TO
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DEPARTMENT OF ADMINISTRATION  
PURCHASING DIVISION  
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.: DEP14702  
BID OPENING DATE: 08/05/2009  
BID OPENING TIME: 1:30 PM

PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:

304-291-6975

VENDOR SHOULD SUBMIT WITH THEIR BID THE CURRENT REMIT-TO ADDRESS TO BE USED FOR PAYMENT PROCESSING:

256 Ridenour Road  
Martinsburg, WV 26508

SIGNATURE

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

TELEPHONE

DATE

TITLE

FAX

ADDRESS CHANGES TO BE NOTED AS

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

# Fairmont East Mine Drainage DEP14702

Contractor's Bid Sheet

Company Name:

Baker Excavating

Address:

256 Rockwell RdMorgantown, WV 26508

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	LS	Mobilization and Demobilization (Limited to 10% of Total Bid)	1000	\$ 1000
2.0	1	LS	Construction Layout Stakes (Limited to 5% of Total Bid)	2500	\$ 2500
3.0	1	LS	Quality Control (Limited to 3% of the Total Bid)	2000	\$ 2000
4.1	1	LS	Site Preparation (Limited to 5% of Total Bid)	2500	\$ 2500
5.0	300	LF	Sediment Control	10 <sup>00</sup>	\$ 3000
6.0	1	AC	Revegetation	2000	\$ 2000
7.1	550	LF	15-inch Corrugated Plastic Pipe	46.25	\$ 25437.50
7.2	6	EA	Type "B" Drop Inlet	1000	\$ 6000
12.0	87	TON	Asphalt Pavement Overlay	150	\$ 13050
TOTAL					\$ 57987.50

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: BAKER EXCAVATING Tax Payer ID No.: 235-23-0803  
Address: 256 Ridenour Rd  
City: MORGANTOWN State: WV Zip Code: 26508 Phone: 301 598 5775  
Fax No.: 304-291-6975 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, Edmond Baker, 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

8/6/09

Signature

Edmond Baker

Title

owner

## 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](http://www.avs.osmre.gov) on the Internet.

Part D.

Contractor Name: Baker Excavating

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 Edward Baker  
 Address 256 Ridgeway Rd  
Hoffmanville WV 26508  
 Ending Date: \_\_\_\_\_

Position/Title Owner  
 Telephone # 304 582 5775  
 % of Ownership Begin Date: 100

Name \_\_\_\_\_  
 Address \_\_\_\_\_

Position/Title \_\_\_\_\_  
 Telephone # \_\_\_\_\_  
 % of Ownership Begin Date: \_\_\_\_\_  
 Ending Date: \_\_\_\_\_

Name \_\_\_\_\_  
 Address \_\_\_\_\_

Position/Title \_\_\_\_\_  
 Telephone # \_\_\_\_\_  
 % of Ownership \_\_\_\_\_  
 Ending Date: \_\_\_\_\_

Begin Date: \_\_\_\_\_

Name \_\_\_\_\_  
 Address \_\_\_\_\_

Position/Title \_\_\_\_\_  
 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.

## BRANCH BANKING AND TRUST COMPANY

ADDRESS: 496 HIGH ST MORGANTOWN, WV 26505-5529

PHONE NUMBER: 304-285-2378

CONTACT NAME: TINA L NAYLOR

## IRREVOCABLE STANDBY LETTER OF CREDIT

LETTER OF CREDIT NO. 9570246310 00002

DATE 08/05/2009

ADVISING BANK

APPLICANT

EDWARD R BAKER DBA BAKER EXCAVATING  
256 RIDENOUR RD  
MORGANTOWN, WV 26508-1497

BENEFICIARY

WV Department of Environmental office of AML&R  
601 57th Street SE

AMOUNT

\$4,000.00

CHARLESTON, WV 25304-0000

EXPIRY DATE  
11/02/2009(FOR PRESENTATION  
AT OUR COUNTERS)

GENTLEMEN;

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR

AVAILABLE BY YOUR DRAFT(S) Sight

DRAWN ON: "BRANCH BANKING &amp; TRUST CO."

DRAFT(S) MUST BE MARKED - "DRAWN UNDER BRANCH BANKING AND TRUST COMPANY CREDIT NO. 9570246310 00002"

WHICH MUST BE ACCOMPANIED BY THIS LETTER AND THE FOLLOWING DOCUMENTATION:

A letter from WV EPA office of AML&R indicating that Edward R Baker  
DBA Baker Excavating was unable to provide the service proposed.

## SPECIAL INSTRUCTIONS

This letter of credit is for Bid purposes only.

THIS CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES (ISP98), ICC PUBLICATION NO. 590 AND TO THE EXTENT NOT  
INCONSISTENT THEREWITH, ARTICLE 5 OF THE UNIFORM COMMERCIAL CODE OF THE STATE OF WEST VIRGINIA.WE HEREBY ENGAGE WITH BENEFICIARY THAT DRAFTS PRESENTED IN CONFORMITY WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED  
ON PRESENTATION AT OUR COUNTERS AND THAT DRAFTS ACCEPTED WITHIN THE TERMS OF THIS CREDIT WILL BE DULY HONORED UNTIL  
MATURITY.

VERY TRULY YOURS

BRANCH BANKING AND TRUST COMPANY

AUTHORIZED SIGNATURE

ACCOUNT# / NOTE#

9570246310 00002





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

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

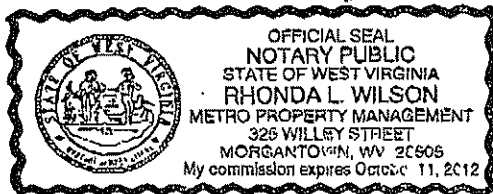
I, Edmund FRAKE, after being first duly sworn, depose and state as follows:

1. I am an employee of BAKER EXCAVATING; and,  
(Company Name)
2. I do hereby attest that BAKER EXCAVATING  
(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.

BAKER EXCAVATING  
(Company Name)



By: Edmund J. Baker  
Title: OWNER  
Date: 7/5/09

Taken, subscribed and sworn to before me this 5 day of August, 2009

By Commission expires 10-11-12

(Seal)

Blonda L Wilson  
(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**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: BAKER EXCAVATINGAuthorized Signature: [Signature]Date: 8/5/09