

Request for Quotation

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ADDRESS CORRESPONDENCE TO AFTENTION OF

CHUCK BOWMAN 304-558-2157

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ASPEN CORPORATION 2400 RITTER DRIVE DANIELS, WV 25832

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 63-ACRE ABANDONED MINE PROJECT KNOWN AS THE "RORAING CREEK #4" PROJECT LOCATED AT ALBRIGHT, WEST VIRGINIA, (PRESTON CO.). A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON 07/10/09 @ 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. DIRECTIONS TO PREBID: FROM KINGWOOD, TRAVEL STATE ROUTE 7 EAST, TURN LEFT ONTO COUNTY ROUTE 7/12. PROCEED TO ALBRIGHT, TURN RIGHT ONTO COUNTY ROUTE 65/1. TRAVEL ABOUT 2 MILES ON COUNTY ROUTE 45 TO MARSHALL WALLS' FARM AT 202 2009 AUG -5 PN 1:09 CRANE ROAD. 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 \$25.00 NON-REFUNDBBLE FEE. PAYMENT MUST BE MADE BY CHECK OR MONEY ORDER. SEEREVEASE SIDE FOR TERMS AND CONDITIONS SEEREVEASE SIDE FOR TERMS AND CONDITIONS BLURGH AAKAN RUBER AND CONDITIONS SEEREVEASE SIDE FOR TERMS AND CONDITIONS SEEREVEASE SIDE FOR TERMS AND CONDITIONS BLURCH AAKAN RUBER AND CONDITIONS SEEREVEASE SIDE FOR TERMS AND CONDITIONS BLURCH AAKAN RUBER AND CONDITIONS SEEREVEASE SIDE FOR TERMS AND CONDITIONS	06/16.	/2009	TEI	RMS OF SAL	Ĕ	AIV 9IHS		FC	B	FREIGHT TERMS
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Request for Quotation

... BFQ NUMBER: DEP14704

ADDRESS:CORRESPONDENCE:TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

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RFQ COPY TYPE NAME/ADDRESS HERE

> ASPEN CORPORATION 2400 RITTER DRIVE DANIELS. WV 25832

ARBITRATION:

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 FO.B FREIGHT TERMS 06/16/2009 ID OPENING DATE: 08/06/2009 BID OPENING TIME 01:30PM LINE QUANTITY CAT UOP TEM NUMBER UNITPRICE AMOUNT WEST VIRGINIA CODE 21-10-5 PROVIDES THAT: ANY SOLICI-TATION 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 THE ENCLOSED PURCHASING AFFIDAVIT MUST WITH THE BID. 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 UNLESS OTHERWISE SPECIFIED, THE FULLY IS RECEIVED. EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED. THE DIRECTOR OF PURCHASING RESERVES THE CANCELLATION: 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 WAGE RATES AS ESTABLISHED FOR PRESTON COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT.)

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ANY REFERENCES MADE TO ARBITRATION OR



Request for Quotation

DEP14704

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ADDRESS CORRESPONDENCE TO A ITENTION OF

CHUCK BOWMAN 304-558-2157

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ASPEN CORPORATION 2400 RITTER DRIVE DANIELS, WV 25832

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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

DEP14704

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СНИСК	BOWMAN
	58-2157

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> ASPEN CORPORATION 2400 RITTER DRIVE DANIELS, WV 25832

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

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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

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> ASPEN CORPORATION 2400 RITTER DRIVE DANIELS, WV 25832

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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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ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

ASPEN CORPORATION

RFQ COPY

ASPEN CORPORATION 2400 RITTER DRIVE DANIELS, WV 25832

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СНИСК	BOWMAN
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RFQ COPY TYPE NAME/ADDRESS HERE VENDOR

ASPEN CORPORATION 2400 RITTER DRIVE DANIELS, WV 25832

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Request for Quotation

DEP14704

PAGE 8

ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

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

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

304-926-0499

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CHUCK BOWMAN 304-558-2157

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ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

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> ASPEN CORPORATION 2400 RITTER DRIVE DANIELS, WV 25832

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

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CHARLESTON, WV
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# Roaring Creek #4 DEP#14704

Contractor's Bid Sheet

Company Name:

**ASPEN CORPORATION** 

Address:

2400 RITTER DRIVE

DANIELS, WV 25832

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	UN	IT PRICE	АМ	OUNT	
1.0	1	LS	Mobilization and Demobilization (Limited to 10% of Total Bid)		LS	\$	15,000.0	)0
2.0	1	LS	Construction Layout Stakes (Limited to 5% of Total Bid)		LS	\$	36,000.0	)0
3.0	1	LS	Quality Control (Limited to 3% of Total Bid)		LS	\$	6,500.0	)0
4.1	1	LS	Site Preparation (Limited to 10% of Total Bid)		LS	\$	27,000.0	)0
4.2	687	TON	Gravel Road Rehabilitation	\$	19.00	\$	13,053.0	
4.3	2000	LF	Temporary Fencing	\$	6.20	\$	12,400.0	)()
5.0	34056	LF	Sediment Control	\$	4.60	\$	156,657.6	50
6.0	63	AC	Revegetation	\$	1,800.00	\$	113,400.0	00
7.1	445	LF	4-foot Riprap Ditch	\$	34.00	\$	15,130.0	<u> </u>
7.2	620	LF	ECM Groin	\$	4.25	\$	2,635.0	00
7.3	1771	LF	Grass Lined Swale	\$	5.60	\$	9,917.0	50
8.0	206,625	CY	Unclassified Excavation	\$	2.10	\$	433,912.	50
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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.

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Part A: General Information
Contractor Name: Aspen Corporation Tax Payer ID No.: 55-0627766-001  Address: 2400 Ritter Drive  City: Danielt State: WV Zip Code: 25832 Phone: 304-763-4573  Fax No.: 304-763-4591 E-mail address: dadkins@aspen-goif.com
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, Donnie Adking, have the express authority to certify that:
(print name) Information on the attached Entity OFT from AVS is accurate, complete, and uptodate. 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 8-5-2009 Signature Donnie Adkins Title Presider

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.

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Contractor Name:	Aspen	Corporation
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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 Address	Donnie Adkins 2400 Ritter Drive Daniels, WY 25832	Position/Title President Telephone # 304-763-4573 50 % of Ownership Begin Date: 1982
Ending D	Date: NIA	
Name Address	Ronnie Adking 2400 Ritter Drive Daniels, WV 25832	Position/Title V-Pres, Secretary, Treasure. Telephone # 304-763-4573 50 % of Ownership Begin Date: 1982. Ending Date: NIA
Name Address Begin D		Position/Title Telephone # % of Ownership Ending Date:
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### 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.

Agency DEP
REQ.P.O#_DEP# 14704
Corporation
al, and <u>Cincinnati Insur</u> ance
existing under the laws of the State of
are held and firmly bound unto the State
of bid for the payment of which,
xecutors, successors and assigns.
ed to the Purchasing Section of the
of, to enter into a contract in writing for

BID BOND	···· 018
KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned,	Aspen Corporation
of 2400 Ritter Dr. Daniels WV 25832	as Principal, and Cincinnati Insurance
of 6200 S G1 Lmore a corporation orga	anized and existing under the laws of the State of
<u>Unio</u> with its principal office in the City of <u>Fairfield</u> .	as Surely, are held and firmly bound onto the cure
of West Virginia, as Obligee, in the penal sum of 5% of bid	\$ 5% of bid ) for the payment of which
well and truly to be made, we jointly and severally bind ourselves, our heirs, admin	istrators, executors, successors and assigns.
The Condition of the above obligation is such that whereas the Principal h	as submitted to the Purchasing Section of the
Department of Administration a certain bid or proposal, attached hereto and made of DEP # 14704	a part hereof, to enter into a contract in writing for
Roaring Creek # 4 Project	
NOW THEREFORE	
(a) If said bid shall be rejected, or (b) If said bid shall be accepted and the Principal shall enter into a contral hereto and shall furnish any other bonds and insurance required by the bid or proposed agreement created by the acceptance of said bid, then this obligation shall be null a force and effect. It is expressly understood and agreed that the liability of the Suretiexcesd the penal amount of this obligation as herein stated.	osal, and shall in all other respects perform the
The Surety, for the value received, hereby stipulates and agrees that the o way impaired or affected by any extension of the time within which the Obligee may waive notice of any such extension.	bligations of said Surety and its bond shall be in no accept such bid, and said Surety does hereby
IN WITNESS WHEREOF, Principal and Surety have hereunto set their har	ids and seals, and such of them as are compositions
have caused their corporate seals to be affixed hereunto and these presents to be s	igned by their proper officers. this
6thday of August 20 0.9	
Principal Corporate Seal	Agran Gu
By	Aspen Corporation (Name of Principal) (Must/be President or Vice President)
,	<u>√, ₽.</u> (Title)
Surety Corporate Seal Ci	ncinnati Insurance Company (Name of Surety)
	Brenda Snuffer

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.

### THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

### POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

Jim Songer, II; William Steven Cochran and/or Brenda Snuffer

of Beckley, West Virginia

its true and lawful Attorney(s)-in-Fact to sign, execute, seal

and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows: Any such obligations in the United States, up to

Five Million and No/100 Dollars (\$5,000,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Vice President this 10th day of October, 2008.

STATE OF OHIO COUNTY OF BUTLER

On this 10th day of October, 2008, before me came the above-named Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.

MARK J. HULLER, Attorney at Law NOTARY PUBLIC - STATE OF OHIO My commission has no expiration date. Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio.

this 6th

day of

) ss:

August

2009

Gregery J Schlaum Secretary

BN-1005 (10/08)



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

STATE OF West Virginia
COUNTY OF Raleigh, TO-WIT:
I, Donnie Adkins, after being first duly sworn, depose and state as follows:
1. I am an employee of Aspen Corporation; and, (Company Name)
1. I am an employee of Aspen Corporation; and, (Company Name)  2. I do hereby attest that Aspen Corporation (Company Name)
maintains a valid written drug free workplace policy and that such policy is in compliance with <b>West Virginia Code</b> §21-1D-5.
The above statements are sworn to under the penalty of perjury.
Aspen Corporation (Company Name)
By: Donnie Adkins
Title: President
Date: 8-5-2009
Taken, subscribed and sworn to before me this 5th day of Aug, 2009.
By Commission expires 8-14-2015
(Seal)  OFFICIAL SEAL NOTARY PUBLIC STATE OF WEST VIRGINIA LINDA C. FREEMAN ASPEN CORPORATION ASPEN CORPORATION (Notary Public)
DANIELS, WV 25832 My commission expires August 14, 2015
COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE
AFFIDAVIT WITH THE BID SHALL RESULT IN DISCORDED IN CAPTURE STATE BID.  Rev March 2009

### 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:	Hspen Corporation	oN	
Authorized Signature:	Donnie Ads	Date:	8.5.2009
Purchasing Affidavit (Revised	01/01/09)		